

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of AEP	:	
Ohio Transmission Company, Inc. for a	:	Case No. 22-0857-EL-BTX
Certificate of Environmental	:	
Compatibility and Public Need for the	:	
Construction of the Althea-Sweetgum	:	
138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line Project (“Project”).

AEP Ohio Transco plans to construct a new approximately 3.2-mile to 3.6-mile 138 kV transmission line (Althea-Sweetgum Transmission Line). The Applicant would construct, own and operate the Althea-Sweetgum Transmission Line, which would be located in Scioto County. The project is part of a larger set of projects that would address a baseline thermal criteria issue associated with the existing Millbrook Park-Franklin Furnace 69 kV Transmission Line in Scioto County. The project is approximately two miles south of the city of Wheelersburg in Scioto County and would generally run from the existing Sweetgum Substation on the northern end to the existing Althea Substation

on the southern end. The Applicant's consultant utilized field survey data to help identify route alternatives and ultimately to select the Applicant's Preferred route.

The Preferred Route is approximately 3.2 miles in length. The Preferred Route leaves the Sweetgum Substation as a single circuit 138 KV transmission line along the east side of SR-522 and then cuts east along the south side of OH-1 before cutting back west along a parcel boundary of an agricultural field to International Lane. The Preferred Route then runs south along the east side of US-52, then crosses US-52 to connect to the existing Hayport Road Switch Station. The Preferred Route then leaves the station as a double circuit 69/138 kV transmission line travelling south along the east side of the Norfolk Southern railroad corridor and the west side of US-52 before finally cutting back over US-52 and interconnecting to the Althea Substation.

The Applicant plans to complete final transmission line engineering design work prior to construction, which is anticipated to begin in February 2024 and be completed in April 2026. The Staff report and the application contain detailed maps including both the Preferred and Alternate route. This stipulation selects the Preferred Route as to facilities to be constructed.

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 Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line Project is a “major utility facility,” as defined in Section 4906.01(B)(1) of the Ohio Revised Code.

- (3) On October 13, 2022, the Applicant held a 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 January 11, 2023, the Applicant filed the Althea-Sweetgum 138 kV Transmission Line Project Application.
- (6) On May 26, 2023, the Administrative Law Judge issued an Entry setting the effective date for the Application to May 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.
- (7) On June 15, 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).
- (8) On July 24, 2023, OPSB Staff filed its Report of Investigation (“Staff Report”).
- (9) On July 26, 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).
- (10) On August 8, 2023, a local public hearing was held at the Wheelersburg Middle School in Wheelersburg, Ohio.
- (11) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.
- (12) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.

- (13) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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 11, 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.
- (14) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.
- (15) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.
- (16) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.
- (17) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.
- (18) Adequate data on the proposed Althea-Sweetgum 138 kV Transmission Line 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.

- (19) 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 Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line 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 1, 2023, complies with the requirements of Ohio Adm. Code 4906-5-01, et seq.
- (3) The record establishes the need for the proposed Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line Project as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (5) The record establishes that the proposed Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line 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 Althea-Sweetgum 138 kV Transmission Line 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 conditions (1) through (7), and (9) to (21) listed in the Staff Report of Investigation filed on July 24, 2023. In order to provide a more focused communication plan for the start of construction and start of facility operation, Condition (8) is modified as follows:

- (8) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution plan for construction and operation of the project on the public docket. At least seven days prior to

the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants; all **impacted and adjacent** residents, airports, schools, and libraries located within one mile of the project area; parties to this case; county commissioners, township trustees, and emergency responders; and any other person who requests updates regarding the project. These notices shall provide information about the project, including contact information and a copy of the complaint resolution program. The start of construction notice shall include written confirmation that the Applicant has complied with all pre-construction related conditions of the certificate, as well as a timeline for construction and restoration activities. The start of facility operations notice shall include written confirmation that the Applicant has complied with all construction-related conditions of the certificate, as well as a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket.

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 January 11, 2022.
- AEP Ohio Transco Exhibit No. 2: Proof of Publication filed October 21, 2022.
- AEP Ohio Transco Exhibit No. 3: Application filed January 11, 2023, and certified as completed by the Board on July 24, 2023.
- AEP Ohio Transco Exhibit No. 4: Proof of Notification filed on March 23, 2023.
- AEP Ohio Transco Exhibit No. 5: Proof of Notification filed on June 15, 2023.
- AEP Ohio Transco Exhibit No. 6: Proof of Notification filed on July 26, 2023.
- AEP Ohio Transco Exhibit No. 7: Pre-filed Testimony of Alicia Cross, filed on September 6, 2023.

- Joint Exhibit No. 1: This Stipulation, signed on behalf of AEP Ohio Transco and OPSB Staff.
- Staff Exhibit No. 1: Staff Report of Investigation filed on July 24, 2023.
- Staff Exhibit No. 2: Pre-filed Testimony of Robert Holderbaum, filed on September 6, 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 Althea-Sweetgum 138 kV Transmission Line Project as described in the Application filed with the Board on January 11, 2023.

Respectfully submitted on behalf of:

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

By: /s/ Rhiannon Howard
Rhiannon Howard (0099950)
Ambrosia Wilson
Assistant Attorney's General
Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, OH 43215
Telephone: (614) 644-8539
Facsimile: (866) 411-5685
Rhiannon.Howard@OhioAGO.gov
Ambrosia.Wilson@OhioAGO.gov

**AEP OHIO TRANSMISSION
COMPANY, INC.**

By: /s/ Hector Garcia
Hector Garcia (0084517),
Counsel of Record
Counsel for AEP Ohio Transmission
Company, Inc.
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Telephone: (614) 716-3410
Facsimile: (614) 619-7789
hgarcia1@aep.com

(willing to accept service by e-mail)

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

9/6/2023 11:21:08 AM

in

Case No(s). 22-0857-EL-BTX

Summary: Stipulation STIPULATION AND RECOMMENDATION, Althea-Sweetgum
Project. electronically filed by Hector Garcia-Santana on behalf of AEP Ohio
Transmission Company, Inc..