

THE OHIO POWER SITING BOARD

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

CASE NO. 22-856-EL-BTX

ENTRY

Entered in the Journal on July 17, 2023

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

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

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

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

{¶ 5} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chair of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed March 3, 2023, the Board notified AEP Ohio Transco that its application was sufficiently complete to permit

Staff to commence its review and investigation of the application. The letter directed AEP Ohio Transco to serve appropriate government officials and public agencies with copies of the complete, certified application and provide proof of service with the Board. Further, the letter directed AEP Ohio Transco, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

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

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

{¶ 8} By Entry issued April 24, 2023, the effective date of the application was established as April 24, 2023, the public hearing was scheduled for July 11, 2023, and the adjudicatory hearing was scheduled to commence on July 25, 2023. Additionally, the Entry advised that the Board would accept petitions to intervene up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by June 2, 2023, whichever was later, and established a procedural schedule directing Staff to file its report of investigation on or before June 26, 2023; parties to file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing by July 21, 2023; AEP Ohio Transco to file all expert and factual testimony by July 14, 2021; Staff and intervenors to file all expert and factual testimony by July 20, 2023; and any stipulation entered into by the parties be filed by 10:00 a.m. on July 24, 2023, along with the associated testimony supporting the stipulation.

{¶ 9} On June 26, 2023, Staff filed its report of investigation.

{¶ 10} On July 11, 2023, the local public hearing was held, as scheduled, at the McComb Library, 113 South Todd Street, McComb, Ohio 45858.

{¶ 11} On July 14, 2023, AEP Ohio Transco filed a motion for extension and motion for leave to file a late-filed motion. In its motion, AEP Ohio Transco requests an extension of the July 14, 2023 deadline for it to file expert and factual testimony. AEP Ohio Transco submits that it is currently in negotiations with Staff regarding a settlement in this case and that both parties wish to continue such discussions in order to resolve this case in the most efficient manner possible. AEP Ohio Transco requests an extension to file its testimony on or before July 24, 2023. According to AEP Ohio Transco, Staff does not oppose such an extension.

{¶ 12} Upon review of the filing, the administrative law judge (ALJ) finds that AEP Ohio Transco has stated good cause for granting both the motion for leave to file a late-filed motion and the motion for an extension; therefore, such motions should be granted. The current filing deadlines shall be vacated, and, since July 24, the date requested by AEP Ohio Transco for the extended testimony deadline, is only one day prior to the scheduled hearing, the ALJ finds that the following procedural schedule should be established: any stipulation entered into by the parties shall be filed no later than July 24, 2023, at 12:00 p.m., along with associated testimony supporting the stipulation. If a stipulation is not filed by that time, then the July 25, 2023 adjudicatory hearing will be converted to a call-and-continue hearing, and future testimony deadlines will be scheduled by subsequent Entry.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That AEP Ohio Transco's motion for leave to file a late-file motion and motion for an extension be granted, as set forth in Paragraph 12. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Matthew J. Sandor

By: Matthew J. Sandor
Administrative Law Judge

MJA/dr

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

Case No(s). 22-0856-EL-BTX

Summary: Administrative Law Judge Entry granting AEP Ohio Transco's motion for leave to file a late-file motion and motion for an extension, as set forth in Paragraph 12, electronically filed by Debbie S. Ryan on behalf of Matthew J. Sandor, Administrative Law Judge, Ohio Power Siting Board.