

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCTION A 138-KILOVOLT
TRANSMISSION LINE IN DELAWARE
COUNTY, OHIO.

CASE NO. 22-940-EL-BTX

ENTRY

Entered in the Journal on July 6, 2023

{¶ 1} Ohio Power Company (AEP Ohio or Applicant) is a person as defined in R.C. 4906.01.

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

{¶ 3} On October 28, 2022, and January 17, 2023, AEP Ohio filed preapplication notification letters informing the Commission of its intent to file an application for a certificate of environmental compatibility and public need to construct a 138 kilovolt (kV) transmission line to upgrade service to the Consolidated Electric Cooperative to address reliability with the existing 34.5 kV transmission network and facilitate future demands for increased capacity. The transmission line would traverse approximately 3.5 miles between the Applicant's Trent Substation and Centerburg Substation through Porter and Trenton Townships in Delaware County.

{¶ 4} On March 8, 2023, AEP Ohio filed its application.

{¶ 5} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chair of the Board shall notify an applicant of the acceptance or rejection of the application as complete.

{¶ 6} By letter filed May 5, 2023, the Board notified AEP Ohio that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed Applicant to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the letter directed Applicant, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

{¶ 7} On May 23, 2023, AEP Ohio filed its notice of proof of compliance certifying service of its accepted and complete application, in accordance with the requirements in Ohio Adm.Code 4906-3-07.

{¶ 8} On May 22, 2023, AEP Ohio submitted its proof of compliance with the payment of the application fee, pursuant to Ohio Adm.Code 4906-3-7(A)(5).

{¶ 9} On June 20, 2023, a petition to intervene was filed by Thorpe Family Farms, Inc., and James Thorpe.

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

{¶ 11} Therefore, the effective date of the application shall be July 6, 2023. The administrative law judge (ALJ) finds that a local public hearing in this matter shall be held on October 3, 2023, at 6:00 p.m., at Centerburg High School, 3782 Columbus Road, Centerburg, Ohio 43011. The adjudicatory hearing shall commence on November 14, 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 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 12} Additionally, the ALJ finds that petitions to intervene in these proceedings will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09.

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

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on October 3, 2023, at 6:00 p.m., at Centerburg High School, 3782 Columbus Road, Centerburg, Ohio 43011.
- (b) An adjudicatory hearing commencing on November 14, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio 43215-3793.

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

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to: Docketing Division, the Ohio Power Siting Board, 180 East Broad

Street, Columbus, Ohio 43215-3793, and cite the above listed case number.

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

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before September 18, 2023.
- (b) On or before October 17, 2023, each party shall file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing.
- (c) All expert and factual testimony to be offered by AEP Ohio shall be filed by October 26, 2023.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by November 3, 2023.
- (e) Any stipulation entered into by the parties shall be filed by November 9, 2023, along with associated testimony supporting the stipulation. If it is only a partial stipulation, a date will be set for the submission of testimony in opposition to the stipulation, if necessary.

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

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That the effective date of the application be July 6, 2023, and the hearings in this matter be scheduled at the times and places designated in Paragraph 11. It is, further,

{¶ 19} ORDERED, That notices of the application and hearings be issued by AEP Ohio in accordance with Paragraphs 13 and 14. It is, further,

{¶ 20} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 15. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Greta See

By: Greta See
Administrative Law Judge

NJW/mef

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0940-EL-BTX

Summary: Administrative Law Judge Entry setting the effective date of the application as July 6, 2023; requiring publication of hearings; and setting the procedural schedule as follows: Staff report due September 18, 2023; local public hearing on October 3, 2023, at 6:00 p.m., at Centerburg High School; issues list due October 17, 2023; applicant testimony due October 26, 2023; intervenor and staff testimony due November 3, 2023; Any stipulation due November 9, 2023; and an adjudicatory hearing on November 14, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission electronically filed by Ms. Mary E. Fischer on behalf of Greta N. See, Administrative Law Judge, Ohio Power Siting Board.