

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Ohio Power Company, Inc. for the Ohio)
Central--Fostoria 345 kV Transmission Line) Case No. 22-1027-EL-BNR
Adjustment 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 February 3, 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 February 3, 2023, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-1027-EL-BNR
Project Name: Ohio Central-Fostoria 345 kV Transmission Line Adjustment Project
Project Location: Hancock County and Seneca County
Applicant: Ohio Power Company, Inc.
Application Filing Date: November 4, 2022
Filing Type: Construction Notice
Inspection Date: December 20, 2022
Report Date: January 27, 2023
Recommended Automatic Approval Date: February 3, 2023
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

The Ohio Power Company (Applicant) proposes to replace one existing structure and make adjustments to approximately 0.5 miles of the existing Ohio Central-Fostoria Central 345 kilovolt (kV) transmission line, to accommodate the installation of a phase-over-phase switch on the Howard-Fostoria 138 kV transmission line. The project would be located within the existing right-of-way and no additional easement rights would be necessary.

The project is needed to elevate the existing Ohio Central-Fostoria Central 345 kV transmission line to permit the installation of a new switch which would provide a new delivery point from the Howard-Fostoria 138 kV transmission line in order to provide reliable service to the North Central Electric Cooperative, at the request of Buckeye Power, Inc.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.¹ The need and solution for this project were presented to PJM in October 2021 and April 2022, respectively. The project was assigned the

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.

supplemental ID s2782.4.² 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).³

The Applicant states that the project was not included in its Long-Term Forecast Report (LTFR), because a specific solution had not been identified at the time of filing the report.⁴

The Applicant expects construction of the project to begin during February 2023 with an in-service date planned for March 2023. The capital cost of the project is estimated to be approximately \$1,200,000.⁵

Nature of Impacts

Land Use

This project would be located in Washington Township in Hancock County and Loudon Township in Seneca County. The project would be located within existing right-of-way. The land use of the project location is agricultural cropland. Land use in the surrounding area primarily consists of agricultural and residential. There would be no residences, schools, commercial buildings, churches, cemeteries, parks, or wildlife or nature preserves within 1,000 feet of the centerline of the project.

Coordination with the Seneca County Auditor's office showed that of the six total acres this project would occupy, 0.6 acres of one Agricultural District Land parcel would be crossed. There would be no Agricultural District Land parcels crossed in Hancock County.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review project. The consultant identified no previously identified and no newly identified archaeological sites within the project area. The consultant recommended that the two new archaeological sites are not eligible for listing in the National Register of Historic Places. There were 19 historic resources identified with the area of potential effect, but the consultant recommended that the resources are not 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 project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

2. PJM <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/postings/2022/aep-local-plan-submission-of-the-supplemental-projects-for-2022-rtep.ashx> (Accessed November 30, 2022).

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

4. Staff notes that Ohio Revised Code (R.C.) requires and LTFR to include "A description of proposed changes in the transmission system planned for the next five years." As this project is a "change" to the transmission system, Staff recommends the Applicant include future changes to the transmission system in its LTFR.

5. The Applicant indicates that the cost of the rebuild project is a Class 4 estimate. The costs for the project would be recovered in the Ohio Power Company's FERC Formula rate (Attachment H-14 to the PJM OATT) and would be allocated to the customers in the AEP Zone.

*Surface Waters*⁶

The Applicant's consultant conducted a wetland and stream delineation of the project area on July 25 and September 14, 2022. The consultant identified two intermittent streams. No wetlands were identified in the project area. No in-water work is being proposed for this project, thus impacts to surface waters are not anticipated.

The Applicant would file a Notice of Intent with the Ohio EPA for authorization of construction storm water discharge under NPDES General Permit for Discharges of Storm Water Associated with Construction Activity OHC000005. 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.

This project does not overlap with any FEMA 100-year floodplains.

*Threatened and Endangered Species*⁷

The Applicant received environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on August 5 and August 15, 2022, respectively. This project is within range several listed species. Due to lack of 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.

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>).

Staff recommends approval of this application on February 3, 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.

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.

**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). 22-1027-EL-BNR

Summary: Staff Report of Investigation electronically filed by Mr. Thomas J.
Crawford on behalf of Staff of OPSB