



Legal Department

American Electric Power  
1 Riverside Plaza  
Columbus, OH 43215-2373  
AEP.com

October 19, 2022

Ms. Tanowa Troupe, Secretary  
Ohio Power Siting Board  
180 East Broad Street  
Columbus, Ohio 43215-3793

**Hector Garcia**  
Senior Counsel –  
Regulatory Services  
(614) 716-3410 (P)  
[hgarcia1@aep.com](mailto:hgarcia1@aep.com)

**RE: Proof of Compliance with Condition  
Nottingham-Nottingham Solar 138 kV Transmission Line Project  
Case No. 22-0641-EL-BNR**

Dear Ms. Troupe:

In satisfaction of Condition (3) of the Staff Report for this Project, AEP Ohio Transmission Company submits this notice and attachment to inform you that the Federal Aviation Administration has determined there is no hazard to air navigation from either the applicable temporary structure (i.e., the crane) or the reviewed permanent structure (i.e., Structure 13).

If you have any questions regarding this information, please do not hesitate to contact me.

Respectfully submitted,

/s/ Hector Garcia

Hector Garcia (0084517), Counsel of Record  
Counsel for AEP Ohio Transmission Company, Inc.

cc: John Jones, Counsel OPSB Staff  
Jon Pawley, OPSB Staff



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2022-AGL-15682-OE

Issued Date: 07/27/2022

Black & Veatch  
Brian O'Neal  
11401 Lamar Ave  
OVERLAND PARK, KS 66211

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Pole Str_13
Location:	New Athens, OH
Latitude:	40-11-47.15N NAD 83
Longitude:	81-01-58.57W
Heights:	1251 feet site elevation (SE) 71 feet above ground level (AGL) 1322 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 01/27/2024 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5933, or [andrew.hollie@faa.gov](mailto:andrew.hollie@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AGL-15682-OE.

**Signature Control No: 542372387-545507268**

( DNE )

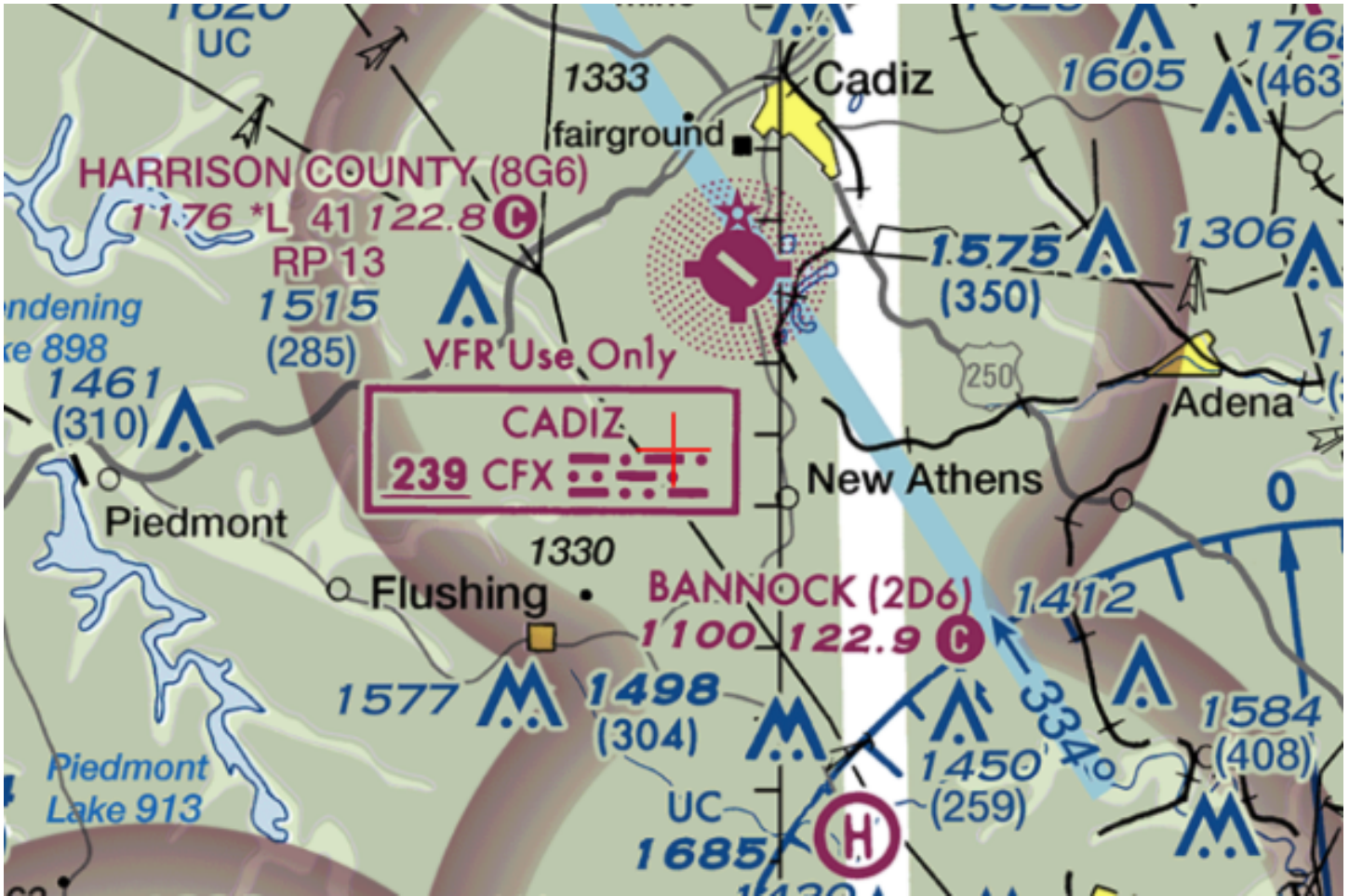
Andrew Hollie  
Specialist

Attachment(s)  
Case Description  
Map(s)

## Case Description for ASN 2022-AGL-15682-OE

Adding a single pole to this location.









Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2022-AGL-15683-OE

Issued Date: 07/27/2022

Black & Veatch  
Brian O'Neal  
11401 Lamar Ave  
OVERLAND PARK, KS 66211

**\*\*DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE\*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Pole Str_13_Crane
Location:	New Athens, OH
Latitude:	40-11-47.15N NAD 83
Longitude:	81-01-58.57W
Heights:	1251 feet site elevation (SE) 91 feet above ground level (AGL) 1342 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

**\*\*SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION\*\***

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (817) 222-5933, or [andrew.hollie@faa.gov](mailto:andrew.hollie@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AGL-15683-OE

**Signature Control No: 542372388-545507438**

( TMP )

Andrew Hollie

Specialist



## **Additional Condition(s) or Information for ASN 2022-AGL-15683-OE**

**Proposal:** To construct and/or operate a(n) Pole to a height of 91 feet above ground level, 1342 feet above mean sea level.

**Location:** The structure will be located 2.68 nautical miles south of 8G6 Airport reference point.

### **Case Description for ASN 2022-AGL-15683-OE**

Adding a single pole to this location.

#### **Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:**

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

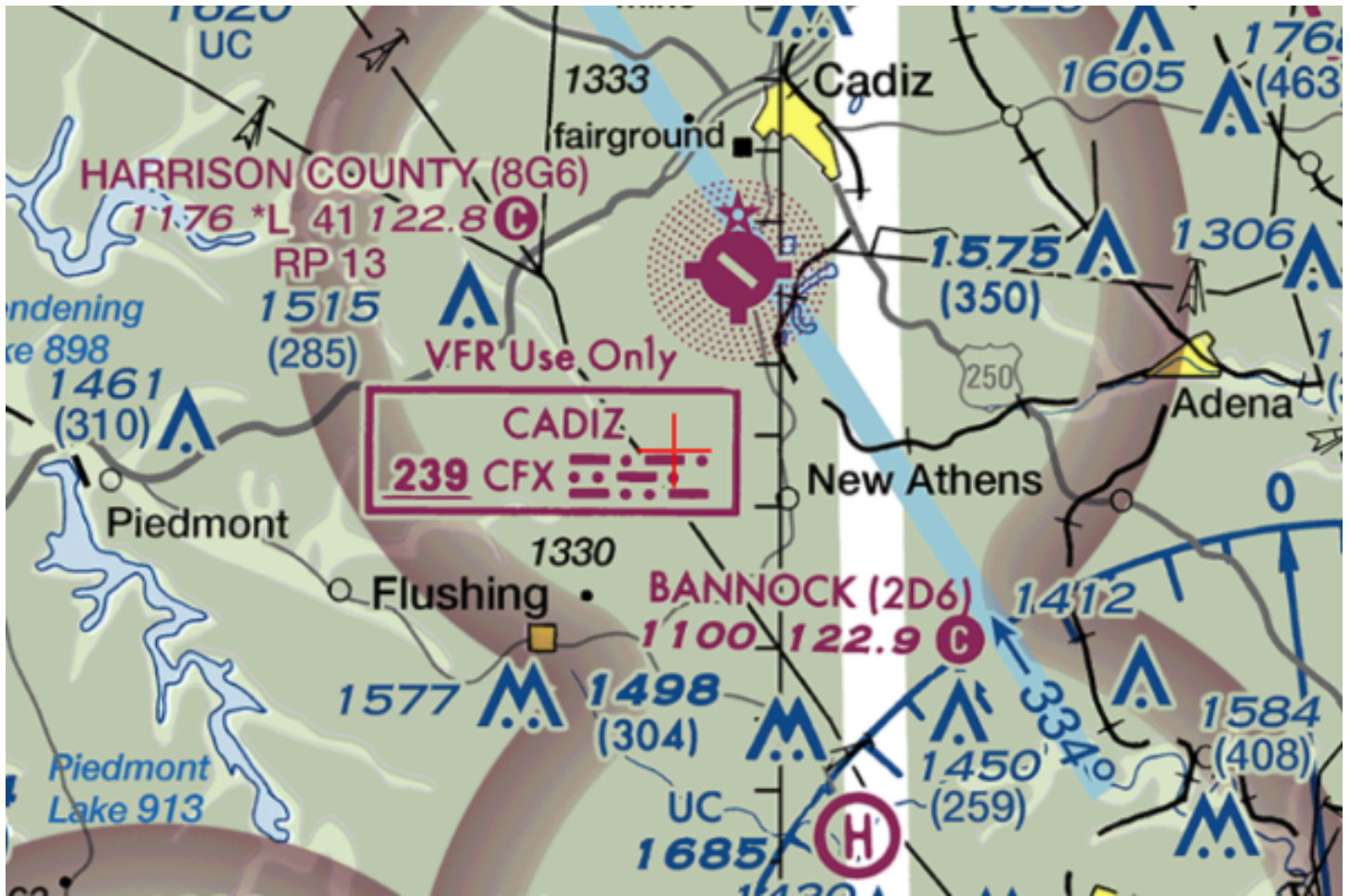
Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

It is required that the manager of HARRISON COUNTY, (740) 942-2316 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

This determination expires on 01/27/2024 unless extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**





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

**10/19/2022 1:05:17 PM**

**in**

**Case No(s). 22-0641-EL-BNR**

Summary: Correspondence Proof of Compliance, Condition 3. electronically filed by  
Hector Garcia-Santana on behalf of AEP Ohio Transmission Company, Inc.