

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
AMERICAN TRANSMISSION SYSTEMS,
INC. FOR AN AMENDMENT TO THE
BEAVER-WELLINGTON 138 kV
TRANSMISSION LINE.

CASE NO. 22-494-EL-BTA

ORDER ON CERTIFICATE

Entered in the Journal on March 16, 2023

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by American Transmission Systems, Inc. to amend its certificate, subject to conditions set forth herein.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On January 20, 2022, the Ohio Power Siting Board (Board) granted an application filed by American Transmission Systems, Inc., a FirstEnergy company (ATSI or Applicant), for a certificate to construct the Beaver-Wellington 138 kilovolt (kV) transmission line (the Project) along the approximately 27-mile-long preferred route in Lorain County, Ohio. *In re American Transmission Systems, Incorporated*, Case No. 20-04-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Jan. 20, 2022).

{¶ 3} On October 20, 2022, ATSI filed an application (Amendment Application) proposing minor changes to the preferred route and substation entrance to be approved by the Board. The changes in the Amendment Application are not expected to affect the overall project's impacts.

{¶ 4} On October 26, 2022, Applicant filed proof of service of the Amendment Application, pursuant to Ohio Adm.Code 4906-3-11(B)(2).

{¶ 5} Staff filed a report evaluating the Amendment Application on February 14, 2023 (Staff Report).

B. Applicable Law

{¶ 6} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 7} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 8} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11, 4906-3-06, and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 9} ATSI is a corporation and, therefore, a person under R.C. 4906.01(A). Additionally, pursuant to the Board's Order in the *Certificate Case*, Applicant is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10.

C. Summary of Staff Report

The Applicant began construction on July 11, 2022, with an expected end date of June of 2023 (Staff Report at 2). In the *Certificate Case*, Staff noted that the project was expected to cost \$24.7 million to construct. See *Certificate Case*, Opinion, Order, and Certificate (Jan. 20, 2011) at 9.

1. REASONS FOR THE PROPOSED ADJUSTMENTS

{¶ 10} The Amendment Application includes proposed engineering shifts, a section centerline adjustment, and a substation entrance modification. The first proposed adjustment

is a proposed engineering shift that is approximately 0.67 mile long and such a change would optimize the centerline alignment by eliminating small angles, staying within the existing right-of-way corridor, and reducing impacts to properties. Staff determines that no new property owners are impacted by this adjustment. The second proposed engineering shift is approximately 0.27 miles long and would eliminate some small angles and center the route within the Applicant's existing right-of-way. According to the Applicant, one of the parcels crossed by the Board-approved route has been subdivided since the original application was filed, which means that there would be one additional property affected by this portion of the proposed amendment. Next, the centerline adjustments begin where the Board-approved route intersects of the existing Brookside-Henrietta and Wellington-Brookside 138 kV transmission line corridor. The proposed adjustment is necessary to maintain the clearance between the rebuilt Hanville-Wellington 69 kV transmission line as it crosses under the Brookside-Henrietta and Wellington-Brookside 138 kV transmission lines. Staff notes that the centerline adjustment is shifted approximately 30 feet north of the Board-approved route. Lastly, the Applicant proposes to change the terminus of the Wellington Section route from the Board-approved west side to the southern side of the Wellington Substation to avoid interference with the existing Wellington-Brookside 138 kV transmission line. Additionally, the centerline alignment parallel to Jones Road would be shifted approximately four feet south to avoid an existing underground utility line that Applicant discovered during field examinations. Applicant states that these adjustments are within the original survey corridor. (Staff Report at 3-4.)

2. LAND USE

{¶ 11} Staff notes that the proposed alignment shifts are not expected to significantly alter existing land use. The route adjustments would reduce total right-of way impacted acreage from 50.5 acres to 49.8 acres. (Staff Report at 4.)

3. CULTURAL RESOURCES

{¶ 12} Staff states that Applicant submitted an addendum to its cultural resources survey to the State Historic Preservation Office (SHPO) on December 13, 2021. SHPO

concluded that no further coordination with SHPO is required, and Staff concurs with this analysis. (Staff Report at 4.)

4. SURFACE WATERS

{¶ 13} Staff states that the proposed Brownhelm Section Route wetland impacts would be reduced from 0.31 acres to 0.21 acres. In addition, the Wellington Section Route Change and Substation Entrance Modification would reduce wetland impacts from 4.94 acres to 4.85 acres. No additional impacts to surface waters would occur. (Staff Report at 4.)

5. THREATENED AND ENDANGERED SPECIES

{¶ 14} According to Staff, the proposed adjustment would not result in increased impacts to listed wildlife species (Staff Report at 4).

6. STAFF RECOMMENDATION

{¶ 15} Staff recommends approval of this amendment provided that the following Staff-proposed condition is satisfied: the Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate in the *Certificate Case* and following the route as amended through this Amendment Application. Staff notes that its recommendation for approval of this amendment should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding. Further, Staff's approval of the Amendment Application does not impact its investigation and potential recommendations regarding the potential construction violations, as discussed in Footnote 2 of the Staff Report. (Staff Report at 4-5.)

D. Board's Conclusion

{¶ 16} After considering the Amendment Application and the Staff Report, the Board finds that the proposed engineering shifts, section centerline adjustment, and substation entrance modification do not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility approved in the *Certificate Case*. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the Amendment Application is not necessary under the circumstances presented in this case. Further, the Board

finds that the proposed changes do not affect our conclusion from the *Certificate Case* that the project satisfies the criteria set forth in R.C. Chapter 4906, promotes the public interest, and does not violate any important regulatory principle or practice. Therefore, the Board concludes that the Amendment Application should be approved, subject to the conditions set forth in the *Certificate Case*, as well as the additional condition Staff recommended in its report in the above-captioned case.

E. Findings of Fact and Conclusion

{¶ 17} ATSI is a corporation and a person under R.C. 4906.01(A).

{¶ 18} On October 20, 2022, Applicant filed an application seeking an amendment to the certificate issued in the *Certificate Case*. A supplement to the application was filed on December 15, 2022.

{¶ 19} On February 14, 2023, Staff filed the Staff Report containing its evaluation of the Amendment Application.

{¶ 20} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 21} Based on the record, and in accordance with R.C. Chapter 4906, the Amendment Application should be approved, subject to the conditions set forth in the *Certificate Case*, following the route as amended.

III. ORDER

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That ATSI's Amendment Application be approved, subject to the conditions set in the *Certificate Case*, as well as the additional condition described in the Staff Report. It is, further,

{¶ 24} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Jack Christopher, Designee for Lydia Mihalik, Director
Ohio Department of Development

Damian Sikora, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D., Director
Ohio Department of Health

Drew Bergman, Designee for Anne Vogel, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Brian Baldridge, Director
Ohio Department of Agriculture

Gregory Slone
Public Member

IMM/dr

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Case No(s). 22-0494-EL-BTA

Summary: Opinion & Order on Certificate that the Ohio Power Siting Board grants the application filed by American Transmission Systems, Inc. to amend its certificate, subject to conditions set forth herein electronically filed by Ms. Donielle M. Hunter on behalf of Ohio Power Siting Board.