

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of AEP	:	
Ohio Transmission Company, Inc. for a	:	Case No. 22-0856-EL-BTX
Certificate of Environmental	:	
Compatibility and Public Need for the	:	
Construction of the New Liberty – East	:	
Leipsic 138 kV Upgrade Project	:	

STIPULATION AND RECOMMENDATION

I. INTRODUCTION

AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco” or the “Applicant”), and the Staff of the Ohio Power Siting Board (“OPSB Staff”) (at times, collectively referred to as the “Parties”) submit and recommend this Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (“Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to Applicant’s proposed New Liberty – East Leipsic 138 kV Upgrade Project (“Project”).

AEP Ohio Transco plans to rebuild and upgrade the New Liberty – East Leipsic Transmission Line in Putnam and Hancock Counties, Ohio. The Project involves the upgrade of approximately 18 miles of 34.5-kV or 69-kV transmission line to 138-kV standards by replacing the aging wooden poles with single-structure steel poles and new conductors. The two main components of the Project include upgrading 11 miles of existing 69-kV transmission line, between the East Leipsic Substation and the proposed

Rader Road Substation, to 138-kV standards, and upgrading seven miles of existing 34.5-kV transmission line, between the proposed Rader Road Substation and the New Liberty Substation, to 138-kV standards. The Project's purpose is to strengthen the reliability of the local electric system in Putnam and Hancock Counties by replacing infrastructure that has shown significant deterioration resulting in service interruptions. Upgrading the power line voltage ensures the transmission network supports additional electric load growth in the area. A stronger transmission grid also benefits local distribution companies and electric cooperatives who receive power from the transmission lines.

The proposed Project extends from the eastern portion of Putnam County near Leipsic, Ohio to the western boundary of Findlay in Hancock County, Ohio, and passes the northern edge of the Village of McComb. The setting is largely flat agricultural land with sparse residences or other development. The existing transmission line begins at the Company's existing East Leipsic Substation on Road 5 in Leipsic and travels east to the existing McComb Substation (to be retired and replaced as Rader Road Substation) on County Road 126 in McComb, then continues southeast to the existing New Liberty Substation off Township Road 94 in the City of Findlay. The length of the existing transmission line between these substations is approximately 17.6 miles and will be upgraded and installed as an overhead transmission line to 138-kV standards. Figure 2-1 in the Application shows the Project area, Project endpoints, and the Preferred and Alternate Routes identified by the Company.

This Stipulation is the product of serious bargaining among capable and knowledgeable parties. The Parties have each participated in negotiations. This

Stipulation has been signed by the Applicant and OPSB Staff (collectively, “Signatory Parties”). Each of the Signatory Parties was represented by experienced counsel who regularly practice and participate in proceedings before the Board.

The Stipulation will benefit customers and the public interest. In the Stipulation, the Applicant has made commitments (as more fully described below) to comply with OPSB Staff conditions to minimize adverse impacts associated with the Project. The Stipulation does not violate any important regulatory principle or practice. The Project is more fully described in the Application. This Stipulation results from discussions between the Parties, who agree that it is supported by adequate data and information and is therefore entitled to careful consideration by the Board.

Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need (“Certificate”) for construction and operation of the New Liberty – East Leipsic 138 kV Upgrade Project, as identified in the Application, and subject to the conditions set forth in this Stipulation.

II. STIPULATIONS

A. Recommended Findings of Fact

The Signatory Parties agree that the record in this case, which consists of the Application, any supplemental or related information, and the Staff Report of Investigation, contains sufficient probative evidence for the Board to find and determine, as findings of fact, that:

- (1) AEP Ohio Transco is an Ohio corporation and a wholly owned subsidiary of AEP Transmission Company, LLC, which is a Delaware limited liability company.
- (2) The proposed New Liberty – East Leipsic 138 kV Upgrade Project is a “major utility facility,” as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) From September 30, 2021 – October 29, 2021, the Applicant held a virtual (due to the pandemic) public informational meeting regarding the Project.
- (4) On October 21, 2022, the Applicant filed its proof of publication of public notice to property owners and affected tenants of the date of a public informational meeting held pursuant to O.A.C. 4906-3-03(B)(2).
- (5) On October 6, 2022, the Applicant held an in-person public informational meeting regarding the Project.
- (6) On January 4, 2023, the Applicant filed the New Liberty – East Leipsic 138 kV Upgrade Project Application.
- (7) On April 24, 2023, the Administrative Law Judge issued an Entry setting the effective date for the Application to April 24, 2023, scheduling local public and adjudicatory hearings in this matter, ordering AEP Ohio Transco to notice the hearings, and establishing a procedural schedule for the filing of lists of issues and testimony.
- (8) On July 13, 2023, the Applicant filed proof of notice regarding the date, time, and location of the public hearing and adjudicatory hearing, including proof of notice of the public hearing and adjudicatory hearing to affected property owners and elected officials, in compliance with O.A.C. 4906-3-09(A).
- (9) On June 26, 2023, OPSB Staff filed its Report of Investigation (“Staff Report”).
- (10) On July 3, 2023, the Applicant filed proof of publication and second notice regarding the date, time, and location of the public hearing and adjudicatory hearing, including proof of notice of the public hearing and adjudicatory hearing to affected property owners and elected officials, in compliance with O.A.C. 4906-3-09(A).

- (11) On July 11, 2023, a local public hearing was held at the McComb Library in McComb, Ohio.
- (12) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine the basis of the need for the proposed facility, as required by Section 4906.10(A)(1) of the Ohio Revised Code.
- (13) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine the nature of the probable environmental impact of the proposed facility, as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (14) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine that the Preferred Route contained in the Application, as filed by the Applicant on January 4, 2023, if conditioned in the Certificate as recommended by the Parties, represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (15) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and its Staff to determine that construction of the Project located on Applicant’s Preferred route is consistent with plans for expansion of the regional power grid and that it will serve the interests of electric system economy and reliability, as required by Section 4906.10(A)(4) of the Ohio Revised Code.
- (16) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine that the Project will comply with Chapters 3704, 3734, and 6111, of the Ohio Revised Code and all rules and standards adopted under Sections 1501.33, 1501.34 and 4561.32 of the Ohio Revised Code, as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (17) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine that the proposed facility will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.

- (18) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine the proposed facility’s impact on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code that is located within the Preferred Route of the proposed Project, as required by Section 4906.10(A)(7) of the Ohio Revised Code.
- (19) Adequate data on the proposed New Liberty – East Leipsic 138 kV Upgrade Project has been provided to the Board and OPSB Staff to determine that the facility incorporates maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives, under Section 4906.10(A)(8) of the Ohio Revised Code. Due to the fact that the facility will not require the use of water for operation, Section 4906.10(A)(8) of the Ohio Revised Code is not applicable to certification of the Project.
- (20) The information, data and evidence in the record of this proceeding provide substantial and adequate evidence and information to enable the Board to make an informed decision on the proposed New Liberty – East Leipsic 138 kV Upgrade Project.

B. Recommended Conclusions of Law

The Signatory Parties further agree that the record in this case contains sufficient probative evidence for the Board to find and determine, as conclusions of law, that:

- (1) Applicant, AEP Ohio Transco, is a “person” pursuant to Section 4906.01(A) of the Ohio Revised Code.
- (2) The proposed New Liberty – East Leipsic 138 kV Upgrade Project is a “major utility facility” as defined by Section 4906.01(B)(2) of the Ohio Revised Code. Applicant’s Application, filed on January 4, 2023, complies with the requirements of Ohio Adm. Code 4906-5-01, et seq.
- (3) The record establishes the need for the proposed New Liberty – East Leipsic 138 kV Upgrade Project as required by Section 4906.10(A)(1) of the Ohio Revised Code.
- (4) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the proposed New Liberty

– East Leipsic 138 kV Upgrade Project as required by Section 4906.10(A)(2) of the Ohio Revised Code.

- (5) The record establishes that the proposed New Liberty – East Leipsic 138 kV Upgrade Project, if conditioned in the Certificate as recommended by the Parties, 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, as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (6) The record establishes that the proposed Preferred Route for the New Liberty – East Leipsic 138 kV Upgrade Project is consistent with plans for expansion of the regional power system and serves the interests of electric system economy and reliability, as required by Section 4906.10(A)(4) of the Ohio Revised Code.
- (7) The record establishes that the proposed New Liberty – East Leipsic 138 kV Upgrade Project, if conditioned in the Certificate as recommended by the Parties, will comply with Chapters 3704, 3734 and 6111 of the Ohio Revised Code, and all rules and regulations adopted under those chapters, and under Sections 1501.33, 1501.34 and 4561.32 of the Revised Code, all as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (8) The record establishes that the proposed New Liberty – East Leipsic 138 kV Upgrade Project, if conditioned in the Certificate as recommended by the Parties, will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (9) The record establishes the impact of the proposed New Liberty – East Leipsic 138 kV Upgrade Project on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code that is located within the Preferred Route of the proposed Project as required by Section 4906.10(A)(7) of the Ohio Revised Code.
- (10) The record establishes that the proposed New Liberty – East Leipsic 138 kV Upgrade Project incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives required by Section 4906.10(A)(8) of the Ohio Revised Code.

C. Recommended Conditions of the Certificate of Environmental Compatibility and Public Need

This Stipulation adopts the twenty conditions listed in the Staff Report of Investigation filed on June 26, 2023, with the following changes proposed to conditions (7) and (10):

Condition (7): At least 30 days prior to the ~~initial~~ preconstruction conference, ~~and at least 30 days prior to the commencement of construction,~~ the Applicant shall provide Staff, for review and acceptance, ~~the final a~~ geotechnical engineering report. This report shall include a ~~final~~ summary statement addressing the geologic and soil ~~suitability conditions of the project site~~. This report shall also address any inadequacies found ~~to date~~ and proposed remedies if applicable.

Condition (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.~~

III. EXHIBITS

The Parties agree and stipulate that the following information has been filed in the docket and is to be marked and admitted into the record as exhibits of this proceeding and that cross- examination is waived thereon:

- AEP Ohio Transco Exhibit No. 1: Application Notification Letter filed on September 19, 2022.
- AEP Ohio Transco Exhibit No. 2: Proof of Publication and Notification filed October 21, 2022.
- AEP Ohio Transco Exhibit No. 3: Application filed January 4, 2023 and certified as completed by the Board on March 3, 2022.
- AEP Ohio Transco Exhibit No. 4: Proof of Notification filed on March 21, 2023.
- AEP Ohio Transco Exhibit No. 5: Proof of Notification filed on July 13, 2023.
- AEP Ohio Transco Exhibit No. 6: Proof of Notification filed on July 3, 2023.
- AEP Ohio Transco Exhibit No. 7: Pre-filed Testimony of David J. Binger, filed on July 24, 2023.
- Joint Exhibit No. 1: This Stipulation, signed on behalf of AEP Ohio Transco, OFBF, and OPSB Staff.
- Staff Exhibit No. 1: Staff Report of Investigation filed on June 26, 2023.
- Staff Exhibit No. 2: Pre-filed Testimony of Mark Bellamy, filed on July 24, 2023.

IV. OTHER STIPULATIONS

This Stipulation is conditioned upon adoption of the Stipulation by the Board in its entirety and without material modification. Each Signatory Party has the right, in its sole discretion, to determine whether the Board’s approval of this Stipulation constitutes a “material modification” thereof. If the Board rejects or materially modifies all or any part

of this Stipulation, any Signatory Party shall have the right to apply for rehearing. If the Board does not adopt the Stipulation without material modification upon rehearing, or if the Board makes a material modification to any Order adopting the Stipulation pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then within thirty (30) days of the Board's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Stipulation by filing a notice with the Board ("Notice of Withdrawal"). No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Stipulation. If a new agreement achieves such an outcome, the Signatory Parties will file the new agreement for Board review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Board will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross examine witnesses, to present rebuttal testimony, and to brief all issues that the Board shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are successful, then some or all of the Signatory Parties shall submit the amended Stipulation to the Board for approval after a hearing if necessary.

WHEREFORE, based upon the record and the information and data contained therein, the Signatory Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation and

maintenance of the proposed New Liberty – East Leipsic 138 kV Upgrade Project as described in the Application filed with the Board on January 4, 2023.

Respectfully submitted on behalf of:

**THE STAFF OF THE
OHIO POWER SITING BOARD**

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Stipulation and Recommendation, submitted on behalf of AEP Ohio Transmission Company, Inc., was served via electronic mail, upon the following parties of record, this 24th day of July, 2023.

/s/ Sam DeWitt

Sam DeWitt

Counsel for AEP Ohio Transmission Company, Inc.

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Summary: Stipulation and Recommendation. electronically filed by Hector Garcia-Santana on behalf of AEP Ohio Transmission Company, Inc..