

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Ohio Power Company for the Marysville-Cadence Solar) **Case No. 23-0099-EL-BNR**
345 kV Transmission Line)

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 February 16, 2024, 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 February 16, 2024, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0099-EL-BNR
Project Name: Marysville-Cadence Solar 345 kV Transmission Line
Project Location: Union County
Applicant: Ohio Power Company
Application Filing Date: November 21, 2023
Filing Type: Construction Notice
Inspection Date: January 3, 2024
Report Date: February 9, 2024
Recommended Automatic Approval Date: February 16, 2024
Applicant's Waiver Requests: None
Staff Assigned: M. Bellamy , T. Crawford, A. Holderbaum

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 to construct a 345 kilovolt (kV) interconnection between the Cadence Solar Facility (Cadence), an Independent Power Producer (IPP), and the Marysville Substation.¹ The two spans of 345 kV transmission line, supported by one new pole outside the Marysville Substation fence and new one pole inside the substation fence, would each have a length of approximately 580 feet. In its response to a data request, the Applicant notes that 954 kcmil 54/7 ACSR would be used as the conductor for the spans from Structure 2 to the Marysville Substation, Additionally, the IPP would construct a 345 kV transmission line of approximately 1.2 miles in length from its facility to the point of interconnection, Structure 2, using 795 kcmil 26/7 ACSR as the conductor. The Applicant states the project would be constructed on property owned by the Applicant, and no new easements, access rights, options or changes to the right-of-way would be necessary.

The Applicant states the project is needed to connect the IPP solar facility to the bulk electric system interconnection through the AEP Marysville Substation using the Marysville-Cadence

1. The Certificate of Environmental Compatibility and Public Need was granted to Cadence Solar Energy LLC, Ohio Power Siting Board Case No. 20-1677-EL-BGN, on November 18, 2021.

345 kV interconnection. The project would also allow the Applicant to meet its obligation to provide connection to the PJM queue ID AD2-093. It would also allow AEP to meet its revenue metering requirements for generation interconnection customers.

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process (RTEP).² In response to a data request, the Applicant stated that it did not submit a Need and Solution presentation to PJM, since this was initiated by the interconnection customer, Cadence. The network upgrade number of n7384 was assigned by PJM on March 20, 2018. Network upgrades are modifications or additions to transmission-related facilities that are integrated with and support the transmission providers overall transmission system for the general benefit of all users of such transmission system.³

The Applicant states that the project is related to the Marysville-Union County Solar (IPP) 345 kV interconnection which was identified in its 2023 Long-Term Forecast Report to the Public Utilities Commission of Ohio.⁴

The Applicant proposes to begin construction in March 2024 with an in-service date planned for November 2024. The capital cost estimate for the project is \$1,766,000 using a Class 4 estimate and is reimbursable through the PJM process and would be the responsibility of the IPP.

Nature of Impacts

Land Use and Agricultural Land

This project would be located in Taylor Township in Union County. The Applicant contacted the Union County Auditor's office on October 24, 2023 and confirmed the project would not be sited on any Agricultural District Land parcels. The project would be located in proximity to existing utility infrastructure. Surrounding land use is agricultural. 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 five newly identified archaeological sites. The consultant recommended all five sites to be ineligible for listing in the National Register of Historic Places (NRHP). Six historic resources were identified within the area of potential effect and the consultant recommended that all of the historic resources are ineligible for listing in the

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

4. AEP Ohio Power Company, "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 23-0501-EL-FOR, April 17, 2023, Form FE-T9, Planned Transmission Lines, page 187/227.

NRHP. 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.

*Surface Waters*⁵

No streams, wetlands, or ponds are present in the project area. No portions of the project lie within a FEMA 100-year floodplain. No impacts to surface waters are anticipated.

*Threatened and Endangered Species*⁶

The project is within range of the federal and state endangered Indiana bat (*Myotis sodalis*), the federal threatened and state endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). To avoid impacts to these listed bat species, the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service recommend seasonal tree cutting dates of October 1 through March 31 for all trees that are three inches or greater in diameter. The Applicant states no tree clearing would be required for this project. No winter hibernacula were observed within the project area. No impacts to these species are anticipated.

5. 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 comprehensive watershed plans aimed at improving polluted 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>).

6. 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/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/stste-listed-species>).

This project is within range of several other state listed species. Due to the lack of suitable habitat in the project area, and the type of work proposed, 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 February 16, 2024 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 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.

OPSB Staff Report Distribution List

(the following individuals were provided a copy of this report)

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., 29th 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). 23-0099-EL-BNR

Summary: Staff Report of Investigation electronically filed by Mark C. Bellamy on
behalf of OPSB Staff.