

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application of)
Dayton Power and Light Company d/b/a AES Ohio for) Case No. 22-0834-EL-BLN
the Amsterdam Substation Expansion 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 March 2, 2023, unless suspended by the Board, an administrative law judge, 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 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 Number: 22-0834-EL-BLN
Project Name: Amsterdam Substation Expansion Project
Project Location: Auglaize County
Applicant: Dayton Power and Light Company d/b/a AES Ohio
Application Filing Date: December 1, 2022
Filing Type: Letter of Notification
Inspection Date: December 14, 2022
Report Date: February 23, 2023
Recommended Automatic Approval Date: March 2, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. Conway, T. Crawford, J. Patmon

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

The Dayton Power & Light Company d/b/a AES Ohio (Applicant), proposes to expand the Amsterdam Substation fence line to accommodate the replacement of an existing 138/69 kilovolt (kV) transformer and addition of a second 138/69 kV transformer. The addition and replacement would also require the addition of four 138 kV breakers and two 69 kV breakers in a ring bus configuration. Two new 16 megavolt amp (MVA) capacitors would replace an existing 22.5 MVA capacitor, used for maintaining an appropriate power factor. The smaller capacitors would help minimize voltage changes when the capacitor is brought online.

The Applicant states the project is needed to improve service and reliability to the local Honda Development and Manufacturing of America facilities and strengthen the transmission network in the north Dayton area. The overall reliability and operational flexibility of the AES Ohio service area would also be improved by the asset additions and breaker reconfigurations.

Upgrades to the transmission system are part of the PJM Interconnection (PJM) Regional Transmission Expansion Plan (RTEP) process.¹ The statement of need and solution were submitted to the PJM Subregional RTEP Committee—Western on March 19, 2020, and October

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.

16, 2020, respectively. The solution was resubmitted on March 9, 2021. The project was assigned the supplemental upgrade ID s2398.4.² Supplemental projects or upgrades refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission (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 on Form FE-T10, Summary of Proposed Substations.⁴

The Applicant proposes to begin construction activities on March 15, 2024, with completion on March 31, 2025. The estimated capital cost for the Ohio portion of the project is \$7,030,000.⁵

Nature of Impacts

Land Use

This project would be located in German Township in Auglaize County. The Applicant proposes to expand the substation fence by approximately 1.7 acres and remove that land from agricultural use. However, this project is entirely within existing AES Ohio property and does not occur on any registered Agricultural District Land parcels.

Cultural Resources

The Applicant has performed an online cultural resource mapping tool investigation (archaeology and history/architecture) for the project. From that review, the Applicant found no previously identified archaeological sites within the project area. However, there were four historic structures within the review area. According to the Applicant, none of the four previously recorded historic structures are within or immediately adjacent to the project area. The Applicant also indicates that no viewshed issues would occur to these structures, since the project is only expanding an existing substation. The substation was installed circa 1967. Staff recommends that the Applicant submit its conclusions to the Ohio Historic Preservation Office (OHPO) and that the Applicant receive concurrence from the OHPO that the project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed or if resources are discovered, the resources would be avoided or subject to acceptable mitigation measures.

*Surface Waters*⁶

2. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/postings/2021/dayton-local-plan-submission-of-the-supplemental-projects-for-2021-rtep.ashx> (Accessed December 7, 2022).

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

4. The Dayton Power and Light Company d/b/a AES Ohio, "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 22-0503-EL-FOR, April 15, 2022, page 139.

5. The estimated cost was a Class 5 estimate. Applicant indicates that the projected costs are estimated to be transmission plant and included in the Applicant's FERC Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-15), and would be assessed on all users of the AES Ohio transmission system.

6. The Ohio Environmental Protection Agency 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

The Applicant's Consultant, GAI Consultants, conducted an environmental field survey of the approximately 6.7-acre study area on July 21, 2022. No wetlands, streams, or ponds were identified during the survey.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency (OEPA) for authorization of construction stormwater discharges under General Permit OHC000005. The Applicant also indicated that the United States Army Corps of Engineers (USACE) has determined that a Section 401 Water Quality Certification will not be required for this project.

The project is not located within any Federal Emergency Management Agency (FEMA) 100-year floodplains. No impacts to surface waters are anticipated for this project.

*Threatened and Endangered Species*⁷

The Applicant submitted coordination letters to the Ohio Department of Natural Resources (ODNR) and the United States Fish and Wildlife Service (USFWS) on August 15, 2022 and August 16, 2022, respectively.

The responses from the agencies specified that this project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), the state and federally endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). The ODNR recommends that tree cutting only occur between October 1 and March 31 to prevent impacts to these species. The Applicant is not currently proposing any tree removal; however, if tree removal becomes necessary, the Applicant commits to this restriction. The ODNR further recommends that a desktop habitat assessment is conducted to determine if a potential hibernaculum is present within the project area. A desktop

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.usaec.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>).

habitat assessment was performed by the Applicant using the current USFWS “Range Wide Indiana Bat Survey Guidelines”, which did not identify potential hibernaculum within a 0.25-mile radius of the project.

The project is also within range of several aquatic and avian species as well as the federal candidate monarch butterfly (*Danaus plexippus*). Impacts to these species are not anticipated due to lack of suitable habitat and no proposed in-water work.

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 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.

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 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 allow 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.
- (5) Prior to construction, the Applicant shall either receive concurrence from the OHPO that the project will not have adverse effects on cultural resources or coordinate with the OHPO to avoid or mitigate adverse effects on cultural resources.

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

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Case No(s). 22-0834-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mr. Andrew S.
Conway on behalf of Staff of OPSB