

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification application of)
AEP Ohio Transmission Company for the Lee) Case No. 22-0752-EL-BLN
Extension 138 kV Transmission Line 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 4906-6.

Staff recommends the application for automatic approval November 4, 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 November 4, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0752-EL-BLN
Project Name: Lee Extension 138 kV Transmission Line Project
Project Location: Athens County
Applicant: AEP Ohio Transmission Company
Application Filing Date: August 5, 2022
Filing Type: Letter of Notification
Inspection Date: October 19, 2022
Report Date: October 28, 2022
Recommended Automatic Approval Date: November 4, 2022
Applicant's Waiver Requests: None
Staff Assigned: A. Holderbaum, T. Crawford

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

AEP Ohio Transmission Company, Inc. (Applicant) proposes the construction of a single-circuit 138 kilovolt (kV) transmission line extension of approximately one mile in length, connecting the existing non-jurisdictional Lee Substation with the existing six-wired Philo-Rutland 138 kV transmission line. The existing Lee 69/13 kV station would be replaced by the new Lee 138/13 kV distribution station, which would also be non-jurisdictional, pursuant Adm.Code 4906-1-01(F)(2)(b).

The project is needed as the first step toward implementing a solution to several needs of asset renewal and operational flexibility in the Athens, Ohio service area. The other steps in the solution include rebuilding the existing Elliot-Lee 69 kV line to a 138-kV line, converting the Lee Station to 138 kV service, rebuilding the Poston-Strouds line, upgrades at the Elliot, Strouds Run, and Lemaster stations, and removal of the Rosewood Switch. These would be filed with the Ohio Power Siting Board as future applications.

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process (RTEP).¹ The Applicant submitted the statement of need to the PJM Subregional RTEP Committee -- Western on February 21, 2020 and submitted the solution on March 19, 2020. The project was submitted for inclusion in the AEP Local Plan for 2020 on May 11, 2020. The project

1. 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.

was assigned the supplemental project ID number s2224.² Supplemental projects or upgrades refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715, economic criteria or State Agreement Approach projects.³ The project was included in the Applicant's 2022 Long-Term Forecast Report, PUCO Form FE-T9, page 50, which may be accessed through the Ohio Public Utilities Commission Docketing Information System website and entering 22-1501 in the 'Case Lookup.'⁴

The Applicant proposes to begin construction in November 2022 with an in-service date of January 2023. The estimated capital cost for the extension project is \$2,100,000.⁵

Nature of Impacts

Land Use

The proposed project would occur within the Applicant's existing easements and new temporary easements from adjacent property owners in Lee and Alexander townships in Athens County. The surrounding land use is made up of residential land, agricultural land, and woodlots. The proposed project would cross approximately 1.7 miles of agricultural district land with a total of 5.7 acres crossing lands being utilized for agricultural purposes.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects. The investigation did not identify any Ohio Historic Inventory buildings or structures eligible for or listed on the National Register of Historic Places. The Applicant submitted the results of the literature review to the Ohio Historic Preservation Office (OHPO) and received concurrence from the OHPO on June 10, 2022. The OHPO concluded that no further coordination is required. Staff concurs with OHPO's conclusion.

2. <https://www.pjm.com/-/media/committees-groups/committees/srte/w/postings/aep-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx> (Accessed October 13, 2022).

3. PJM Manual 14B: PJM Region Transmission Planning Process, Revision 51, Effective Date: December 15, 2021.

4. <https://dis.puc.state.oh.us/> (Accessed October 13, 2022).

5. Applicant indicates that the projected costs, approximately \$2,100,000 composed of applicable tangible and capital costs were obtained using a Class 4 estimate. The costs will be recovered in the Applicant's FERC Formula Rate (i.e., the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-20), and would be assessed on all users of the AEP Zone.

Surface Waters⁶

Three intermittent streams, three Category 1 wetlands⁷, and two ponds were delineated with two of the intermittent streams occurring within the proposed project right-of-way. The streams would be aerially spanned by the proposed transmission line. No structures would be placed within the stream boundaries. This project does not overlap with any Federal Emergency Management Agency 100-year floodplain. The Applicant would file a Notice of Intent with the Ohio EPA for authorization of construction stormwater discharges under General Permit OHC000005 as over one acre of ground disturbance would occur.

Threatened and Endangered Species⁸

The project is within range of the federal and state endangered Indiana bat (*Myotis sodalis*), the federal threatened and state endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). To avoid impacts to these listed bat species, the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) recommend seasonal tree cutting dates of October 1 through March 31 for all trees that are three inches or greater in diameter. The Applicant states 0.3 acre of tree clearing would be required for this project. The Applicant has committed to abiding by the seasonal clearing restrictions to avoid impacts to these species. No winter hibernacula were observed within 0.25 mile of the project area.

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; and samples 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. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

8. 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/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

This project is within range of several state listed species. Due to lack of suitable habitat, and no in-water work proposed, 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 November 4, 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 adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter unless coordination efforts with the ODNR and the USFWS allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

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

10/28/2022 10:41:32 AM

in

Case No(s). 22-0752-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mr. Robert A
Holderbaum on behalf of Holderbaum, Robert A