

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by )**  
**AEP Ohio Transmission Company, Inc. for the South )**  
**Point - Portsmouth 138 kV Transmission Line Cut-In ) Case No. 23-0576-EL-BNR**  
**Project )**

Members of the Board:

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

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval August 21, 2023, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any objections you or your designee may have with this case to my office at least four business days prior to August 21, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 23-0576-EL-BNR  
**Project Name:** South Point - Portsmouth 138 kV Transmission Line Cut-In Project  
**Project Location:** Scioto County  
**Applicant:** AEP Ohio Transmission Company, Inc.  
**Application Filing Date:** June 29, 2023  
**Filing Type:** Construction Notice  
**Inspection Date:** July 21, 2023  
**Report Date:** August 14, 2023  
**Recommended Automatic Approval Date:** August 21, 2023  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** G. Zeto, T. Crawford, A. Renick

### Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions  
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

### Project Description and Need

The AEP Ohio Transmission Company, Inc. (Applicant) has proposed the construction of a cut-in to the South Point-Portsmouth 138 kilovolt (kV) transmission line. A three-pole 138 kV structure along the existing South Point-Portsmouth 138 kV line would allow the cut-in to the recently approved Cottrell North and South 138 kV transmission line extension.<sup>1</sup> The Applicant states that two poles would be used to connect the Cottrell North and South 138 kV Transmission Line Extension to the existing double-circuit South Point-Portsmouth 138 kV transmission line, and the third pole would be used to help prevent conductors of the two circuits from physically contacting each other during swing or blowout during high wind conditions. The connection to non-OPSB jurisdictional Cottrell Station would be made with two circuits, each of approximately 1330 feet of 795 kcmil ACSR 26/7 conductor.

The Applicant states the project is part of a larger area improvements project needed to address a baseline thermal issue that occurs with the Millbrook Park-Franklin Furnace 69 kV transmission line. In particular, the Franklin-Wheelersburg 69 kV line would be overloaded to 101 percent of its capacity in the event that the Fuller-Argentum 138 kV line is lost or out of service. The

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1. The construction of the Cottrell North and South 138 kV Transmission Line Extension Project, filed as Ohio Power Siting Board Case No. 22-0950-EL-BLN, was approved on March 3, 2023.

Applicant further states that the project would help to avoid preemptive load shedding, should PJM need to implement operational controls to avoid thermal overloads.

Upgrades and modifications to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>2</sup> The need and solution for the project were submitted to stakeholders at the January 7, 2015 and the January 28, 2021 PJM Sub-Regional RTEP (SRRTEP) meetings respectively, and the project was given the PJM baseline ID number s2604.<sup>3</sup> Baseline upgrades include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).<sup>4</sup>

The Applicant proposes to begin construction in October 2023, and expects to place the project in service in January 2024. The capital cost estimate of the project is approximately \$2,500,000.<sup>5</sup>

## **Nature of Impacts**

### *Land Use*

The project is located in Porter Township, Scioto County. The project would be constructed within existing right-of-way and is primarily surrounded by agricultural land use and forested land. The nearest residence is over 300 feet east of the proposed structures. Agricultural District land is not present within the project area. The Applicant has obtained an easement for the project. No other property easements, options, or land use agreements would be necessary.

### *Cultural Resources*

The Applicant conducted a Phase I Cultural Resource Management Investigation to ascertain potential impacts to historic properties and archaeological sites. The investigation determined that adverse impacts to historic properties and archaeological sites are not expected. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff concurs with these findings.

## **Ecological Impacts**

### *Surface Waters*

The Applicant's consultant conducted a wetland and stream delineation of the project area on July 18, 2022. The consultant identified one wetland totaling 1.37 acres. No streams were identified.

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2. 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 their system impacts.

3. The Subregional RTEP Committee (SRRTEP) review and provide input on subregional RTEP projects and provide recommendations to the Transmission Expansion Advisory Committee (TEAC) concerning regional RTEP projects. See PJM Submission of Supplemental Projects for Inclusion in the Local Plan, <https://pjm.com/-/media/committees-groups/committees/srrtep-w/2021/20210217/20210217-reliability-analysis-update.ashx> (Accessed June 12, 2023).

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

5. The Applicant indicates the costs of the cut-in project is a Class 4 estimate. The costs are projected to be transmission plant and would be recovered in the AEP Ohio Transmission Company's FERC formula rate (Attachment H-20 to the PJM Open Access Transmission Tariff), and would be allocated to all customers in the AEP Zone.

No wetland impacts or in-water work are proposed for this project, thus impacts to surface waters are not anticipated.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction storm water discharge under National Pollutant Discharge Elimination System General permit for Discharges of Storm Water Associated with Construction Activity OHC000006. The Applicant would implement and maintain best management practices as outlined in the project-specific Stormwater Pollution Prevention Plan to minimize erosion and sediment to project surface waters during storm events.

This project overlaps with a Federal Emergency Management Agency 100-year floodplain. The Applicant has stated that it would obtain a Floodplain Development permit from the Scioto County Floodplain Manager for the construction of all structures within these areas.<sup>6</sup>

### *Threatened and Endangered Species<sup>7</sup>*

The Applicant received an environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on December 20, 2021 and January 14, 2022, respectively. This project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), state endangered and federally threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). The Applicant is currently proposing to cut up to 0.1 acres of trees. The ODNR and USFWS recommends only cutting trees greater than three inches diameter at breast height between October 1 and March 31 to prevent potential impacts to roosting bat species. The Applicant has committed to this seasonal tree clearing restriction. No winter hibernacula were identified within or near the project area.

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6. A floodplain area is any land area susceptible to being inundated by water from any source. See, 44 CFR 59.1. FEMA designates flood zones into moderate to low risk areas or high risk areas (i.e., 100-year floodplain areas). See, e.g. [https://efotg.sc.egov.usda.gov/references/public/NM/FEMA\\_FLD\\_HAZ\\_guide.pdf](https://efotg.sc.egov.usda.gov/references/public/NM/FEMA_FLD_HAZ_guide.pdf). Pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), states or local communities, as a condition of federal financial assistance via participation in the flood insurance program, must adopt adequate floodplain regulations ordinances. (See also, 44 CFR 59.2.).

7. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99; 1531.25; and 1531.99. See also e.g., R.C. 1531.08 states, in part: “In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals.” One of the missions of the ODNR is to “conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans.” In carrying out this mission, the ODNR considers the “status of native wildlife species [to be] very important” and therefore lists wildlife species needing protection. (ODNR, State Listed Species, [tps://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed\[1\]species](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed[1]species)). In addition to endangered species, those species classified as “threatened” are considered during OPSB project planning and approval because these species are those “whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in its becoming endangered.” Id.

This project is within range of several other listed species. Due to lack of proposed in-water work and lack of suitable habitat, impacts to these species are not anticipated.

### **Conclusion**

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this application on August 21, 2023, provided that the following conditions are satisfied. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

### **Conditions**

- (1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (2) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket prior to commencement of construction. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (3) The Applicant shall 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 ODNR and the USFWS 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.
- (4) The Applicant shall contact Staff, the Ohio Department of Natural Resources (ODNR), and the U.S. Fish and Wildlife Service (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.

**\*Jenifer French, Chair**  
**Public Utilities Commission of**  
**Ohio**  
180 E. Broad St.  
Columbus, OH 43215

**\*Gregory Slone**  
**OPSB Public Member**  
6123 Sugar Maple Dr.  
Westerville, OH 43082

**\*Lydia Mihalik, Director**  
**Ohio Department of**  
**Development**  
77 S. High St., 29<sup>th</sup> Floor  
Columbus, OH 43216

**\*Senator Kent Smith**  
**Ohio Senate**  
1 Capitol Square  
Columbus, OH 43215

**\*Bruce T. Vanderhoff, M.D.**  
**Director of Health**  
**Ohio Department of Health**  
246 N. High St., P.O. Box 118  
Columbus, OH 43215

**\*Senator Bill Reineke**  
**Ohio Senate**  
1 Capitol Square  
Columbus, OH 43215

**\*Brian Baldrige, Director**  
**Ohio Department of**  
**Agriculture**  
8995 E. Main St.  
Reynoldsburg, OH 43068

**\*Rep. Sharon Ray**  
**Ohio House of Representatives**  
77 S High St.  
Columbus, OH 43215

**\*Anne Vogel, Director**  
**Ohio EPA**  
50 W. Town St., Suite 700  
Columbus, OH 43215

**\*Rep. Michael Skindell**  
**Ohio House of Representatives**  
77 S High St.  
Columbus, OH 43215

**\*Mary Mertz, Director**  
**Ohio Department of Natural**  
**Resources**  
2045 Morse Rd., Building D-3  
Columbus, OH 43229

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**Case No(s). 23-0576-EL-BNR**

Summary: Staff Report of Investigation electronically filed by Mr. Grant T Zeto on  
behalf of Staff of the Ohio Power Siting Board.