

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application of )**  
**Ohio Power Company for the E. Broad St. – Bexley 138 ) Case No. 23-0851-EL-BNR**  
**kV Cut-In Project )**

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Department of Development	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 December 18, 2023, unless suspended by the Board, an administrative law judge, 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 December 18, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 23-0851-EL-BNR  
**Project Name:** E. Broad St. – Bexley 138 kV Cut-In  
**Project Location:** Franklin  
**Applicant:** Ohio Power Company  
**Application Filing Date:** September 19, 2023  
**Filing Type:** Construction Notice  
**Inspection Date:** November 27, 2023  
**Report Date:** December 11, 2023  
**Recommended Automatic Approval Date:** December 18, 2023  
**Applicant’s Waiver Requests:** None  
**Staff Assigned:** A. Renick, M. Bellamy, T. Crawford, A. Conway

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

Application:  Approval  Disapproval  Approval with Conditions

Waiver:  Approval  Disapproval  Not Applicable

### Project Description and Need

The Ohio Power Company (Applicant) proposes the replacement of two wood monopole structures, 70 and 72, with steel monopoles on concrete pier foundations along the existing East Broad Street-Bexley 138 kilovolt (kV) transmission line. The new steel monopoles would be located near the locations of the existing poles and would remain within the existing right-of-way of the East Broad Street-Bexley line. There would be no need for additional easements, property rights, or changes to the right-of-way for this project. The height of the existing wood poles is 70 feet above ground level, and the height of the new steel poles would be approximately 81 feet above ground level.

The Applicant stated the project is needed to accommodate two new transmission lines that would provide service from the East Broad Street-Bexley 138 kV transmission line to the proposed non-jurisdictional Poth Station.<sup>1</sup> The two new 138 kV extension lines and Poth Station are needed to serve a new customer which has expressed need for 138 kV service to meet the electric energy needs of its facility.

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1. The Application for the Poth Extension East and West 138 kV Transmission Line Project, 23-0850-EL-BLN, was filed with the Ohio Power Siting Board on September 15, 2023.

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process (RTEP).<sup>2</sup> The need and solution were presented and reviewed with stakeholders at the PJM Subregional RTEP Western meetings of March 19, 2020 and the December 9, 2021, respectively. Transmission Expansion Advisory Committee meeting.<sup>3</sup> PJM has assigned the supplemental project number s2639. Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).<sup>4</sup>

The Applicant stated that the project was included in its 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio.<sup>5</sup>

The Applicant proposes to begin construction in January 2024 with an in-service date of August 2024. The estimated capital cost for the project is \$890,000.<sup>6</sup>

## **Nature of Impacts**

### *Land Use*

This project would be located in the city of Whitehall in Franklin County. The Applicant contacted the Franklin County Auditor's office on August 15, 2023 and confirmed the project would not be sited on any Agricultural District Land parcels. The project is located on commercial land with grass and brush. No parks, churches, cemeteries, wildlife management areas, or nature preserves are located within 1,000 feet of the project. No impacts to these resources are expected.

### *Cultural Resources*

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. The consultant identified no previously identified and no newly identified archaeological sites within the project area. One historic resource was identified within the area of potential effect and the consultant recommended that the historic resource is ineligible for listing in the National Register of Historic Places. 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.

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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 system impacts.

3. <https://www.pjm.com/-/media/committees-groups/committees/teac/2022/20221101/information-only---aep-local-plan-submission-of-the-supplemental-projects-for-2022.ashx> (Accessed September 28, 2023).

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

5. Ohio Power Company, "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 22-0501-EL-FOR, filed April 12, 2022, Form FE-T9, Specifications of Planned Transmission Lines, pages 113 and 114 and Form FE-T10, Summary of Proposed Substations, page 195.

6. Applicant indicates that the projected costs, composed of applicable tangible and capital costs, were obtained using a Class 4 estimate. The costs will be recovered in the Applicant's FERC Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-14), and would be assessed on all users of the AEP Zone.

## *Aviation*

The Federal Aviation Administration (FAA) and the Ohio Department of Transportation (ODOT) Office of Aviation administer regulatory programs to provide airport airspace analysis. These programs also evaluate and authorize certain obstructions near airports. The Applicant submitted a request for review by the FAA (FAA Form 7460-1) of the electric transmission support structures. According to the Applicant, the typical height of its electric transmission support structures would be approximately 81 feet tall. The FAA performed an aeronautical study (ASN numbers 2023-AGL-16371-OE and 2023-AGL-16376-OE) for these structures and concluded that the structures do not exceed the FAA's obstruction standards and would not be a hazard to air navigation if conditions in the FAA determination letters are met.

The Applicant also indicated that it would utilize cranes during the construction of the proposed facility with an anticipated height of up to 120 feet. The analysis and letters from the FAA authorize temporary construction equipment such as cranes to be used during actual construction of the transmission support structures. However, those FAA determination of no hazard letters have a caveat that if the crane height exceeds the overall heights that were evaluated in the aeronautical study, a separate authorization may need to be obtained from the FAA. Staff recommends that the Applicant file in this docket a copy of the FAA determination of no hazard letters, if applicable, for the electric transmission towers and any construction cranes.

The John Glenn Columbus International Airport is the closest airport and is located approximately 0.3 mile north of the proposed transmission line. The Applicant has not coordinated with Columbus International Airport but also does not anticipate issues with the proposed project with respect to Columbus International Airport's operations or plans at the airport. Staff recommends coordination with John Glenn Columbus International Airport during construction of the electric transmission line (e.g., provide details of the height, operating conditions, and duration of the crane work), to ensure that any necessary notification can be issued by the airport during construction for the use of any construction cranes.

The Applicant also stated that the proposed transmission line and its support structures would not be installed via helicopter.

Staff contacted the ODOT Office of Aviation during the review of this application, in accordance with R.C. 4906.10(A)(5) and 4561.341, to consult and determine potential impacts of the proposed transmission line on local airports. On November 22, 2023, the ODOT Office of Aviation sent Staff a determination email and indicated that the proposed utility pole locations and their heights do not have aviation impacts to the imaginary surfaces of the John Glenn Columbus International Airport.

## *Surface Waters*<sup>7</sup>

The Applicant's consultant conducted a wetland and stream delineation survey of the project area in July 2021 and March 2022. No streams or wetlands were identified, thus impacts to surface waters are not anticipated.

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7. The Ohio EPA 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

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater impacts under the National Pollutant Discharge Elimination System General Permit OHC000006 prior to the beginning of construction. The Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan (SWPPP) to minimize erosion, control sediment, and protect surface water quality during storm events. The SWPPP would also be provided to the city of Whitehall.

This project does not overlap with any Federal Emergency Management Agency 100-year floodplains.

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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#127147228-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/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

### *Threatened and Endangered Species*<sup>8</sup>

The Applicant received environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on August 9 and September 9, 2021, respectively. This project is within range of the state and federal endangered Indiana bat (*Myotis sodalis*), state endangered and federal threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), state endangered tricolored bat (*Perimyotis subflavus*). The Applicant is currently proposing up to 0.4 acres of tree clearing. The USFWS and the ODNR have recommended that trees greater than three inches diameter at breast height only be cut 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 potential winter hibernacula were identified within or near the project area.

This project is also within range of several other listed species. Due to lack of 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 R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends approval of this application on December 18, 2023 subject to the following conditions. 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

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8. 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-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

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 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.
- (4) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter, unless coordination efforts with the ODNR and the USFWS allow 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.
- (5) At least seven days prior to commencement to construct the electric transmission line, the Applicant shall file in this docket a copy of FAA Determination of No Hazard letters for the transmission structures for the final route. The Applicant shall also file in this docket a copy of FAA Determination of No Hazard letters relative to cranes used during construction.
- (6) At least seven days prior to commencement to construct the electric transmission line, the Applicant shall notify the John Glenn Columbus International Airport prior to construction and provide to the airport details of the height, operating conditions, and duration of the crane work.

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**Case No(s). 23-0851-EL-BNR**

Summary: Staff Report of Investigation electronically filed by Ms. Allison Renick on behalf of Staff of OPSB.