

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Ohio Power Company for the Beatty-Greene IPP 345) Case No. 22-0954-EL-BNR
kV Cut-in 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 January 23, 2023, 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 January 23, 2023, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0954-EL-BNR
Project Name: Beatty-Greene IPP 345 kV Cut-in Project
Project Location: Madison County
Applicant: Ohio Power Company
Application Filing Date: October 24, 2022
Filing Type: Construction Notice
Inspection Date: January 4, 2023
Report Date: January 13, 2023
Recommended Automatic Approval Date: January 23, 2023
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

Ohio Power Company (Applicant) has proposed to construct a cut-in to the Beatty-Greene 345 kilovolt (kV) transmission line to provide service to the Fox Squirrel Solar Project.¹ This project would have two lines, each of a length of approximately 200 feet, going from the Beatty-Greene 345 kV transmission line to the proposed Chenoweth Substation.² These two lines would provide looped service between the 345 kV transmission line and the Chenoweth Substation.³ The project is located on privately-owned land, but Fox Squirrel Solar, LLC holds an option to purchase a portion of the property adequately sized for the construction of the project. The Applicant claims the portion of the land needed for the project would be transferred to it before the start of construction.

The project is needed to connect the Fox Squirrel Solar Project to the regional electric transmission grid. Fox Squirrel Solar, LLC, an Independent Power Producer (IPP) Project to PJM Interconnection, LLC on February 20, 2019. The request was for an injection of 577 MW into the Bulk Power System (BPS), and PJM assigned the queue position ID of AE2-148 to the facility. The System Impact Study for the AE2-148 project states the need for revenue metering for the 345

1. Fox Squirrel Solar, LLC filed the Fox Squirrel Solar Project application under the Ohio Power Siting Board (Board) Case No. 20-0931-EL-BGN, and the Board approved it on March 15, 2021.

2. On October 24, 2022, AEP Ohio Transmission Company, Inc. filed an application for the Chenoweth Substation under Board Case No. 22-0955-EL-BLN.

3. The Fox Squirrel Solar Facility application was filed under the Ohio Power Siting Board Case No. 20-0931-EL-BGN, and approved March 15, 2021. The construction of the Chenoweth Substation was filed on October 24, 2022, under Case No. 22-0955-EL-BLN.

kV connection line. The project is also needed to allow the Applicant to meet its obligation to connect the AE2-148 project to the BPS, per the PJM IPP Tariff.

Upgrades and modifications to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.⁴ This transmission project was evaluated through PJM's network upgrade process via network upgrade number n7435.⁵

The Applicant states that the project was identified in its 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0501-EL-FOR.⁶

The Applicant proposes to begin construction in January 2023 and expects to place the project in service in December 2023. The capital cost estimate of the transmission line connection is approximately \$1,400,000 using a Class 4 estimate, and it would be reimbursed completely by Fox Squirrel Solar, LLC.

Nature of Impacts

Land Use

The proposed project would occur in Oak Run Township in Madison County within land presently in the hands of a private landowner. The land would be transferred to the Applicant prior to the start of construction through an option Fox Squirrel Solar, LLC holds to purchase the land. The surrounding land use is made up of agricultural land. The land is currently listed as agricultural district land in Madison County but would be withdrawn from the program prior to the acquisition of the land by the Applicant. No residences schools, parks, churches or cemeteries are located within 1,000 feet of the proposed project.

Cultural Resources

The Applicant's cultural resources consultant performed a Phase I Cultural Resource Management Investigation for the project area. The consultant identified four archaeological sites that were recommended as not eligible for inclusion in the National Register of Historic Places. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded on September 15, 2022, that no further coordination is required. Staff concurs with the OHPO conclusion.

Surface Waters⁷

No streams, wetlands or ponds were identified within the project area. The project does not overlap with any Federal Emergency Management Agency 100-year floodplain. The Applicant would file

4. 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 their system impacts.

⁵ Network upgrades are modifications or additions to transmission-related facilities that are integrated with and support the transmission providers overall transmission system for the general benefit of all users of such transmission system.

6. AEP Ohio Power Company, inc. "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 22-0501-EL-FOR, April 12, 2022, Form FE-T9, page 167.

7. 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 —

a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater discharges under General Permit OHC000005 as over one acre of ground disturbance would occur.

*Threatened and Endangered Species*⁸

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 and the U.S. Fish and Wildlife Service 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 no tree clearing would be required for this project. No winter hibernacula were observed within 0.25 mile of the project area.

This project is within range of several other state listed species. Due to lack of suitable habitat, and the type of 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 January 23, 2023, 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.

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\[1\]Program-and-Permits/Obtain-a-Permit/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory[1]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\[1\]resources](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water[1]resources)).

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, [tps://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed\[1\]species](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed[1]species)). In addition to endangered species, those species classified as "threatened" are considered during OPSB project planning and approval because these species are those "whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in its becoming endangered." Id.

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 not commence construction of the facility until all necessary right of entry and/or purchase agreements with landowner are fully executed to ensure the Applicant's ability to access the site and maintain electric reliability.

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0954-EL-BNR

Summary: Staff Report of Investigation electronically filed by Robert A Holderbaum
on behalf of PUCO Staff