

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Ohio Power Company for the Hayden-Roberts) **Case No. 22-0633-EL-BLN**
345-kV Transmission Line Cut-Ins Project)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Department of Development	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm.Code) 4906-6.

Staff recommends the application for automatic approval October 14, 2022, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any objections you or your designee may have with this case to my office at least four business days prior to October 14, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0633-EL-BLN
Project Name: Hayden-Roberts 345 kV Transmission Line Cut-Ins for Cosgray Station Project
Project Location: Franklin County
Applicant: Ohio Power Company
Application Filing Date: July 15, 2022 and supplemented October 7, 2022
Filing Type: Letter of Notification
Inspection Date: July 11, 2022
Report Date: October 7, 2022
Recommended Automatic Approval Date: October 14, 2022
Applicant's Waiver Requests: None
Staff Assigned: T. Crawford, A. Delong, M. Bellamy, A. Renick

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

Ohio Power Company (Applicant) has proposed the construction of transmission line cut-ins of approximately 0.35 miles in total length from the existing Hayden-Roberts 345 kilovolt (kV) transmission line to accommodate the new Cosgray 345 kV station, being constructed to provide service to a new customer's facility.¹ The length of the two 345 kV lines serving the Cosgray Station would be about 1,109 feet, and the length of the two 345 kV lines from the Cosgray Station to the customer's non-jurisdictional substation would be about 718 feet. The project would construct looped service from the Hayden-Roberts line to the Cosgray Station. The two-bundle conductors would be of 954 kcmil 45/7 ACSR for each phase. Two steel, single-circuit monopoles with a custom concrete pier foundation would support the cut-ins. Since the Application was filed, the Applicant has identified the need to adjust the location of the two monopoles, and this adjustment has been documented in the case record.

The transmission line cut-in project is needed to provide service to the Cosgray Station and to the customer's substation. The initial load of the customer is expected to be approximately 64

1. The Cosgray Station application was filed under the Ohio Power Siting Board Case No. 22-0488-EL-BLN, and approved August 15, 2022.

megawatts (MW), expanding to a peak demand of approximately 256 MW. Without the cut-in, the Applicant would not be able to meet its obligation of providing power to meet the expected load.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.² The need and solution for this project were presented to PJM on March 19, 2021 and October 15, 2021, respectively. The project was assigned the supplemental project ID s2653.³ Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission (FERC) Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).⁴

The Applicant expects construction of the project to begin during November 2022 with an in-service date planned for May 2023. The capital cost of the project is estimated to be approximately \$1,800,000.⁵

Nature of Impacts

Land Use

This project would be located in the city of Hilliard in Franklin County. Land use in the project area is urban with primarily single-family residences. The project would occur on land that is part of an area zoned as planned development. The nearest residence would be approximately 200 feet from the project. To the west and northwest of the customer property is a recreational trail and a park. The Applicant states there is no tree clearing planned.

Agricultural Land

The majority of the project area and customer property is fallow land. The Applicant confirmed with the Franklin County Auditor's office that the customer property is not an Agricultural District Land parcel. The adjacent property in which the project would extend to is an Agricultural District Land parcel, however construction activities would not take place on this property so there would be no impacts to the property from this project.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the transmission line project. The consultant identified no previously identified and no newly identified archaeological sites within the project area. Six historic resources were identified in the area of potential effects. The consultant recommended that none of the resources are eligible for listing in the National Register of Historic Places. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this

2. PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

3. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/2022/aep-local-plan-submission-of-the-supplemental-projects-for-2022-rtep.ashx> (Accessed August 19, 2022).

4. PJM Manual 14B: PJM Region Transmission Planning Process, Revision 50, Effective Date: July 1, 2020.

5. The Applicant indicates that the cost of the rebuild project is a Class 4 estimate, and would be projected as transmission plant, and pursuant to the PJM Open Access Transmission Tariff, the cost would be recovered in the Applicant's FERC formula rate (Attachment H-14), and would be allocated to the customers in the AEP Zone.

project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

*Surface Waters*⁶

The Applicant's consultant conducted a wetland and stream delineation survey of the project area in January 2022. No wetlands or streams were identified in the project area, thus impacts to surface waters are not anticipated.

The Applicant has filed a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction storm water discharge under the National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Construction Activity OHC000005. The Applicant would also coordinate storm water permitting needs with the City of Hilliard, as required. The Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion and sediment to project surface waters during storm events.

The project does not overlap with any Federal Emergency Management Agency 100-year floodplains.

*Threatened and Endangered Species*⁷

The Applicant received an environmental review of the project area from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on January 6 and January 21, 2022, respectively. This project is within range of several state and federal listed

6. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act, and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, *About Us: Surface Water*, <https://www.epa.ohio.gov/About#127147228-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, *Obtain a Permit*, <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to the state's water resources." (ODNR, *Division of Water Resources*, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

7. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99; 1531.25; and 1531.99. *See also e.g.*, R.C. 1531.08 states, in part: "In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533 of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals." One of the missions of the ODNR is to "conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans." In carrying out this mission, the ODNR considers the "status of native wildlife species [to be] very important" and therefore lists wildlife species needing protection. (ODNR, *State Listed Species*, <https://ohiodnr.gov/wps/portal/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/stste-listed-species>).

threatened and endangered species, however, due to lack of proposed tree clearing, in-water work, and suitable habitat, impacts to these species are not anticipated.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends approval of this application on October 14, 2022 subject to the following conditions. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

Conditions

- (1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (2) Prior to the commencement of construction activities in areas that require permits or authorizations by federal, state, or local laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket prior to commencement of construction. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (3) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies.
- (4) The Applicant shall not commence construction of the facility until all necessary right of entry and/or purchase agreements with landowner/customer are fully executed to ensure the Applicant's ability to access the site and maintain ongoing electric reliability.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 22-0633-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mr. Matt Butler on
behalf of Staff of OPSB