

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
AEP OHIO TRANSMISSION COMPANY,
INC. FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE NEW LIBERTY-
EAST LEIPSIC 138 kV TRANSMISSION
LINE UPGRADE PROJECT.

CASE NO. 22-856-EL-BTX

ENTRY

Entered in the Journal on April 24, 2023

{¶ 1} AEP Ohio Transmission Company, Inc. (AEP Ohio Transco) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without first obtaining a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-5 and 4906-3.

{¶ 3} On September 19, 2022, AEP Ohio Transco filed a preapplication notification letter informing the Commission of its intent to file an application for a certificate of environmental compatibility and public need for the New Liberty-East Leipsic 138 kilovolt Transmission Line Upgrade Project (Project). The Project, as proposed, involves rebuilding and upgrading approximately 18 miles of power lines traversing Putnam and Hancock counties.

{¶ 4} On January 4, 2023, AEP Ohio Transco filed its application for the Project.

{¶ 5} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed March 3, 2023, the Board notified AEP Ohio Transco that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed AEP Ohio Transco to serve appropriate government officials and public agencies with copies of

the complete, certified application and provide proof of service with the Board. Further, the letter directed AEP Ohio Transco, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

{¶ 6} On March 21, 2023, AEP Ohio Transco filed its notice of proof of compliance certifying service of its accepted and complete application, in accordance with the requirements in Ohio Adm.Code 4906-3-07. Also on April 20, 2023, AEP Ohio Transco submitted correspondence informing the Board of its payment of the application fee, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 7} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for public hearing not less than 60 days nor more than 90 days after such receipt and shall conclude the proceeding as expeditiously as practicable.

{¶ 8} Therefore, the effective date of the application shall be April 24, 2023. The administrative law judge (ALJ) finds that a local public hearing in this matter shall be held on July 11, 2023, at 5:00 p.m., at the McComb Library, 113 South Todd Street, McComb, Ohio 45858. The adjudicatory hearing shall commence on July 25, 2023, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 9} Additionally, the ALJ finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09 or by June 2, 2023, whichever is later.

{¶ 10} AEP Ohio Transco shall issue public notices of the application and hearings, in accordance with Ohio Adm.Code 4906-3-09. As required by Ohio Adm.Code 4906-3-09, AEP Ohio Transco shall include a statement in the notices that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on July 11, 2023, at 5:00 p.m., at the McComb Library, 113 South Todd Street, McComb, Ohio 45858.
- (b) An adjudicatory hearing commencing on July 25, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.

{¶ 11} Further, regarding the initial notice required under Ohio Adm.Code 4906-3-09, AEP Ohio Transco shall include the following statement:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09 or June 2, 2023, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to: Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite the above listed case number.

{¶ 12} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing, including, requiring that expert or factual testimony to be offered at Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process shall be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before June 26, 2023.

- (b) On or before July 21, 2023, each party shall file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing.
- (c) All expert and factual testimony to be offered by AEP Ohio Transco shall be filed by July 14, 2023.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by July 20, 2023.
- (e) Any stipulation entered into by the parties shall be filed no later than July 24, 2023, at 10:00 a.m., along with associated testimony supporting the stipulation.

{¶ 13} The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to the case.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the effective date of the application be April 24, 2023, and the hearings in this matter be scheduled at the times and places designated in Paragraph 8. It is, further,

{¶ 16} ORDERED, That notices of the application and hearings be issued by AEP Ohio Transco in accordance with Paragraphs 10 and 11. It is, further,

{¶ 17} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 12. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/Matthew J. Sandor

By: Matthew J. Sandor
Administrative Law Judge

MJA/dr

**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). 22-0856-EL-BTX

Summary: Administrative Law Judge Entry ordering that the effective date of the application be April 24, 2023, setting a local public hearing on July 11, 2023, at 5:00 p.m., at the McComb Library, 113 South Todd Street, McComb, Ohio 45858, ordering that an adjudicatory hearing commence on July 25, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793, ordering that notices of the application and hearings be issued by AEP Ohio Transco in accordance with Paragraphs 10 and 11 and ordering that the parties observe the filing deadlines set forth in Paragraph 12 electronically filed by Debbie S. Ryan on behalf of Matthew J. Sandor, Administrative Law Judge, Ohio Power Siting Board.