

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Ohio Power Company for the Fostoria-East Lima 138) 22-1134-EL-BNR
kV Hard Tap Project)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Ohio 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 on March 2, 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 concerns you or your designee may have with this case to my office at least four business days prior to March 2, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case No.: 22-1134-EL-BNR
Project Name: Fostoria-East Lima 138 kV Hard Tap Project
Project Location: Hancock County
Applicant: Ohio Power Company
Application Filing Date: December 23, 2022
Filing Type: Expedited Construction Notice
Inspection Date: February 17, 2023
Report Date: February 23, 2023
Recommended Automatic Approval Date: March 2, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. DeLong, A. Renick, T. Crawford

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) has proposed to construct a hard tap into the Fostoria-East Lima 138 kilovolt (kV) transmission line that would be used to connect a new customer to the Bulk Power System. The Applicant states that the customer would need to receive 30 megavolt amps (MVA) of 138 kV service to meet its expected growth over the next three years at this location. The customer has reported to the Applicant an eventual load of 150 MVA, and that additional solutions would be presented to PJM and filed with the Ohio Power Siting Board to accommodate that peak load. One double circuit braced two-pole wood structure would also be installed with this project. The project would be built on land owned by the customer, for which a supplemental easement along the existing Fostoria-East Lima 138 kV transmission line, would be obtained by the Applicant.

The Applicant claims the cut-in and span of radial line to the customer are necessary to provide 138 kV service to the new customer to meet its initial need of 30 MVA. The customer would not be able to meet its initial load requirements and expansion expectations without the service provided by this project.

Upgrades and modifications to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.

The need and solution were presented and reviewed with stakeholders at the September 16, 2022 and the December 16, 2022 PJM Sub-Regional RTEP Western meeting, respectively. In response

to a data request, the Applicant expects PJM to assign a supplemental upgrade number in the next few months after completing the ‘do--no--harm’ analysis.

In a response to a data request, the Applicant states that the project was not included in its 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio, as it was not known at the time of filing.

The Applicant proposes to begin construction in March 2023, and expects to place the project in-service in March 2023. The capital cost estimate of the line extension is approximately \$700,000 using a Class 4 estimate.

Nature of Impacts

Land Use

This project would be located in Allen Township in Hancock County near the municipal boundary of the city of Findlay. The project would be located on the project customer’s property. The surrounding area is comprised of commercial/industrial and agricultural land uses. The nearest residence would be approximately 700 feet from the project. There is a recreational trail to the west of the customer property and a park to the northwest. Land use impacts would be contained to the project footprint.

The customer property contains multiple wind turbines and is primarily covered with turf grass. Adjacent land is utilized for agricultural land uses. The Applicant confirmed with the Hancock County Auditor’s office in November 2022 that the project would not be located on Agricultural District Land parcels. The Applicant states there are no impacts to agricultural land anticipated 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 project. These investigations identified a previous investigation for a transmission line rebuild project which encompassed and extended beyond the proposed location of this project. The previous investigation did not identify any archeological or architectural resources within the area of potential disturbance for this project. 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.

Surface Waters¹

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

1. 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 disturbance for this project is anticipated to be less than one acre, thus the Applicant would not file a Notice of Intent with the Ohio Environmental Protection Agency. The Applicant would implement and maintain best management practices as outlined in the project-specific Stormwater Pollution Prevention Plan to minimize erosion and sediment to project surface waters during storm events.

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

Threatened and Endangered Species²

The Applicant received an environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on November 14 and November 30, 2022, respectively. This project is within range of several listed species. Due to lack of in-water work, tree clearing, and impact to 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 automatic approval of this application on March 2, 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.

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)).

2. 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 or state 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 provide to Staff the PJM Interconnection, LLC supplemental upgrade ID and the presentation presented at the applicable PJM committee. The Applicant shall provide this information on the case docket within 30 days of receipt.

**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). 22-1134-EL-BNR

Summary: Staff Report of Investigation electronically filed by Allison DeLong on
behalf of Staff of OPSB