

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
ATSI's Highland – Magellan No. 1 138 kV) Case No. 23-0483-EL-BNR
Transmission Line Structure Replacement 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 June 21, 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 June 21, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0483-EL-BNR
Project Name: Construction Notice for the Highland-Magellan No. 1 138 kV Transmission Line Structure Replacement Project
Project Location: Trumbull County
Applicant: American Transmission Systems, Inc.
Application Filing Date: May 23, 2023
Filing Type: Expedited Construction Notice
Report Date: June 14, 2023
Recommended Automatic Approval Date: June 21, 2023
Applicant's Waiver Requests: None
Staff Assigned: J. Stottsberry, A. DeLong, A. Rennick

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, Inc. (Applicant) has proposed to replace and relocate two existing wood H-frame structures with new steel H-frame structures on the Highland-Magellan No. 1 138 kilovolt (kV) Transmission Line located in Lordstown, Trumbull County. These new structures would be relocated outside of the OPSB non-jurisdictional Tod Substation fence, in line, approximately 30 to 35 feet from the current structure locations. The existing wooden structures inside of the Tod Substation fence would be removed. The existing 138 kV transmission line conductor would be transferred to the new structures. Preliminary drawings indicate the proposed new structures would be installed on concrete piers (approximately 17-20 feet below ground level with a 6.5-foot diameter) with a total height of approximately 65.25 feet which would be approximately 10-17 feet taller than the existing wooden structures.

The project is located entirely on property owned by the applicant. No new easements would be required.

The Applicant indicates the project does not meet the definition of PJM Interconnection, LLC (PJM) Open Access Transmission Tariff, Attachment M-3 process.¹

1. The PJM M-3 Process generally encapsulates: (1) asset management projects, (2) supplemental projects, and (3) other transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning.

The Applicant proposes to begin construction on June 19, 2023, and then complete the project by November 2, 2023.

The capital cost estimate of the structure replacement is approximately \$900,000 using a Class 3 estimate.²

The Applicant determined that the existing wood pole structures inside the Tod Substation fence area do not meet current FirstEnergy load criteria for wire break and one-sided loading and therefore need to be replaced with steel H-frame structures on foundations. Due to the proximity of the existing structure locations to the substation fence the foundations needed for the new steel structures would decrease vehicle access clearance around the inside perimeter of the substation and therefore need to be relocated. Relocating the transmission line structures aligns with current FirstEnergy practice of locating transmission line dead-end structures outside substation fences to eliminate risk of structure failure inside the fence that could damage substation equipment and lead to extended outages. The proposed relocation of the structures would increase drive path accessibility that would improve access to equipment inside of the substation, allow for safe maintenance of both the substation equipment and transmission equipment, and would also ensure increased reliability and system performance of this substation in the future.³ Staff concludes that the Applicant has adequately demonstrated need for the proposed structure replacement.

Nature of Impacts

Land Use

This project would be located in the Village of Lordstown in Trumbull County. This project does not propose any changes in land use due to structures being replaced within existing substation property owned by the Applicant. The surrounding area is comprised of commercial and rural residential land uses. None of the land in the project footprint or surrounding area is agricultural and therefore no Agricultural District Land parcels would be impacted.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review for the project. From the literature review, the consultant identified no previously identified archaeological sites within 0.5 miles of the project. The consultant found no National Register of Historic Places listed sites within a half mile of the project location. The literature review identified four Ohio Historic Inventory listed structural resources, one Ohio Archeological Inventory listed archeological resource, and one Ohio Genealogical Society listed cemetery. The consultant recommended this project would not impact cultural or archeological resources due to it occurring within an existing substation property. These findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

2. Project costs are the responsibility of ATSI, as the asset-owner. The ATSI customers will be allocated the costs by PJM via FERC formula rates for the ATSI Transmission Zone, Attachment H-21 in the PJM OATT.

3. Application at pages 2-3.

*Surface Waters*⁴

The Applicant's consultant conducted a wetland and stream delineation of the project area on March 3, 2023. No wetlands or streams were identified, thus impacts to surface waters are not anticipated.

Due to surface disturbance totaling less than one acre, the Applicant would not file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction storm water discharge under National Pollutant Discharge Elimination System General permit for Discharges of Storm Water Associated with Construction Activity OHC000006. However, the Applicant would implement best management practices and standard erosion and sediment controls.

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

*Threatened and Endangered Species*⁵

The Applicant received an environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on March 13 and April 6, 2023, respectively. This project is within range of several listed species. Due to lack of tree clearing, in-water work, and suitable habitat, impacts to these species are not anticipated.

4. 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>).

5. 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>).

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 June 21, 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.

**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). 23-0483-EL-BNR

Summary: Staff Report of Investigation electronically filed by Mr. Jess Stottsberry
on behalf of Staff of OPSB.