

Staff Report of Investigation

New Liberty-East Leipsic 138 kV Transmission Line Upgrade Project

Case No. 22-0856-EL-BTX

June 26, 2023



Power Siting
Board

Mike DeWine, Governor | Jenifer French, Chair

In the Matter of the Application of American Electric Power)
Ohio Transmission Company Inc., for a Certificate of)
Environmental Compatibility and Public Need for the)
construction of a 138 kilovolt transmission line in Putnam)
and Hancock County, Ohio)

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Submitted to the
OHIO POWER SITING BOARD

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application of American Electric Power)
Ohio Transmission Company Inc., for a Certificate of)
Environmental Compatibility and Public Need for the) Case No. 22-0856-EL-BTX
construction of a 138 kilovolt transmission line in Putnam)
and Hancock County, Ohio)**

Chair, Public Utilities Commission	Director, Department of Natural Resources
Director, Department of Agriculture	Public Member
Director, Department of Development	Ohio House of Representatives
Director, Environmental Protection Agency	Ohio Senate
Director, Department of Health	

To the Honorable Power Siting Board:

In accordance with the Ohio Revised Code (R.C.) 4906.07(C) and rules of the Ohio Power Siting Board (Board or OPSB), the staff of the Public Utilities Commission of Ohio (Staff) has completed its investigation in the above matter and submits its findings and recommendations in this Staff Report for consideration by the Board.

The findings and recommendations contained in this report are the result of Staff coordination with the following agencies that are members of the Board: Ohio Environmental Protection Agency (Ohio EPA), the Ohio Department of Health (ODH), the Ohio Department of Development (ODOD), the Ohio Department of Natural Resources (ODNR), and the Ohio Department of Agriculture (ODA). In addition, Staff coordinated with the Ohio Department of Transportation (ODOT), the Ohio Historic Preservation Office (OHPO), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (USACE).

In accordance with R.C. 4906.07(C) and 4906.12, copies of this Staff Report have been filed with the Docketing Division of the Public Utilities Commission of Ohio to be served upon the Applicant or its authorized representative, the parties of record, and pursuant to Ohio Administrative Code 4906-3-06, the main public libraries of the political subdivisions in the project area.

The Staff Report presents the results of Staff's investigation conducted in accordance with R.C. Chapter 4906 and the rules of the Board and does not purport to reflect the views of the Board nor should any party to the instant proceeding consider the Board in any manner constrained by the findings and recommendations set forth herein.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

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I. EXECUTIVE SUMMARY

The authority of the OPSB is prescribed by Ohio Revised Code (R.C.) Chapter 4906. R.C. 4906.10 specifies that the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines eight specified criteria. Staff investigated the application presented by AEP Ohio Transmission Company, Inc. (Applicant) and recommends that the Board approve the Applicant's request for a certificate of environmental compatibility and public need subject to the proposed conditions contained in this report.

I. POWERS AND DUTIES

OHIO POWER SITING BOARD

The authority of the OPSB is prescribed by Ohio Revised Code (R.C.) Chapter 4906. R.C. 4906.03 and authorizes the Board to issue certificates of environmental compatibility and public need for the construction, operation, and maintenance of major utility facilities defined in R.C. 4906.01. Included within this definition of major utility facilities are: electric generating plants and associated facilities designed for, or capable of, operation at 50 megawatts (MW) or more; electric transmission lines and associated facilities of a design capacity of 100 kilovolts (kV) or more; and gas pipelines greater than 500 feet in length and more than nine inches in outside diameter, and associated facilities, designed for transporting gas at a maximum allowable operating pressure in excess of 125 pounds per square inch. In addition, pursuant to R.C. 4906.20, the Board authority applies to economically significant wind farms, defined in R.C. 4906.13(A) as wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five MW or greater but less than 50 MW. R.C. 4906.13 excludes from economically significant wind farms, one or more wind turbines and associated facilities that are primarily dedicated to providing electricity to a single customer at a single location and that are designed for, or capable of, operational at an aggregate capacity of less than 20 MW, measured at the customer's point of interconnection (POI) to the electrical grid.

Membership of the Board is specified in R.C. 4906.02(A). The voting members include: the Chairperson of the Public Utilities Commission of Ohio (PUCO or Commission) who serves as Chairperson of the Board; the directors of the Ohio EPA, the ODH, the ODOD, the Ohio ODA, and the ODNR; and a member of the public, specified as an engineer, appointed by the Governor from a list of three nominees provided by the Ohio Consumers' Counsel. In addition, the Board shall include four legislative members who may participate fully in all the board's deliberations and activities except that they shall serve as nonvoting members. The speaker of the Ohio house of representatives shall appoint one legislative member, and the president of the Ohio senate and minority leader of each house of the Ohio General Assembly shall each appoint one legislative member. In all cases involving an application for a certificate or a material amendment to an existing certificate for a utility facility, as defined in R.C. 303.57, the Board shall include two voting ad hoc members, as described in R.C. 4906.021

NATURE OF INVESTIGATION

The Board has promulgated rules and regulations, found in Ohio Administrative Code (Ohio Adm.Code) 4906 et seq., which establish application procedures for major utility facilities and economically significant wind farms.

Application Procedures

Any person that wishes to construct a major utility facility or economically significant wind farm in this state must first submit to the Board an application for a certificate of environmental compatibility and public need.¹ The application must include a description of the facility and its location, a summary of environmental studies, a statement explaining the need for the facility and how it fits into the Applicant's energy forecasts (for transmission projects), and any other information the Applicant or Board may consider relevant.²

Within 60 days of receiving an application, the Chairperson must determine whether the application is sufficiently complete to begin an investigation.³ If an application is considered complete, the Board or an administrative law judge will cause a public hearing to be held 60 to 90 days after the official filing date of the completed application.⁴ At the public hearing, any person may provide written or oral testimony and may be examined by the parties.⁵ Not later than three days after an application for a certificate, or a material amendment to an existing certificate, for a utility facility, as defined in R.C. 303.57, is found to be in compliance with R.C. 4906.06(A), is accepted by the Board, and the filing fee is paid by the applicant, the board shall provide a copy of the application to each board of trustees and each board of county commissioners of the townships or counties in which the facility is to be located.⁶

Staff Investigation and Report

The Chairperson will also cause each application to be investigated and a report published by the Board's Staff not less than 15 days prior to the public hearing.⁷ The report sets forth the nature of the investigation and contains the findings and conditions recommended by Staff.⁸ The Board's Staff, which consists of career professionals drawn from the staff of the PUCO and other member agencies of the Board, coordinates its investigation among the agencies represented on the Board and with other interested agencies such as the ODOT, the OHPO, and the USFWS.

The technical investigations and evaluations are conducted pursuant to Ohio Adm.Code 4906-1-01 et seq. The recommended findings resulting from Staff's investigation are described in the Staff Report pursuant to R.C. 4906.07(C). The report does not represent the views or opinions of the Board and is only one piece of evidence that the Board may consider when making

1. R.C. 4906.04 and 4906.20.

2. R.C. 4906.06(A) and 4906.20(B)(1).

3. Ohio Adm.Code 4906-3-06(A).

4. R.C. 4906.07(A) and Ohio Adm.Code 4906-3-08.

5. R.C. 4906.08(C).

6. See R.C. 4906.31(A).

7. R.C. 4906.07.

8. Ohio Adm.Code 4906-3-06(C).

its decision. Once published, the report becomes a part of the record, is served upon all parties to the proceeding and is made available to any person upon request.⁹ A record of the public hearings and all evidence, including the Staff Report, may be examined by the public at any time.¹⁰

Board Decision

The Board may approve or deny an application for a certificate of environmental compatibility and public need as filed, or modify and approve it upon such terms, conditions, or modifications as the board considers appropriate.¹¹ The certificate shall be subject to R.C. 4906.101, 4906.102, and 4906.103 and is also conditioned upon the facility being in compliance with applicable standards and rules adopted under the Ohio Revised Code.¹²

Upon rendering its decision, the Board must issue an opinion stating its reasons for approving, modifying and approving, or denying an application for a certificate of environmental compatibility and public need.¹³ A copy of the Board's decision and its opinion is memorialized upon the record and must be served upon all parties to the proceeding.¹⁴ Any party to the proceeding that believes its issues were not adequately addressed by the Board may submit within 30 days an application for rehearing.¹⁵ An entry on rehearing would then be issued by the Board within 30 days and may be appealed within 60 days to the Supreme Court of Ohio.¹⁶

CRITERIA

Staff developed the recommendations and conditions in this *Staff Report of Investigation* pursuant to the criteria set forth in R.C. 4906.10(A), which reads, in part:

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

9. R.C. 4906.07(C) and 4906.10.

10. R.C. 4906.09 and 4906.12.

11. R.C. 4906.10(A).

12. R.C. 4906.10.

13. R.C. 4906.11.

14. R.C. 4906.10(C).

15. See R.C. 4903.10 and 4906.12.

16. R.C. 4903.11, 4903.12, and 4906.12.

- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704, 3734, and 6111 of the Revised Code and all rules and standards adopted under those chapters and under section 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multimodal planning and programs of the department of transportation under section 4561.341 of the Revised Code;
- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site; and
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

II. APPLICATION

APPLICANT

AEP Ohio is an affiliate of American Electric Power (AEP) and AEP Ohio Transmission Company, Inc. AEP is one of the largest electric utilities in the United States, delivering electricity to nearly 5.4 million customers in 11 states. AEP also owns the nation's largest electric transmission system, comprised of more than 40,000 miles. AEP Ohio provides electricity to nearly 1.5 million customers in Ohio.

HISTORY OF THE APPLICATION

On September 19, 2022, the Applicant filed a pre-application notification letter regarding the project.

On October 6, 2022, the Applicant held a public informational meeting to discuss the project with interested persons and landowners.

On January 4, 2023, the Applicant filed its application for a certificate to construct the project.

On March 3, 2023, the Executive Director of the OPSB issued a letter of compliance regarding the application to the Applicant.

On February 21, 2023, March 3, 2023, May 5, 2023, and June 8, 2023, the Applicant filed its responses to OPSB Staff data requests.

A local public hearing has been scheduled for July 11, 2023, at 5:00 p.m. at the McComb Library, 113 South Todd Street, McComb, Ohio 45858

The evidentiary hearing is scheduled to commence on July 25, 2023, at 10:00 a.m.

This summary of the history of the application does not include every filing in case number 22-0856-EL-BTX. The docketing record for this case, which lists all documents filed to date, can be found online at <http://dis.puc.state.oh.us>.

PROJECT DESCRIPTION

The Applicant proposes to construct an approximately 17 mile 138 kV transmission line (New Liberty-East Leipsic Transmission Line). The Applicant would construct, own and operate the New Liberty-East Leipsic Transmission Line, which would be located in Putnam and Hancock Counties. The project would upgrade the New Liberty-East Leipsic Transmission Line 138 kV circuit with approximately 10 miles between the East Leipsic Substation and the proposed Rader Road Substation and seven miles between the proposed Rader Road Substation and the New Liberty Substation. The purpose of the upgrade is to replace the existing transmission line which has shown deterioration. The upgrade would also allow for less service interruptions and additional electric load growth. The majority of the project would be rebuilt along existing centerline, necessitating that the existing line will be taken out of service during the rebuild. In response to

staff data requests, the Applicant reiterates that electrical service in the area will be maintained with the use of a mobile transformer and distribution feeds from other stations.

The Applicant's consultant utilized field survey data to help identify route alternatives and ultimately to select the Applicant's Preferred and Alternate routes.

Preferred Transmission Line Route

The Preferred Route is approximately 16.9 miles in length. The length of the proposed transmission line that is located along the existing centerline is 12.7 miles.

The Preferred Route leaves the East Leipsic Substation and runs south for approximately 0.2 mile and then runs east for approximately 6.3 miles along Road E on the south side of road. When Road E enters Hancock County it jogs 100 feet south and becomes county road 103. The route then runs north for 0.5 mile along County Road 53, then east along Township Road 104 for 1.5 miles. The route runs south beside County Road 123 for approximately 0.2 mile. The route then runs east beside County Road 105 for 0.8 miles where it would interconnect with the proposed Rader Road Station. The Preferred Route then runs through an agricultural field on the north side of the village of McComb for approximately one mile to the east then south for 0.4 mile. The route continues southeast past the McComb reservoir for 1.5 miles. The route goes around a residential property at County Road 97 and then continues southeast for another 2.7 miles. At County Road 139, the route turns to the south and runs for 0.5 mile. The route finishes by running east beside County Road 94 for 0.7 mile where it interconnects with the New Liberty Station.

Alternate Transmission Line Route

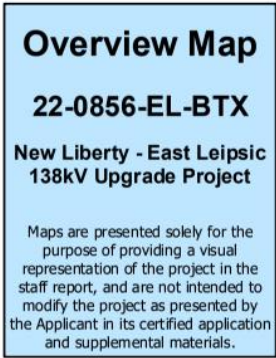
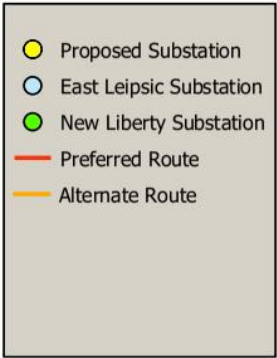
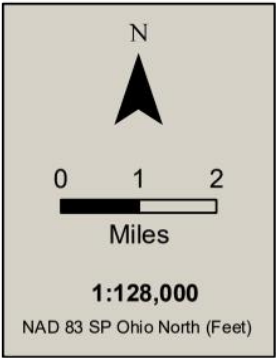
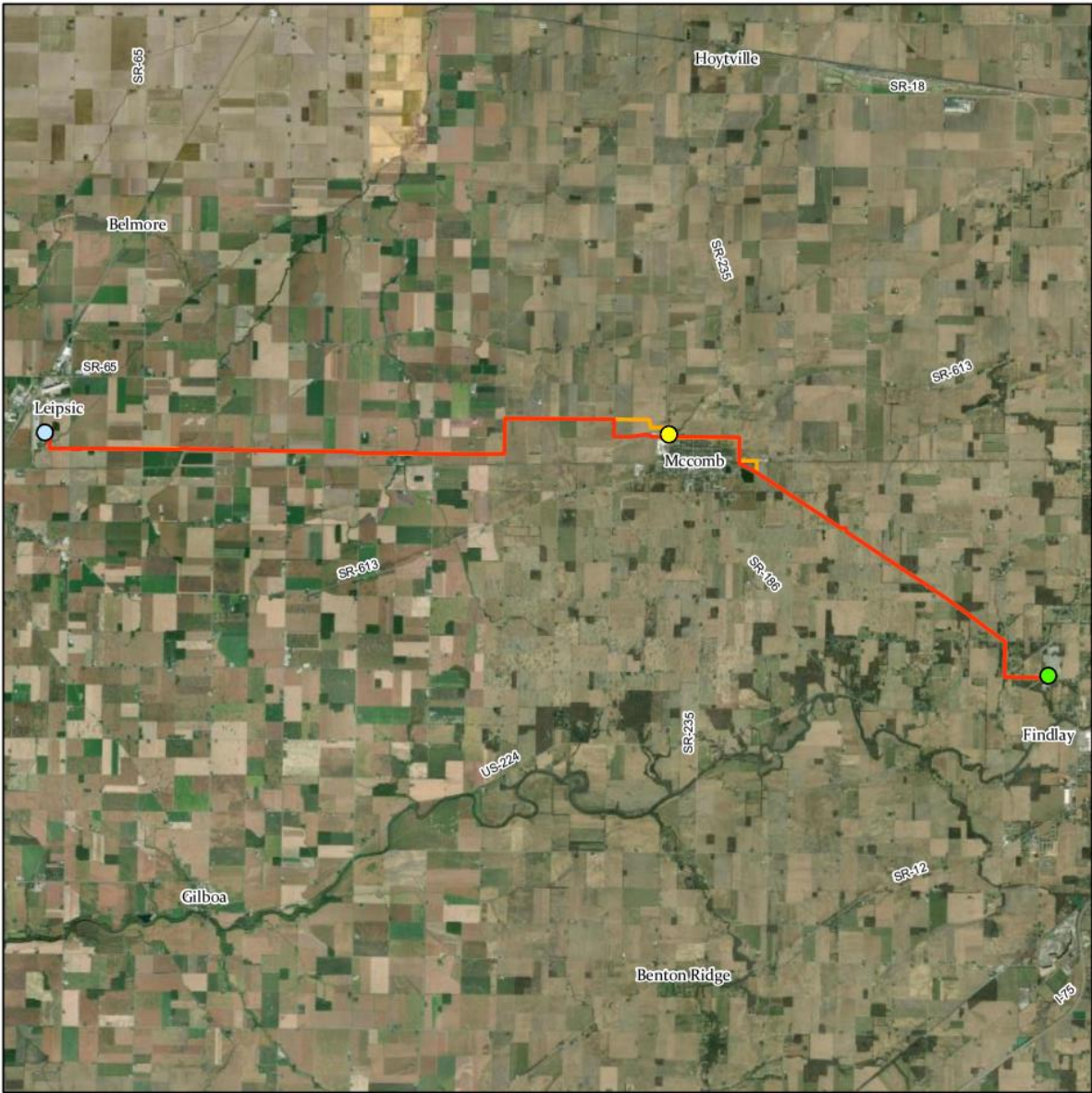
The Alternate Route is approximately 16.7 miles in length. The length of the proposed transmission line that is located along the existing centerline is 13.3 miles.

The Alternate Route leaves the East Leipsic Substation and runs south for approximately 0.2 mile and then runs east for approximately 6.3 miles along Road E on the south side of road. When Road E enters Hancock County it jogs 100 feet south and becomes county road 103. The route then runs north for 0.5 mile along County Road 53, then east along Township Road 104 for 1.5 miles. At County Road 123 the route continues through an agricultural field for approximately 0.5 mile. The route then runs south for 0.1 mile, south for 0.2 mile until it interconnects with the proposed Rader Road Station. The Alternate Route then runs through an agricultural field on the north side of the village of McComb for approximately one mile to the east then south for 0.4 mile. The route then runs east for 0.2 mile and then 0.2 mi south. The route then continues southeast for 3.9. At County Road 139, the route turns to the south and runs for 0.5 mile. The route finishes by running east beside County Road 94 for 0.7 mile where it interconnects with the New Liberty Station.

Project Schedule

The Applicant plans to complete final transmission line engineering design work prior to construction, which is anticipated to begin in November 2024 and be completed in August 2026.

PROJECT MAP





Detail Map 1 of 11

1 inch = 1,000 feet



Detail Map 2 of 11

1 inch = 1,000 feet



Detail Map 3 of 11

1 inch = 1,000 feet



Detail Map 4 of 11

1 inch = 1,000 feet



Detail Map 5 of 11

1 inch = 1,000 feet



Detail Map 6 of 11

1 inch = 1,000 feet



Detail Map 7 of 11

1 inch = 1,000 feet



Detail Map 8 of 11

1 inch = 1,000 feet



Detail Map 9 of 11

1 inch = 1,000 feet



Detail Map 10 of 11

1 inch = 1,000 feet



Detail Map 11 of 11

1 inch = 1,000 feet

III. CONSIDERATIONS AND RECOMMENDED FINDINGS

In the Matter of the Application of AEP Ohio Transmission Company, Inc for a Certificate of Environmental Compatibility and Public Need, Staff submits the following considerations and recommended findings pursuant to R.C. 4906.07(C) and 4906.10(A).

Considerations for R.C. 4906.10(A)(1)

BASIS OF NEED

Pursuant to R.C. 4906.10(A)(1), the Board must determine the basis of need for the facility if the facility is an electric transmission line or gas pipeline. Staff has found the following regarding the basis of need for the facility.

Purpose of Proposed Facility

The Applicant claims the purpose of the project is to address baseline reliability issues that were identified by PJM in the Leipsic area, which is served primarily by the East Leipsic-Richland and the East Lima-Yellow Creek 138 kilovolt (kV) circuits. The PJM analysis has shown that when these two circuits are lost, the Ottawa-East Leipsic 69 kV line and the New Liberty-McComb 34.5 kV branch would overload. Additionally, the #3 138/69 kV transformer at East Leipsic Substation would overload in this outage scenario. A number of 138 kV buses and one 69 kV bus at nearby stations would also have low voltage conditions during the outage scenario. The project would also address asset renewal considerations and accommodate the increased industrial load of the past ten years.

System Conditions, Local Requirements, and Other Pertinent Factors

The Applicant states that there has been significant load growth portion in the Leipsic area served by the existing East Ottawa-Leipsic-Deshler Tap and the New Liberty-McComb circuits. These circuits are heavily loaded in the event of an outage of the 138 kV transmission lines which feed the area. The PJM and the Applicant's transmission planning criteria require that the 138 kV and 69 kV systems must remain within defined operating limits regarding thermal loading limits and voltage stability limits.

Long-Term Forecast Report

The project was included in the Applicant's 2022 Long-Term Forecast Report which may be accessed through the Ohio Public Utilities Commission Docketing Information System website and entering 22-1501 in the 'Case Lookup'.¹⁷

17. <https://dis.puc.state.oh.us/> PUCO Form FE-T9, Planned Transmission Lines, pages 59, 86. (Accessed February 15, 2023).

System Economy and Reliability

The Applicant states that the project is required to address and resolve the baseline reliability requirements. Customers in the service area would be better served following the replacement and upgrading of aging 34.5 kV distribution circuits to 138kV transmission lines. PJM did not select the project as a market efficiency project, but as a baseline project needed to improve reliability.

Recommended Findings

Staff recommends that the Board find that the basis of need for the project has been demonstrated and therefore complies with the requirements specified in R.C. 4906.10(A)(1), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(2)

NATURE OF PROBABLE ENVIRONMENTAL IMPACT

Pursuant to R.C. 4906.10(A)(2), the Board must determine the nature of the probable environmental impact of the proposed facility. Staff has found the following with regard to the nature of the probable environmental impact.

Community Impacts¹⁸

Land Use

This project would be located in Hancock and Putnam counties and cross through portions of the towns of Leipsic and McComb. Land use in the area surrounding the proposed transmission line is predominately agricultural, with some residential, commercial, and industrial uses. The Preferred and Alternate routes would cross agricultural land for 68 and 60 percent of its length, respectively. Road right-of-way would be crossed for 18 and 23 percent of the length, respectively. The Preferred Route would require 147 new or supplemented easements, and the Alternate Route would require 176 new or supplemented easements. The Preferred Route would cross 160 properties, and the Alternate Route would cross 188 properties. There would be 54 and 60 structures within 200 feet of the Preferred and Alternate routes, respectively. There would be two within or near the planned disturbance area of the Preferred Route and five residences within or near the planned disturbance area of the Alternate Route. The disturbance area would be contained to the 80 or 100-foot-wide right-of-way. The Applicant states these residences are not expected to be impacted due to the majority of both routes being located primarily within roadway right-of-way in these residential areas.

Impacts to land use from construction would be contained to the right-of-way, which would be restored after construction is complete, through road paving, soil grading, seeding, and mulching. The Applicant states the only permanent impacts to the right-of-way would be from tree and other vegetation clearing. Any activities such as lawn care or agricultural practices that do not interfere with “the safe and reliable operation of the transmission line” would be able to continue

18. “It is the mission of the Ohio Department of Development to help create jobs and build strong communities in Ohio, while ensuring accountability and transparency of taxpayer money exceptional customer service.” (Ohio.gov, *Department of Development*, <https://www.development.ohio.gov/feat/whatisdsa.htm>). RC 122.011(A)(6) states, in part, that the department of development shall develop and promote plans and programs designed to assure that state resources are efficiently used, economic growth is properly balanced, community growth is developed in an orderly manner, and local governments are coordinated with each other and the state, and for such purposes may, among other things, cooperate with and provide technical assistance to state departments, regional and local planning commissions, and other appropriate organizations for the solution of community problems. According to R.C. 122.01(B)(1), “community problems’ includes, but is not limited to, taxation, fiscal administration, governmental structure and organization, intergovernmental cooperation, education and training, employment needs, community planning and development, air and water pollution, public safety and the administration of justice, housing, mass transportation, community facilities and services, health, welfare, recreation, open space, and the development of human resources.”

within the right-of-way.¹⁹ Staff asserts the project would not have a significant effect upon surrounding land uses, as those uses would continue without significant restrictions.

Regional Planning

The proposed electric transmission line would support increased regional growth by providing increased reliability and availability of electric power in the area. The Applicant states in the application that it consulted Hancock and Putnam counties regarding whether the project would conflict with any regional land use plans and no conflicts with this project were identified. The project would not impact or hinder adjacent development on public and private properties. The transmission line upgrade would foster increased reliability and availability of electric power to residential, commercial, institutional, and industrial users in the region.

Recreation

The Village of McComb Community Park is within 1,000 feet of both the Preferred and Alternate routes. While the Preferred Route would cross the park, the transmission line would be rebuilt in the existing right-of-way and would not impact any recreation equipment. The Applicant states this project would not adversely impact recreational resources. Staff asserts that visibility of the project from recreational resources would be unlikely to negatively affect recreational land use or the ability to use any of these recreational resources.

Aesthetics

The Applicant does not expect the project would have significant visual impact on the surrounding area because both the Preferred and Alternate routes largely utilize existing transmission right-of-way and parallel existing “linear infrastructure” such as roadways, railroads, and other utility corridors²⁰ thereby limiting the addition of visual impacts. The project would slightly alter the visual landscape of the surrounding area due to the structures being made of a different material and standing taller than the existing infrastructure. Visual impacts have been reduced by the site selection of both proposed routes, in large part by rebuilding along the existing transmission routes.

*Cultural Resources*²¹

The Applicant’s consultant conducted a literature review and Phase I cultural resource survey to determine potential impacts to historical properties and archaeological sites. The survey included a review of the National Register of Historic Places (NRHP) and analysis of sites that may be eligible for inclusion in the NRHP, OHPO files, Ohio Archeological Inventory and Ohio Historic

19. Application, p. 7-9.

20. Application, p. 7-18.

21. According to RC 149.53, “[a]ll departments, agencies, units, instrumentalities, and political subdivisions of the state shall cooperate with the Ohio history connection and the Ohio historic site preservation advisory board in the preservation of archaeological and historic sites and in recovery of scientific information from such sites, and for such purposes shall, whenever practical, by contract or otherwise provide for archaeological and historic survey and salvage work during the planning phases, before work on a public improvement begins or at other appropriate times.” In Ohio, the Ohio Historic Preservation Office (OHPO) is part of the Ohio History Connection. (See, Ohio History Connection, About Section 106 Review, <<https://www.ohiohistory.org/preserve/state-historic-preservation-office/hpreviews/about-section-106-review>>).

Inventory files, and other sources of data. One previously identified archeological site was identified during the literature review. The previously identified site was not reidentified during the field surveys and was previously recommended as not eligible for listing on the NHRP. There were 12 new archeological sites identified during field survey along the Preferred Route. All 12 sites were recommended not eligible for NRHP listing by the Applicant's consultant. These results were submitted to OHPO. OHPO concurred that no further archaeological work is necessary for the project and recommends a finding of no adverse effect to historical properties. Staff agrees with these findings.

Economics

The Applicant would be responsible for the construction, ownership, operation and maintenance of the proposed project. The Applicant's total estimated intangible and capital cost for the Preferred Route was \$10.1 million and for the Alternate Route was \$11.2 million. The following table provides a breakdown of these cost estimates.

Intangible and Capital Costs		
	Preferred Route	Alternate Route
Land and Land Rights	\$612,000	\$767,000
Structures and Improvements	\$0	\$0
Substation Equipment	\$0	\$0
Towers and Fixtures	\$0	\$0
Poles and Fixtures	\$6,914,000	\$7,809,000
Overhead Conductors and Devices	\$2,605,000	\$2,605,000
Underground Conductors and Insulation	\$0	\$0
Underground-to-Overhead Conversion Equipment	\$0	\$0
Right-of-way Clearing, Roads, Trails, or other Access	\$2,000	\$5,000
Total	\$10,133,000	\$11,187,000

The Applicant would remit property taxes annually on the installed utility facilities. The annual property tax estimate for the Preferred Route is \$431,000 and for the Alternate Route is \$476,000.

Liability Insurance

The Applicant is self-insured and maintains additional liability insurance of at least \$1 million for any damages that may occur during the construction or operation of the proposed line.

Public Services, Facilities, and Safety

Safety

The Applicant stated that it would comply with all applicable safety standards set by the Occupational Safety and Health Administration (OSHA), safety standards of the PUCO, the North American Electric Reliability Corporation (NERC) Reliability Standards, and industry best practices for construction. The Applicant also intends to utilize and maintain an approximately 55 to 100 feet wide right-of-way for the proposed project. The shorter right-of-way width would be where the proposed transmission line is adjacent to the road right-of-way. The Applicant's design would meet the requirements of the NESC.

Communications

Because the Applicant has incorporated minimization of interference into the design of the transmission line, the Applicant does not expect AM or FM radio or television interference to occur from the operation of the proposed transmission line along either the Preferred or Alternate route.

Any likely source of radio or television interference would be localized, and due to defective hardware, that could be easily detected and replaced. The Applicant indicates that it would maintain the transmission line in good condition, which should avoid impacts to radio and television reception. Also, once detected, the Applicant would repair or replace the defective hardware to eliminate the interference.

Traffic, Roads and Bridges²²

Per the application, an increase in truck traffic is anticipated during the construction of the project for equipment access and equipment delivery. No other additional traffic is anticipated for the project beyond periodic mowing or removal of dangerous trees from the right-of-way. The Applicant indicates that flaggers would be used as needed for road crossings during proposed constructions. Construction work for the project is not anticipated to require lane closures. The project would require crossing a railroad and the Applicant anticipates a permit would be required, as well as, the need for flaggers and further coordination with the railroad operator. Staff recommends that the Applicant coordinate with all appropriate authorities to ensure minimal transportation related impacts. Through incorporation of these practices, traffic impacts would be minimized.

Noise

Construction noise would include the use of a digger derrick and a crane. The Applicant does not anticipate using pile-driving or rock hammering/breaking. The total duration of construction of the line is expected to be 20-22 months. Construction activities would be limited primarily to daytime hours. The Applicant would notify property owners or tenants of the upcoming

22. The entity responsible for maintaining roads and bridges within Ohio depends on many factors. See, e.g., ODOT, Roadway Infrastructure Maintenance Responsibility Manual, <https://www.transportation.ohio.gov/wps/portal/gov/odot/programs/maintenance-operations/rimr/rimr>. obtain and comply with appropriate road closure permitting agencies such as the Putnam and Hancock County Engineers and ODOT.

construction activities for the project in the same manner as required for the public information program, as stated in Ohio Adm.Code 4906-3-03(B)(2), including the potential for after-hours activities.

Most noise impacts associated with this project would occur during construction. The Applicant would mitigate noise impacts by using standard construction techniques and limiting construction activities to daylight hours, to the extent feasible. Occasional, short term, noise impacts associated with maintenance and repair activities would occur throughout the life of the facility. Although the Applicant states that construction activity would generally be limited to daylight hours, Staff recommends a condition that limits general construction activities to daylight hours unless the noise impact from the construction activities do not rise above ambient levels at sensitive receptors. If extraordinary circumstances require nighttime construction activities that include noise impacts above ambient levels at sensitive receptors, the Applicant shall notify Staff and affected property owners or tenants before the construction occurs.

Through incorporation of the Applicant's proposed practices and Staff's recommendations, noise impacts would be minimized.

Geology²³

The uppermost bedrock units throughout the study area are the Tymochtee Dolomite in the eastern portion and the Salina Undifferentiated throughout the remainder. Both units are designated as karst geology.²⁴ However, there are no documented karst features within ten miles of the study area.²⁵ In the event karst voids are encountered, drilled shaft foundation would be lengthened accordingly using a spliced or secondary cage and full-depth permanent casing to mitigate concrete migration.²⁶ Based on the geotechnical borings acquired by the Applicant, bedrock is unlikely to be encountered during any portions of the proposed construction.

23. According, in part, to R.C. 1505.01, the ODNR's division of geological survey "[s]hall advise, consult, or collaborate with representatives of agencies of the state...on problems or issues of a geological nature when requested by such an agency...." One of the missions of the ODNR Division Geological Survey is "to provide geologic information and services needed for responsible management of Ohio's natural resources." (ODNR, Division of Geological Survey, *About the Division*, <<https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/geologic-survey/division-of-geologic-survey/division-of-geologic-survey>>). This includes studying and investigating, among other things, glacial and surficial geology, bedrock geology, and geological hazards. According to ODNR a "geologic hazard or 'geohazard' is a geologic condition, either manmade or natural, that poses a potential danger to life and property. Ohio is home to a number of potential geohazards, including karst, mine subsidence, earthquakes, landslides, and shore erosion." (ODNR, *Geologic Hazards*, <<https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/geologic-survey/geologic-hazards>>).

24. Karst terrain is formed within carbonate (e.g. limestone or dolomite) or evaporite (e.g. anhydrite or gypsum) rocks through mineral dissolution caused by movement of water. Most common karst features include the formation of underground caves or channels, or the formation of depressions and sinkholes at the surface. Generally, karst features, and the likelihood of karst development are most prevalent in areas where the carbonate bedrock is overlain by 20 feet or less of glacial till material. Limestone and dolomite are the most common carbonate bedrock. Generally, Limestone is more prone to dissolution than dolomite.

25. Application at page 8-28.

26. Applicant's June 8, 2023 response to Staff's data request.

The ODNR's review of the application indicated there are 795 oil and gas well records located within one mile of the proposed project area. Closer review by the Applicant indicated five well records are located within 50 feet of the centerline of the proposed rebuild portion of the project. The Applicant indicated "utilizing hydrovacating at structure locations in close proximity to these recorded well locations can be used to avoid impacts."²⁷ Staff concurs.

It is anticipated that most self-supporting steel monopole structures would be installed by direct-embed methods. Due to site-specific requirements, some poles may require concrete pier foundations. The excavation for each pier foundation would be approximately 4 to 8 feet in diameter and 20 to 35 feet deep. All medium to heavy angle locations may require installation of one concrete foundation with full length anchor bolt cages. The Applicant estimates 27 total foundations would be required.

The Applicant conducted geotechnical studies throughout the project area. The "company engineer determined through previous experience and publicly available information that there is relatively low geohazard risk for the alignment, therefore a supplemental written assessment was not completed for the proposed line routes."²⁸ Staff requests that a formal report be provided.

Conclusion

Staff recommends that the Applicant develop and provide a formal geotechnical report and that the final detailed engineering drawings of the final project design shall account for geological features and soil conditions identified within the final geotechnical report. In addition, Staff recommends the Applicant perform hydro-excavation or a comparable method at structures near oil and gas well features as delineated by the ODNR.

Based on the data and considerations provided within the application, and information request submittals to date, and based on Staff assessment (with consideration and input from the ODNR), and implementation of the recommended conditions, there appears to be no particular geological features within the project area that are incompatible with construction and operation of the proposed Preferred or Alternative routes.

Ecological Impacts

Surface Waters²⁹

The Preferred Route and the Alternate Route centerlines would both cross 17 streams, including nine intermittent and eight perennial. Approximately 9,482 linear feet of stream would be

27. Applicant's March 3, 2023 response to Staff's second data request.

28. Applicant's May 5, 2023 response to Staff's third data request.

29. 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

located within the Preferred Route's right-of-way and 9,452 linear feet would be located within the Alternate Route's right-of-way. No streams are proposed to be filled or permanently impacted. Where stream crossings are necessary, they would be crossed by temporary culverts or temporary access bridges, depending on the quality and size of the stream. Staff recommends the Applicant only utilize temporary stream fording to cross dry intermittent streams. Best Management Practices (BMPs) including silt fences and temporary construction matting would be utilized during any crossings. The Applicant has committed not to conduct mechanized clearing within 25 feet of any streams and clearing would be limited to trees that have the potential to interfere with the safe construction and operation of the transmission line.

Fourteen wetlands³⁰ totaling approximately 8.0 acres were delineated within the environmental survey corridors of the Preferred and Alternate routes.

The Preferred route includes nine delineated wetlands within the right-of-way, totaling 2.81 acres. This includes four Category 1 and five Category 2 wetlands. No Category 3 wetlands were delineated.

The Alternate Route includes ten delineated wetlands within the right-of-way totaling 2.74 acres. This includes five Category 1 wetlands and five Category 2 wetlands. No Category 3 wetlands were delineated.

The Applicant would avoid the placement of new pole structures within wetlands to the extent practical. Four existing pole structures within wetlands would be replaced during construction, however no new permanent fill is anticipated. Where temporary construction access through a wetland is necessary, the crossing would occur during dry conditions or matting would be used to minimize impacts. The Applicant has also committed to using non-mechanized clearing techniques for cutting woody vegetation within the wetland areas and has stated that wetland areas would be clearly staked prior to clearing to minimize incidental vehicle impacts. Once the transmission line is in operation, no significant impacts to wetlands are anticipated.

Six ponds, totaling 1.41 acres, were identified within the environmental survey area along the Preferred Route and five ponds, totaling 1.01 acres were identified within the environmental survey area along the Alternate Route. No major lakes or reservoirs were observed within the environmental corridor survey area.

The Applicant stated that it would submit a Notice of Intent to obtain coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit. A Stormwater

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/RegulatoryProgram-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/waterresources/water-resources>).

30. 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.

Pollution Prevention Plan (SWPPP) would also be developed as required by the NPDES permit. Specified BMPs within the SWPPP would be implemented during construction to control erosion and sedimentation.

The Applicant stated coverage under the U.S. Army Corps of Engineer's Nationwide Permit Program is anticipated for the project.

The project crosses portions of a Federal Emergency Management Agency (FEMA) designated Zone AE 100-year floodplain.³¹ The Applicant coordinated with the Putnam County Floodplain Administrator. A floodplain permit would not be required for this project.

Based on the above considerations, Staff concludes the project is unlikely to have permanent adverse impacts to described surface waters.

Threatened and Endangered Species³²

The Applicant requested information from the ODNR and the USFWS regarding state and federal listed threatened and endangered plant and animal species. Additional information was provided through field assessments and review of published ecological information. The following table provides the results of the information requests, field assessments, and document review.

MAMMALS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Indiana bat	<i>Myotis sodalis</i>	Endangered	Endangered	Known range. Applicant has committed to adhering to the seasonal tree cutting dates.
northern long-eared bat	<i>Myotis septentrionalis</i>	Endangered	Endangered	Known range. Applicant has committed to adhering to the seasonal tree cutting dates.

31. A FEMA 100-year floodplain is defined as: Any area that has a one percent chance of experiencing a base flood in any given year.

32. Based on agency coordination with the USFWS and the 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/aboutODNR/wildlife/state-listed-species>).

tricolored bat	<i>Perimyotis subflavus</i>	N/A	Endangered	Known range. Applicant has committed to adhering to the seasonal tree cutting dates.
little brown bat	<i>Myotis lucifugus</i>	N/A	Endangered	Known range. Applicant has committed to adhering to the seasonal tree cutting dates.

MUSSELS

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
rayed bean	<i>Villosa fabalis</i>	Endangered	Endangered	Known range. No in-stream work is planned. No impacts are anticipated.
clubshell	<i>Pleurobema clava</i>	Endangered	Endangered	Known range. No in-stream work is planned. No impacts are anticipated.
purple lilliput	<i>Toxolasma lividum</i>	N/A	Endangered	Known range. No in-stream work is planned. No impacts are anticipated.
pondhorn	<i>Uniomorus tetralasmus</i>	N/A	Threatened	Known range. No in-stream work is planned. No impacts are anticipated.
black sandshell	<i>Ligumia recta</i>	N/A	Threatened	Known range. No in-stream work is planned. No impacts are anticipated.

FISH

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Western banded killifish	<i>Fundulus diaphanous menona</i>	N/A	Endangered	Known range. No in-stream work is planned. No impacts are anticipated.

REPTILES

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Kirtland's Snake	<i>Clonophis kirtlandii</i>	N/A	Threatened	Known Range. No suitable habitat in project area. No impacts are anticipated.

BIRDS

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
black-crowned night heron	<i>Nycticorax nycticorax</i>	N/A	Threatened	Known range. No suitable habitat in project area. No impacts are anticipated.
least bittern	<i>Ixobrychus exilis</i>	N/A	Threatened	Known range. No suitable habitat in project area. No impacts are anticipated.
northern harrier	<i>Circus hudsonis</i>	N/A	Endangered	Known range. No suitable habitat in project area. No impacts are anticipated.

In the event that the Applicant encounters listed species during construction, Staff recommends that the Applicant contact Staff, the ODNR, and the USFWS, as applicable, within 24 hours. Staff recommends that activities that could adversely impact the identified listed animals be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies. Staff also recommends that if the Applicant encounters any listed species prior to construction, the Applicant include the location and how impacts would be avoided during construction.

Tree clearing would be necessary for the proposed project. The Applicant anticipates 5.8 acres of tree clearing would be required to construct the Preferred Route and 6.2 acres of tree clearing would be required to construct the Alternate Route. The project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), the state and federally endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). As tree roosting species in the summer months, the habitat of these species may be impacted by the project. To avoid impacts to these species, Staff recommends the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter, unless coordination efforts with the ODNR and the USFWS allows a different course of action. Further, mapping of any habitat areas should be provided to the construction contractor along with instructions to avoid these areas during the restricted dates. The Applicant has committed to limiting tree clearing for the project to the seasonal cutting dates of October 1 through March 31 in order to avoid impacts to bat species.

During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The ODNR Division of Wildlife recommended that a desktop assessment is conducted, followed by a field assessment if needed, to determine if any potential hibernaculum is present within the project area. The Applicant performed a desktop review which did not identify any potential hibernaculum within the project area.

Impacts to other listed species would be avoided as no impacts to suitable habitats are proposed for the project and no in-stream work is anticipated.

Based on the above considerations and subject to these recommendations, Staff does not anticipate impacts to these sensitive species.

Vegetation

The Preferred and Alternate routes cross through mostly agricultural and pasturelands, landscaped residential and commercial areas, and forested areas. The following table reflects the different vegetative communities present in the project area and associated impact for the facility.

Vegetation community type	Preferred Route acreage within the right-of-way	Alternate Route acreage within the right-of-way
Agricultural and Pasture/Hayfields	121.6	122.8
Residential and Commercial	12.0	13.4
Forested	5.8	6.2
Recreational Parks	3.6	1.5
Delineated Wetlands	2.9	2.8
Scrub/Shrub	1.2	1.4
Old Field	0.8	0.5

The Preferred Route would result in 5.8 acres of tree clearing while the Alternate Route would result in 6.2 acres of tree clearing. Impacts to vegetation along both the routes would be limited to the initial clearing for the proposed 80 or 100 foot transmission line right-of-way and along access roads, and operational maintenance clearing activities. Trees adjacent to the proposed right-of-way, which are significantly encroaching or prone to failure, may require clearing to allow for safe operation of the transmission line. Vegetative wastes generated during construction would be wind-rowed or chipped and disposed of appropriately depending on landowner requests. The Applicant does not anticipate the use of herbicides during construction.

Recommended Findings

Staff recommends that the Board find that the Applicant has determined the nature of the probable environmental impact for the proposed facility, and therefore complies with the requirements specified in R.C. 4906.10(A)(2), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Staff Report of Investigation entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(3)

MINIMUM ADVERSE ENVIRONMENTAL IMPACT

Pursuant to R.C. 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations.

Route Selection

The primary factors in route selection were the locations of the East Leipsic Substation and the New Liberty Substation. Most of the Preferred and Alternate routes are within the Company's existing transmission line right-of-way. The Applicant identified and quantified sensitive land uses. The analysis evaluated ecological factors such as wetlands, protected species and plant habitats, streams and preservation of existing woodlots. Visual impact assessments and proximity to residences and road crossings were also quantified. Cultural resources were evaluated in consultation with the OHPO. Finally, engineering and maintenance costs were weighed. As part of its analysis, the Applicant solicited landowner feedback in finalizing potential routes. Staff finds the Applicant's process to determine a Preferred and Alternate Route to be reasonable.

Minimizing Impacts

Geologic features are similar for both routes and no portion of either route is precluded from construction due to geological features or soil condition concerns. However, several hundred historic oil and gas well features exist between the west side of Findlay and southeast of McComb. In order to ensure minimal impact, the Applicant has proposed to conduct hydro-excavation at structures that are located within 50 feet of oil and gas well features as depicted by the ODNR Oil & Gas Well Viewer Tool.³³ Staff has adopted this proposal as a recommended condition of any certificate issued.

The Applicant has sited the facility to avoid surface waters to the greatest extent possible. The Preferred Route contains approximately 2.81 acres of wetlands while the Alternate Route contains approximately 2.74 acres of wetlands. Both amended routes would result in 83 linear feet of impact to one perennial stream. Both proposed routes would result in impacts to forested land. The Preferred Route would result in 5.8 acres of tree clearing while the Alternate Route would result in 6.2 acres of tree clearing. The Applicant identified several listed species within range of the project. Impacts to these species can be avoided by following the seasonal restrictions for construction in certain habitat types, as detailed by the ODNR and the USFWS.

The Applicant would mitigate noise impacts by limiting construction activities to daylight hours whenever feasible. Impacts to cultural and recreational resources are not anticipated. Visual impacts are limited due to low population density, nearby agricultural land use and limited transportation corridors. To minimize individual land use conflicts, the Applicant sought feedback from the transmission line landowners to reduce footprint impacts to their properties, and to

³³. ODNR Oil and Gas Well Viewer Interactive Map
<https://gis.ohiodnr.gov/MapView/?config=OilGasWells>

utilize existing transmission line corridors to the greatest extent possible to limit new additional impacts.

Conclusion

While both the Preferred and Alternate routes are viable, Staff concludes that the Preferred Route is a more efficient land use and best minimizes overall potential impacts.

Recommended Findings

Staff recommends that the Board find that the proposed facility represents the minimum adverse environmental impact, and therefore complies with the requirements specified in R.C. 4906.10(A)(3), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

CONSIDERATIONS FOR R.C. 4906.10(A)(4)

ELECTRIC GRID

Pursuant to R.C. 4906.10(A)(4), the Board must determine that the proposed electric facilities are consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facilities will serve the interests of electric system economy and reliability.

The Applicant has proposed to upgrade approximately eleven miles of existing 69 kV transmission line that runs between the existing East Leipsic Substation and the proposed Rader Road Substation to 138 kV standards. The Rader Substation would replace the existing McComb Station, a non-jurisdictional distribution substation having two 34.5/12kV transformers, but this application has not yet been filed. The McComb Substation would also be retired as part of this project. Applicant would also upgrade approximately seven miles of existing 34.5 kV distribution line that runs between the proposed Rader Road Substation and the existing New Liberty Substation to 138 kV standards. Responding to a data request, the Applicant stated that 201 wood structures on the existing East Leipsic-McComb 69 kV line would be replaced with 90 steel structures and renamed as the East Leipsic-Rader 138 kV transmission line, and 160 wood structures on the existing New Liberty-McComb 34.5 kV line would be replaced with 66 self-supporting steel monopoles and renamed as the Rader Road-New Liberty 138 kV transmission line, used to support the single circuit lines. The existing conductor of 336.4 kcmil ACSR 18/1 on the Leipsic-McComb kV Line and the existing 2/0 copper conductor on the Liberty-McComb 34.5 kV line would both be replaced by 795 kcmil ACSR 26/7. Approximately 147 new or supplemental easements would be required.

Additionally, the project would upgrade 34.5 kV equipment at the substations to 138 kV standards. It would also expand the East Leipsic Station to allow for another 138 kV transmission line, the installation of a new 138 kV circuit breaker and disconnect switches, and extended busbars. The New Liberty Station would also add one new 138 kV transmission line, along with one circuit breaker and disconnect switches and line relaying devices, to accommodate the removal of the 34.5 kV equipment.

Load Flow Studies and Contingency Analysis

The Applicant states that it performed a power flow analysis using the PSS/E combined with PowerGEM's TARA power flow software. Its analysis was similar to that done by PJM, also using the PSS/E software. The analysis identified contingency conditions which result in numerous thermal overloads, voltage magnitude, and voltage deviation planning criteria violations in the Village of Leipsic area. The lines that would be overloaded were listed the PJM Reliability Analysis Update³⁴ and in the application for this project.³⁵ The analysis also showed that all planning violations would be resolved with the completion of this project.

34. <https://www.pjm.com/-/media/committees-groups/committees/teac/2020/20201201/20201201-item-07-reliability-analysis-update.ashx> (Accessed February 15, 2023).

35. OPSB Case No. 22-0856-EL-BTX, Tables 3-1, 3-2, and 3-3.

NERC Planning Criteria

The NERC is responsible for the development and enforcement of the federal government's approved Reliability Standards, which are applicable to all owners, operators, and users of the BPS. As an owner, operator, and/or user of the BPS, the Applicant is subject to compliance with various NERC reliability standards. The NERC reliability standards are included as part of the system evaluations conducted by PJM Interconnection, LLC (PJM).³⁶

AEP Planning Criteria

AEP Ohio Transmission Company, Inc. follows internal transmission planning reliability criteria to plan its system. These criteria are required by the Federal Regulatory Energy Commission (FERC) and are filed as part of the annual FERC Form No. 715 filing. The criteria must comply with the North American Electric Reliability Corporation (NERC) Reliability Standards and PJM Interconnection, LLC (PJM) planning and operating manuals for the Bulk Electric System (BES). AEP and NERC define the BES as transmission lines rated at or above 100 kV, and transformers with secondary voltages rated at or above 100 kV. The proposed project is designed to meet AEP's transmission planning criteria. The table below highlights a portion of AEP's planning criteria.³⁷ Similar information may be obtained from the Applicant's website.³⁸

AEP TRANSMISSION PLANNING RELIABILITY CRITERIA			
System Condition	Voltage (kV)	Voltage Limit	Thermal Limits
Normal	138-345	95% - 105% of nominal voltage in the pre-contingency state following the occurrence of any operating condition P0 of the NERC Reliability Standard TPL-001-4.	No facility may exceed its normal rating in the pre-contingency state following the occurrence of any operating condition in category P0 of the NERC Reliability Standard TPL-001-4.
Contingency (single and Multiple)	138 -345	92% - 105% of nominal voltage in the post-contingency state following the occurrence of any operating condition P1 – P7 of the NERC Reliability Standard TPL-001-4. Following the occurrence of any operating condition in categories P1 – P7 of NERC TPL-001-4, a voltage deviation from system normal of 8%	No facility may exceed its emergency rating in the post-contingency state following the occurrence of any operating condition in categories P1 – P7 of the NERC Reliability Standard TPL-001-4.

36. PJM Interconnection, LLC is the regional transmission organization charged with planning for upgrades and administering the generation queue for the regional transmission system in Ohio. Generators wanting to interconnect to the bulk electric transmission system located in the PJM control area are required to submit an interconnection application for review of system impacts. The interconnection process provides for the construction of expansions and upgrades of the PJM transmission system, as needed to maintain compliance with reliability standards with the addition of generation in its footprint.

37. American Electric Power – 2022 Filing, FERC Form 715 – Annual Transmission Planning and Evaluation Report, Part 4-Transmission Planning Reliability Criteria, <https://www.pjm.com/-/media/planning/planning-criteria/aep-planning-criteria.ashx>, (Accessed February 14, 2023).

38. <https://www.aep.com/about/codeofconduct/OASIS/TransmissionStudies/>, (Accessed February 14, 2023).

		or more is not acceptable at any station.	
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PJM Interconnection

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process (RTEP).³⁹ This project would address baseline reliability issues that have been identified in the Leipsic area through AEP's FERC 715 Planning Criteria. The Applicant presented the project at the PJM Transmission Expansion Advisory Committee (TEAC) meetings of November 4, 2020 and January 6, 2021. The project was assigned the baseline ID number b3273⁴⁰. Baseline upgrades include projects planned for PJM reliability, operational performance, FERC Form No. 715, economic criteria, or State Agreement Approach projects.⁴¹

AEP Steady State Criteria

The AEP transmission system would be designed so that there are no thermal or voltage criteria violations for a maintenance outage followed by an unscheduled outage of any transmission element during off-peak load periods. Load shedding is not permitted to maintain facilities within voltage and thermal limits. Steady-state testing of the AEP transmission system is done in accordance with NERC Reliability Standard TPL-001-4.

Recommended Findings

Staff recommends that the Board find that the proposed facility is consistent with regional plans for expansion of the electrical power grid of the electric systems serving this state and interconnected utility systems, and that the facility would serve the interests of electric system economy and reliability. Therefore, Staff recommends that the Board find that the facility complies with the requirements specified in R.C. 4906.10(A)(4), provided that any certificate issued by the Board for the proposed facilities include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate

39. 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.

40. <https://www.pjm.com/-/media/committees-groups/committees/teac2020/20201201/20201201-item-07-reliability-analysis-update.ashx> (Accessed February 15, 2023).

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

Considerations for R.C. 4906.10(A)(5)

AIR, WATER, SOLID WASTE AND AVIATION

Pursuant to R.C. 4906.10(A)(5), the facility must comply with Ohio law regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

Air⁴²

Air quality permits are not required for construction or operation of the proposed facility. However, fugitive dust rules adopted under R.C. Chapter 3704 may be applicable to the construction of the proposed facility. The Applicant would control temporary and localized fugitive dust by using best management practices (BMP), such as minimizing exposed/disturbed areas, containment of excavated material, the implementation of rock pads at construction exits, and the use of water or calcium carbonate as a dust suppressant.

This project would not include any stationary sources of air emissions and, therefore, would not require air pollution control equipment.

Water⁴³

The Applicant would submit a Notice of Intent for coverage under the Ohio NPDES construction stormwater general permit, Ohio EPA Permit No. OHC000006. This permit is required by the Ohio EPA for facilities that wish to discharge water to a surface water of the State, including construction stormwater runoff. All construction sites which result in ground disturbance of one acre or more are required to obtain an NPDES permit. The permit regulates wastewater discharges by limiting the quantities of pollutants to be discharged and imposing monitoring requirements or conditions.⁴⁴ Coverage under the NPDES construction general permit also

42. The Revised Code provides for the Ohio EPA to administer and enforce the provisions of R.C. Ch. 3704 with regards to air pollution control. See e.g., RC 3704.03, 3704.161. The Ohio EPA Division of Air Pollution Control ensures compliance with the federal Clean Air Act and the Emergency Planning and Community Right-to Know Act as part of its mission to attain and maintain air quality at a level that protects the environment and public health. (Ohio EPA, Division of Air Pollution Control, <https://www.epa.ohio.gov/dapc/#188913097-featuredtopics>). The Division of Air Pollution Control develops and enforces rules in the Ohio Administrative Code, which assist the state of Ohio to: attain and maintain the National Ambient Air Quality Standards (NAAQS) contained in the Clean Air Act; fulfill the requirements set forth by the Ohio General Assembly in R.C. 3704; and protect and maintain healthy air quality for the citizens of the state of Ohio. (See, Ohio EPA, Division of Air Pollution Control Rules and Laws).

43. The Revised Code provides for the Ohio EPA to be the lead agency in administering the provisions of Ch. 6111 with regards to water quality. See e.g., RC 6111.041. For example, the Ohio EPA, among other things, “ensures compliance with the federal Clean Water Act and works to restore and enhance the integrity of Ohio’s waters.” (Ohio EPA Website, Division of Surface Water, <https://www.epa.ohio.gov/dsw/SurfaceWater/LiveTabId/113292#:~:text=Ensures%20compliance%20with%20the%20federal,the%20integrity%20of%20Ohio's%20waters.&text=We%20issue%20permits%20to%20regulate,aimed%20at%20improving%20polluted%20streams>). The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. (US EPA, Summary of Clean Water Act, <https://www.epa.gov/laws-regulations/summary-clean-water-act>).

44. OEPA, “NPDES General Permits”, <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/npdes-general-permits>.

requires the development of a SWPPP, which outlines BMP for soil erosion control. BMPs are outlined in the Rainwater and Land Development Manual, which defines Ohio's standards and specifications for stormwater management practices implemented during land development. The Rainwater and Land Development Manual includes pre-, during, and post-construction practices and measures to be taken to ensure compliance with Ohio's water quality laws, rules, and regulations and policy.⁴⁵

The Applicant stated coverage under the U.S. Army Corps of Engineer's Nationwide Permit Program is anticipated for the project.

With these measures, construction and operation of this facility would comply with the requirements of R.C. Chapter 6111, and the rules and laws adopted under that chapter.

Solid Waste⁴⁶

Debris generated from construction activities would include items such as conductor scrap, construction material packaging (including pallets, cartons, boxes, insulator crates, conductor reels, and wrapping), wire scraps, and used storm water erosion control materials. Construction materials with salvage value would be removed from the construction area for reuse or salvage. Construction debris would be hauled away in construction dumpsters and disposed of in accordance with state and federal requirements. Sanitary waste would be collected in portable units and emptied regularly by a licensed sanitary waste management contractor. The Applicant estimates that construction of the transmission line would only result in minimal waste. The Applicant's solid waste disposal plans must comply with solid waste disposal requirements set forth in R.C. Chapter 3734.

Aviation⁴⁷

The anticipated height of the electric transmission support structures is expected to be approximately 75 to 95 feet tall. The Applicant also indicated that it would utilize vehicle-mounted cranes or equivalent equipment during the construction of the proposed facility. Those heights are under the height requirement from the Federal Aviation Administration (FAA), pursuant to 14 CFR Part 77.9(a), for filing a Form 7460-1. Staff has recommended as a condition that 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, including any permits necessary for aviation clearance. The Applicant shall provide copies of permits and authorizations, including all supporting

45. OEPA, "Rainwater and Land Development", <https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/rainwater-and-land-development?msclkid=cb5f60f4b48d11ec8b5ece1ef5e16d3c>.

46. The Revised Code generally provides for Ohio EPA to administer and enforce the provisions of Chapters 3714. and 3734., in particular with regard to solid waste facilities, infectious waste treatment facilities and construction and demolition debris facilities.

47. The FAA is the authority in the U.S. government responsible for regulating all aspects of civil aviation, including issuing determinations on petitions for objects that penetrate the nation's airspace. The FAA conducts aeronautical studies for new structures that will exceed 200 feet in height under the provisions of 49 U.S.C. 44718, and applicable 14 CFR Part 77. Pursuant to R.C. 4561.32, ODOT regulates the height and location of structures and objects within any airport's clear zone surface, horizontal surface, conical surface, primary surface, approach surface, or transitional surface.

documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

According to the Applicant, the nearest public-use airports are the Findlay (FDY), Putnam County (OWX), and Ruhe's (R47) airports which are from 3.5 and 4.6 miles from the proposed transmission line. Staff has found, through the FAA, that the nearest heliport is at Blanchard Valley Hospital which is approximately 4.4 miles from the proposed transmission line.

In accordance with R.C. 4906.10(A)(5), Staff contacted the ODOT Office of Aviation during the review of this application in order to coordinate review of potential impacts of the facility on local airports. As of the date of this filing, no such concerns have been identified.

Recommended Findings

Staff recommends that the Board find that the proposed facility complies with the requirements specified in R.C. 4906.10(A)(5), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(6)

PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

Pursuant to R.C. 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

Electromagnetic Fields

Electric transmission lines generate electromagnetic fields (EMF) around the conductors, when energized. Electric fields are produced by electric charges or voltage.⁴⁸ The intensity of the electric field is a function of line voltage, the arrangement or configuration of the conductors on the transmission structure, and the distance from the transmission line.

Laboratory studies have failed to establish any strong correlation between exposure to EMF and detrimental effects on human health. Though no correlation has been established, there are still public concerns for the possibility of health effects due to exposure to the EMF of transmission lines.⁴⁹ Because these concerns exist, the Applicant has computed the EMF intensity associated with the new circuits.⁵⁰ The electric field intensities were computed using the anticipated maximum emergency loadings on the lines.

The maximum expected electric field intensity for this transmission line would be 0.61 kV/meter at the edge of the right-of-way. Normal operation or typical daily values of the EMF intensities would be lower than these computed maximum values thereby further reducing nominal EMF values. Additionally, physical structures and materials, such as walls of houses, provide shielding from electric fields.

Magnetic fields surrounding a conductor are a function of the current carried, the arrangement of the conductors, and the distance from the transmission line. The intensity of the maximum magnetic field for this project is expected to be 28.79 milligauss at the edge of the right-of-way. The Applicant has also tabulated the magnetic field intensities of many common household appliances and devices for comparison with the transmission lines.⁵¹ The Applicant states that the construction and operation of the project would comply with the requirements of the NESC.

Public Interaction and Participation

The Applicant hosted two public informational meetings for the project and maintains a website at <https://www.aeptransmission.com/ohio/NewLiberty-EastLeipsic/> with information about the project, including contact information. The Applicant commits to notify affected property owners and tenants at least seven days prior to the start of construction.

48. For example, a plugged-in lamp cord produces an electric field, even if the lamp is turned off.

49. Information on Staff's consideration of potential health impacts of EMF can be found in the ODH fact sheet entitled Electromagnetic Fields (EMF) Summary and Assessments available on the ODH website at <https://odh.ohio.gov/know-our-programs/health-assessment-section/media/summary-emf>

50. Application, 22-0856-EL-BTX, Tables 7-1 and 7-2, pages 7-2 to 7-3.

51. Application, 22-0856-EL-BTX, Table 7-3, pages 7-4 to 7-5.

The Administrative Law Judge scheduled a public hearing and an evidentiary hearing for this proceeding. The public hearing will be held on July 11, 2023, at 5:00 p.m., at the McComb Library, 113 South Todd Street, McComb, Ohio 45858. The evidentiary hearing is scheduled for 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, Columbus, Ohio 43215.

As of the filing of this report, the OPSB has not received any public comments in this case. Public comments are available to view online in the case record at <http://dis.puc.state.oh.us>.

Recommended Findings

Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and therefore complies with the requirements specified in R.C. 4906.10(A)(6), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(7)

AGRICULTURAL DISTRICTS AND AGRICULTURAL LAND

Pursuant to R.C. 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any existing agricultural district land within the Preferred and Alternate routes of the proposed major utility facility. The agricultural district program was established under R.C. Chapter 929. Agricultural district land is exempt from sewer, water, and electrical service tax assessments.

Agricultural land can be classified as an agricultural district through an application and approval process that is administered through local county auditor's offices. Eligible land must be devoted exclusively to agricultural production or be qualified for compensation under a land conservation program for the preceding three calendar years. Furthermore, eligible land must be at least 10 acres or produce a minimum average gross annual income of \$2,500.

The Preferred Route is expected to temporarily impact approximately 131 acres of agricultural land, and 21.2 acres of agricultural district land. The Alternate Route is expected to temporarily impact approximately 130.5 acres of agricultural land and 17.6 acres of agricultural district land. Both routes are expected to permanently impact 0.04 acres of agricultural land and 0.006 acres of agricultural district land.

No agricultural structures would be impacted by the project. The Applicant plans to use public records and the knowledge of landowners to identify and avoid drain tiles to the extent practical. The Applicant also pledges to immediately resolve any damage that may happen to any field drainage tile affected by the project.

Staff agrees the Applicant has an adequate plan to mitigate the impact of the project on agricultural lands.

Recommended Findings

Staff recommends that the Board find that the impact of the proposed facility on the viability of agricultural land in an existing agricultural district has been determined, and therefore complies with the requirements specified in R.C. 4906.10(A)(7).

Considerations for R.C. 4906.10(A)(8)

WATER CONSERVATION PRACTICE

Pursuant to R.C. 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

During construction, the facility may require the use of minimal amounts of water for dust control. Dust suppression measures, such as irrigation, mulching, or the application of tackifier resins, would be implemented where necessary.

However, the transmission line would not require the use of any water during operation. Therefore, the facility would comply with and incorporate maximum feasible water conservation practices as specified under R.C. 4906.10(A)(8).

Recommended Findings

The Staff recommends that the Board find that the proposed facility would incorporate maximum feasible water conservation practices, and therefore complies with the requirements specified in R.C. 4906.10(A)(8), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

IV. RECOMMENDED CONDITIONS OF CERTIFICATE

Following a review of the application filed by AEP Ohio Transmission Company, Inc, and the record compiled to date in this proceeding, Staff recommends that a number of conditions become part of any certificate issued for the proposed facility. These recommended conditions may be modified as a result of public or other input received subsequent to the issuance of this report. At this time, Staff recommends the following conditions to ensure conformance with the proposed plans and procedures as outlined in the case record to date, and to ensure compliance with all conditions listed in this Staff Report:

General Conditions

Staff has generally listed the below conditions in chronological order for ease of reference and review. The inclusion of a condition within a specified section is not intended to waive its potential application to other stages of a project and the specific language of each condition controls its application within the project.

- (1) The Applicant shall install the Preferred Route, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in this Staff Report of Investigation.
- (2) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate unless the Board grants a waiver or extension of time.
- (3) As the information becomes known, the Applicant shall file in the public docket the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (4) 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.

Preconstruction

- (5) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and shall file a copy of the agenda on the case

docket. The Applicant may conduct separate preconstruction conferences for each stage of construction.

- (6) Prior to the commencement of construction activities in areas that require permits or authorizations by federal, state, or local 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, to Staff within seven days of issuance or receipt by the Applicant and shall file such permits or authorizations on the public docket. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference(s). Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (7) At least 30 days prior to the initial preconstruction conference, the Applicant shall provide Staff, for review and acceptance, the final geotechnical engineering report. This report shall include a final summary statement addressing the geologic and soil suitability. This report shall also address any inadequacies found and proposed remedies if applicable.
- (8) The Applicant shall conduct hydro-excavation or comparable methods at structures located within 50 feet of a suspected, subsurface, historic oil and gas well feature for the purposed of avoiding impact.
- (9) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution plan for construction and operation of the project on the public docket. At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants; all residents, airports, schools, and libraries located within one mile of the project area; parties to this case; county commissioners, township trustees, and emergency responders; and any other person who requests updates regarding the project. These notices shall provide information about the project, including contact information and a copy of the complaint resolution program. The start of construction notice shall include written confirmation that the Applicant has complied with all pre-construction related conditions of the certificate, as well as a timeline for construction and restoration activities. The start of facility operations notice shall include written confirmation that the Applicant has complied with all construction-related conditions of the certificate, as well as a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket.
- (10) The Applicant shall coordinate with the appropriate authorities regarding traffic and transportation requirements necessary for construction and operation of the proposed facility. To assure compliance with this condition, prior to the preconstruction conference, the Applicant shall file a final transportation management plan, this plan shall include (but not be limited to) the following:

- a. A summary of coordination with appropriate authorities regarding traffic and transportation requirements, including temporary road closures, road use agreements, driveway permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility.
 - b. Documentation of this coordination, with copies of applicable permits or authorizations, or schedule for obtaining permits or authorizations not yet applicable.
 - c. A description of best management practices that would be implemented to maintain clean roads free of construction debris and excess mud.
 - d. Details summarizing signage and other best management practices that would ensure construction vehicles only use designated transportation routes.
 - e. Mapping of roads to be used for construction that includes identifying any anticipated permitting/authorization requirements in their respective locations.
- (11) Prior to construction, the Applicant shall file a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required.

Construction

- (12) The Applicant shall file on the public docket a complaint summary report by the fifteenth day of April, July, October, and January of each year during construction and through the first five years of operation. The report shall include a list of all complaints received through the Applicant's complaint resolution program, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved.
- (13) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday.. Construction activities that do not involve noise increases above ambient levels or light pollution at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify Staff and affected property owners or tenants of upcoming construction activities including potential for nighttime construction activities.
- (14) The Applicant shall remove all construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the Ohio EPA General NPDES permit(s) obtained for the project and the approved Stormwater Pollution Prevention Plan created for this project. All

construction debris and any contaminated soil shall promptly be removed and properly disposed of in accordance with Ohio EPA regulations.

- (15) The Applicant shall only utilize temporary stream fording to cross streams which are classified as intermittent and only when the stream segment being crossed is dry, unless coordination efforts with Staff allow a different course of action.
- (16) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to listed bat species, unless coordination with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service 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.
- (17) Should construction be delayed beyond five years of the date of the certificate, certain wildlife surveys may be required to be updated as determined by Staff and the ODNR.
- (18) 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.
- (19) The Applicant shall conduct no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat, unless coordination efforts with the ODNR allows a different course of action. If coordination with the ODNR allows in-water work in perennial streams between April 15 and June 30, the Applicant shall file proof of such coordination on the docket.

Post Construction/Operation

- (20) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.



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Summary: Staff Report of Investigation electronically filed by Mark C. Bellamy on
behalf of OPSB Staff.