

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
AEP Ohio Transmission Company, Inc. for South)
Coshocton-Wooster 138 kV Transmission Line Cut-In) Case No. 22-1086-EL-BNR
and Salt Creek Switch 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 14, 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 14, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-1086-EL-BNR
Project Name: South Coshocton-Wooster 138 kV Transmission Line
Cut-In and Salt Creek Switch Project
Project Location: Holmes County
Applicant: AEP Ohio Transmission Company, Inc.
Application Filing Date: December 13, 2022
Filing Type: Construction Notice
Inspection Date: January 17, 2023
Report Date: March 7, 2023
**Recommended Automatic
Approval Date:** March 14, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. Renick, M. Bellamy, T. Crawford, A. DeLong

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

The AEP Ohio Transmission Company, Inc. (Applicant) has proposed the installation of the Salt Creek Switch, along with a cut-in to the existing South Coshocton-Wooster 138 kilovolt (kV) transmission line. The length of the transmission line affected by the cut-in would be approximately 0.35 miles, and the new switch would be the phase-over-phase, gang-operated air brake design. The Applicant states the project would be built within the existing right-of-way, but one new easement and two supplemental easements would be required for the completion of the project. No other additional easements, property agreements, access agreements, or changes to the right-of-way, would be necessary.

The Applicant claims the project is needed to provide the Holmes Wayne Electric Cooperative (HWN) with a new delivery point on the South Coshocton-Wooster 138 kV line. The project would also provide HWN with the ability to have supplemental service to the growing community and increasing loading in the area and also to provide service assistance to the loads served by the Moreland delivery point.

Upgrades and modifications 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 March 2021 and September 2021, respectively. The project was assigned the supplemental ID s2641.² Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).³

The Applicant states the project was identified in the Company's 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0501-EL-FOR.⁴

The Applicant proposes to begin construction in March 2023, and expects to place the project in service in July 2023. The capital cost of the project, consisting of tangible and capital costs, is approximately \$1,100,000 using a Class 4 estimate.⁵

Nature of Impacts

Land Use

This project would be located in Prairie Township in Holmes County. Land uses in the project footprint and surrounding vicinity include agricultural, woodlots, residential, and industrial. A small segment of the existing South Coshocton-Wooster 138 kV transmission line, approximately 0.2 mile, is located within the Killbuck Marsh Wildlife Area, which is a State Wildlife Area managed by the Ohio Department of Natural Resources. The Applicant states this segment of the transmission line would be accessed by helicopter in order to avoid impacts to the marsh. There are no other parks, preserves, or wildlife management areas within the project vicinity.

The Applicant consulted with the Holmes County Auditor's office in October 2022 to confirm that there were no Agricultural District Land parcels within the project right of way. This project would have no new impacts to agricultural land uses due to existing transmission line structures being replaced, not moved.

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. From the literature review, the consultant identified no previously identified archaeological sites within the project area. During the Phase I survey, the consultant identified two new archaeological sites within the project area. The consultant recommended that the new archaeological sites should be

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 their system impacts.

2. <https://www.pjm.com/-/media/committees-groups/committees/srtepw/postings/2022/aep-local-plan-submission-of-the-supplemental-projects-for-2022-rtep-ashx>. (Accessed December 19, 2022)

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

4. AEP Ohio Power Company, "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 22-0501-EL-FOR, April 12, 2022, PUCO Form FE-T9, Planned Transmission Lines, pages 104 and 120.

5. The Applicant indicates that the costs would be projected to be transmission plant, and pursuant to the PJM Open Access Transmission Tariff, the costs would be recovered in the Applicant's FERC formula rate (Attachment H-20 to the PJM OATT), and would be allocated to the AEP Zone.

subject to avoidance or studied further through a Phase II survey. One National Register of Historic Places (NRHP) listed historic resource were identified with the area of potential effect. The consultant recommended that the visibility of the project by the NRHP listed historic resource would not affect the eligibility of the resource. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that the two newly identified archaeological sites should be avoided or subject to a Phase II survey and that the visibility of the project by the NRHP listed historic resource would not affect the eligibility of the resource. Staff agrees with these findings and recommends a condition concerning the two newly identified archaeological sites requiring the Applicant to either avoid the sites or conduct and forward to staff and OHPO the results of the Phase II survey.

Surface Waters⁶

The Applicant's consultant conducted a wetland and stream delineation of the project area on February 3, 2022. The consultant identified one Category 1 wetland and one Category 2 wetland totaling 0.52 acres.⁷ No streams were identified. No surface water impacts are proposed for this project.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater impacts under the National Pollutant Discharge Elimination System General Permit prior to the beginning of construction. The Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion, control sediment, and protect surface water quality during storm events.

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

Threatened and Endangered Species⁸

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 December 2, 2021

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

and April 1, 2022, respectively. This project is within range of the state endangered American bittern (*Botaurus lentiginosus*), state endangered black tern (*Chlidonias niger*), state endangered northern harrier (*Circus hudsonis*), state endangered upland sandpiper (*Bartramia longicauda*), state threatened sandhill crane (*Grus canadensis*), and the state threatened trumpeter swan (*Cygnus buccinator*). The Applicant's consultant conducted habitat surveys for these species on February 3, 2022. No potential habitat was identified, thus impacts to these species are not anticipated.

This project is within range of several other listed species. Due to lack of suitable habitat, tree clearing, and in-water work, 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 March 14, 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 notice of 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

(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>).

until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies.

- (4) Concerning the two newly identified archaeological sites, the Applicant shall either avoid the sites or conduct a Phase II survey, forward the results of the survey to Staff and the OHPO, and continue coordination to assure that impacts are minimized.

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 22-1086-EL-BNR

Summary: Staff Report of Investigation electronically filed by Ms. Allison Renick on
behalf of Staff of OPSB