

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application)
by American Transmission Systems, Incorporated for)
the Holloway-Knox 138 kV Transmission Line Rebuild) Case No. 23-0141-EL-BLN
Project – Holloway Sub to Nottingham Sub Segment)**

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	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 May 30, 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 objections you or your designee may have with this case to my office at least four business days prior to May 30, 2023, which is the recommended automatic approval date.

Sincerely,

Michael Williams

Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0141-EL-BLN
Project Name: Holloway-Knox 138 kV Transmission Line Rebuild–
Holloway Sub to Nottingham Sub Segment
Project Location: Belmont County and Harrison County
Applicant: American Transmission Systems, Incorporated
Application Filing Date: February 28, 2023
Filing Type: Letter of Notification
Inspection Dates: March 20, 2023, and March 30, 2023
Report Date: May 11, 2023
**Recommended Automatic
Approval Date:** May 30, 2023
Applicant's Waiver Requests: none
Staff Assigned: J. O'Dell, A. Holderbaum and J. Cross

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

American Transmission Systems, Incorporated (Applicant or ATSI) proposes to rebuild the Holloway-Nottingham #1 138 kilovolt (kV) and Holloway-Nottingham #2 138 kV transmission lines. This project would convert the existing single-circuit transmission lines into one double-circuit 138 kV transmission line. The overall right-of-way width of the existing lines is 325 feet. The new line would use steel monopole structures and would reduce the required right-of-way to 150 feet. The proposed alignment would be located midway between the two existing circuit alignments. The new transmission line would be approximately 20-miles in length. This segment of rebuilt line is one component of ATSI's overall 64-mile Holloway-Knox system upgrade.

Deteriorating structures have been damaged by woodpecker activity, decay, and failed sound tests. Independent analysis ascertained that approximately 48% of the Holloway-Nottingham #1 and Holloway-Nottingham #2 transmission line structures are defective, which is a reliability concern. The National Electrical Safety Code states, "Wood and reinforced concrete structures shall be replaced or rehabilitated when deterioration reduces the structure strength to 2/3 of that required when installed."¹ In addition to replacing the wood poles with steel poles, the Applicant would replace the conductors and shield wires to meet FirstEnergy's current design standards. The rebuild

¹. 2023 National Electric Safety Code (C2-2023), Table 261-1 - Strength factors for structures, crossarms, braces, support hardware, guys, foundations, and anchors.

would improve system reliability, reduce unplanned outages, and improve operational flexibility as well as support load growth for new and existing customers in the operating area.

Transmission owners plan supplemental projects in accordance with the PJM Interconnection, LLC (PJM) Open Access Transmission Tariff, Attachment M-3 process. This supplemental project's need and solution was presented and reviewed with PJM stakeholders at the 'Subregional Regional Transmission Expansion Plan (RTEP) Committee – Western' on August 31, 2018, and September 28, 2018.² The project was issued supplemental PJM upgrade ID s1718. The Applicant made changes to the project scope and re-presented to PJM stakeholders on September 11, 2020, where PJM assigned a new upgrade ID of s2389.³ Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission (FERC) Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).⁴ The project status can be tracked on PJM's website.⁵

The project was included in the Applicant's 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0504-EL-FOR.⁶

Schedule and Cost

The Applicant expects construction of the project to begin in June of 2023, with an in-service date of September of 2024. The capital and total costs of this proposed transmission line rebuild are estimated to be \$112,779,000.⁷

Nature of Impacts

Land Use

The project traverses the City of St. Clairsville, Richland Township, Mead Township, Pultney Township, and Wheeling Township in Belmont County and Athens Township, Harrison County, Ohio. Land use in proximity to the project consists of rural residential, agricultural, and mining uses. Agricultural District lands are present; however, significant adverse impacts are not

². 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.

PJM Interconnection, "Subregional RTEP Committee - Western," August 31, 2018, Reliability Analysis Update, <https://pjm.com/committees-and-groups/committees/srtep-w> (Accessed April 25, 2023).

PJM Interconnection, "Subregional RTEP Committee - Western," September 28, 2018, Reliability Analysis Update, <https://pjm.com/committees-and-groups/committees/srtep-w> (Accessed April 25, 2023).

³. PJM Interconnection, "Subregional RTEP Committee - Western," September 11, 2020, FirstEnergy Supplemental Projects, <https://pjm.com/committees-and-groups/committees/srtep-w> (Accessed April 25, 2023).

⁴ PJM Manual 14B: PJM Region Transmission Planning Process, Rev. 52, Effective Date: April 10, 2023, states that Supplemental Projects refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715, economic criteria, or State Agreement Approach projects. Page 21-23. See <https://www.pjm.com/-/media/documents/manuals/m14b.ashx> (Accessed May 8, 2023).

⁵. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed April 25, 2023).

⁶. First Energy Corporation, "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 22-0504-EL-FOR, April 15, 2022.

⁷. Applicant indicates that, \$112,779,000, would be included in the Applicant's formula rate (Attachment H-21 to the PJM Open Access Transmission Tariff) and would be assessed on all transmission customers within the ATSI Transmission zone.

anticipated. Overall impacts to agricultural land use would be reduced due to the project's diminished right-of-way width requirements. The project is entirely located on existing right-of-way, although some new temporary access rights may be required.

Cultural Resources

The Applicant conducted a cultural resource survey to ascertain potential impacts to historic properties and archaeological sites. The survey determined that adverse impacts to historic properties and archaeological sites are not expected. The State Historic Preservation Office provided a letter of concurrence on September 16, 2020. Subsequently, an updated records review was conducted by the Applicant on November 22, 2022, in which the Applicant concluded that the project will not impact any previously recorded archaeological sites or historic properties. Staff has reviewed the Applicant's survey and Staff concludes that adverse impacts to cultural resources are not likely.

Ecological Impacts

*Surface Waters*⁸

The Applicant's consultant conducted a wetland and stream delineation of the project area. The consultant identified 71 wetlands within the project area, including 50 Category 1 wetlands and 21 Category 2 wetlands. No Category 3 wetlands were identified.⁹ No structures would be placed within wetland boundaries. Nine wetlands would be temporarily impacted during construction by access roads. A total of 0.62 acres of temporary wetland disturbance would occur.

A total of 79 streams were also identified, including 10 perennial, 21 intermittent, and 48 ephemeral. A total of 13 ponds were also identified within the project area, totaling 8.3 acres. All streams would be aerially spanned, no construction equipment would cross streams or ponds outside of existing culverts. No structures would be placed within stream boundaries. Impacts to streams and ponds are not anticipated.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency (OEPA) for authorization of construction storm water discharge under NPDES General permit for Discharges of Storm Water Associated with Construction Activity OHC000005. The Applicant would implement and maintain best management practices as outlined in the project-specific

⁸. 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/discover-and-learn/safety-conservation/about-ODNR/water-resources>).

⁹. 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.

Storm Water Pollution Prevention Plan to minimize erosion and sediment to project surface waters during storm events.

Portions of the project in Belmont County would overlap with Federal Emergency Management Authority 100-year floodplains.¹⁰ Due to the existing access and relatively flat topography of these sites, no earth-moving or grading activities would be required therefore no elevation changes are proposed. Thus, the Applicant is coordinating with the Belmont County Floodplain Administrator to determine if a local floodplain permit is required

Threatened and Endangered Species¹¹

The Applicant submitted coordination letters to the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) on January 17, 2023. The ODNR responded on February 7, 2023, and the USFWS replied on January, 26, 2023. This project is within range of the state and federal endangered Indiana bat (*Myotis sodalis*), state endangered and federal threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). No potential winter hibernacula were identified within or near the project area. The Applicant states minor tree clearing would be required for this project. The Applicant has committed to clearing trees between October 1 and March 31 to prevent impacts to roosting bats, as recommended by the ODNR and the USFWS.

This project is within range of the state endangered upland sandpiper (*Bartramia longicauda*), and the state endangered northern harrier (*Circus hudsonis*). Potential habitat for these species may exist within the project area. The ODNR recommends impacts to these species' habitats be avoided during the nesting period of April 15 through July 31 to prevent impacts to these species.

¹⁰ A floodplain area is any land area susceptible to being inundated by water from any source. See, 44 CFR 59.1. FEMA designates flood zones into moderate to low-risk areas or high-risk areas (i.e., 100-year floodplain areas). See, e.g., https://efotg.sc.egov.usda.gov/references/public/NM/FEMA_FLD_HAZ_guide.pdf. Pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), states or local communities, as a condition of federal financial assistance via participation in the flood insurance program, must adopt adequate floodplain regulations ordinances. (See also, 44 CFR 59.2.)

¹¹. 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/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-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.

This project is within range of several other listed species. Due to lack of suitable habitat, and no in-water work proposed, impacts to these species are not anticipated.

Conclusion

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 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 May 30, 2023, provided that the following conditions are satisfied. 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) Prior to commencement of construction within floodplain areas, the Applicant shall obtain any floodplain permits required for construction of this project. The Applicant shall provide a copy of such permits and supporting documentation, or a copy of correspondence with the floodplain administrator showing that no permit is required, on the case docket prior to commencement of construction.
- (4) 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.
- (5) 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 allows 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.
- (6) Construction in upland sandpiper and northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31, unless coordination with the ODNR allows a different course of action during that period.

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Case No(s). 23-0141-EL-BLN

Summary: Staff Report of Investigation Staff Report of Investigation electronically
filed by Mr. James S. O'Dell on behalf of Staff of OPSB.