

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of the Dayton Power & Light Company (d/b/a AES) **Case No. 23-0260-EL-BLN**
Ohio) for the Kiser Substation Interconnection 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 September 1, 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 September 1, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0260-EL-BLN
Project Name: Kiser Substation Interconnection Project
Project Location: Champaign County
Applicant: The Dayton Power and Light Company (d/b/a AES Ohio)
Application Filing Date: June 6, 2023
Filing Type: Letter of Notification
Inspection Date: August 7, 2023
Report Date: August 25, 2023
Recommended Automatic Approval Date: September 1, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. Conway, A. Renick, J. Cross, M. Bellamy

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

In this case, the Dayton Power & Light Company d/b/a AES Ohio's (Applicant) proposes to construct the new Kiser Substation and an additional support structure immediately adjacent but just outside of the substation footprint in Adams township, Champaign County. The substation would allow the Clearview Solar Farm, which is currently under construction, to interconnect and then deliver its electric power to the bulk power system (BPS).¹ At this approximately 1.7-acre substation site, the Applicant would install three 138 kilovolt (kV) circuit breakers, multiple support structures, and other necessary associated equipment. The substation would interconnect with the existing East Sidney-Quincy 138 kV transmission line in a four-breaker-ring bus connection configuration.

The Applicant's interconnection customer, Clearview Solar I, LLC (Clearview Solar), submitted two generation interconnection requests for the solar farm project to PJM Interconnection, LLC (PJM). The requests were for a total injection of 144 megawatts into the BPS. PJM assigned the

1. In the Matter of the Application of Clearview Solar I, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Champaign County, Ohio, Case No. 20-1362-EL-BGN, Opinion, Order, and Certificate (October 21, 2021).

request queue position numbers AE2-206 and AF1-078.² The Interconnection Service Agreement was executed by the Applicant, the interconnection customer, and PJM at the Federal Energy Regulatory Commission in Docket No. ER23-1176-000 First Revised Service Agreement No. 6248. The project was included in the Applicant's 2023 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 23-0505-EL-FOR.

Schedule and Cost

The Applicant expects construction of the project to begin on September 18, 2023, with an in-service date of July 1, 2024. The total cost of the proposed substation project is estimated to be \$7,154,000 and is the financial responsibility of the interconnection customer, Clearview Solar.

Nature of Impacts

Land Use and Agricultural Land

The land use in the vicinity of the project area is rural with scattered residences and large tracts of agricultural farmland. There are no residences within 800 feet of the project. The project area proposed for the substation is located on agricultural land. The Applicant confirmed with the Champaign County Auditor's office in July 2023 that the substation project would not be located on an Agricultural District Land parcel.

The substation would be constructed as an approximately 1.7-acre footprint within a 46.1-acre parcel that is currently under lease with Clearview Solar. The Board issued a Certificate to Clearview Solar to construct a solar farm on that parcel. Clearview Solar is in process to complete purchase of the parcel. Once that sale is complete the interconnection customer would transfer an approximately ten-acre portion to the Applicant. Land use impacts would be contained to the project footprint and surrounding land use would continue with minimal disruption.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review of the Phase I cultural resource management investigation (archaeology and history/architecture) that was conducted for the solar project (Clearview Solar case no. 20-1362-EL-BGN) to which this substation interconnects. The consultant identified one previously identified archaeological site, which was previously determined to be ineligible for listing on the National Register of Historic Places. The consultant identified no newly identified archaeological sites within the project area. No historic resources were identified within the area of potential effect. 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 agrees with these findings.

2. 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.

PJM Interconnection, LLC, New Services Queue (AE2-206, AF1-078) <https://pjm.com/planning/services-requests/interconnection-queues>

Ecological Impacts

*Surface Waters*³

The Applicant's consultant conducted a wetland and stream delineation of the project area on March 1, 2023. One perennial stream was observed immediately adjacent to the project's boundary. However, no streams or wetlands were identified within the project area. Therefore, 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 OHC00006. The Applicant would implement and maintain best management practices that would be outlined in the project-specific Stormwater Pollution Prevention Plan to minimize erosion and sediment to surface waters from storm events.

This project would not overlap with any Federal Emergency Management Agency 100-year floodplain.⁴

*Threatened and Endangered Species*⁵

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 January 26 and

3. The Ohio Environmental Protection Agency (OEPA) 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-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the 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/Regulatory/Program-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/discover-and-learn/safety-conservation/about-ODNR/water-resources>).

4. A 100-year floodplain is the floodplain associated with a flood that has a 1% annual chance of being equaled or exceeded in any given year.

5. 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, <https://ohiodnr.gov/wps/portal/gov/odnr/discover->

February 7, 2023, respectively. This project is within range of several listed species. Due to lack of proposed tree clearing 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 September 1, 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) 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.
- (3) 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.

and-learn/safety-conservation/about-ODNR/wildlife/state-listed-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.

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Summary: Staff Report of Investigation electronically filed by Mr. Andrew S.
Conway on behalf of Staff of the OPSB.