

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of American Transmission Systems, Incorporated for)
the Angola-Eber-Vulcan 138 kV Transmission Line) **Case No. 23-0953-EL-BLN**
Rebuild and Wentworth Substation Expansion 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 4906-6.

Staff recommends the application for automatic approval on March 1, 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 March 1, 2024, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case No.: 23-0953-EL-BLN
Project Name: Angola-Eber-Vulcan 138 kV Transmission Line Rebuild and Wentworth Substation Expansion Project
Project Location: Lucas County
Applicant: American Transmission Systems, Incorporated
Application Filing Date: December 4, 2023
Filing Type: Letter of Notification
Inspection Date: January 31, 2024
Report Date: February 23, 2024
Recommended Automatic Approval Date: March 1, 2024
Applicant's Waiver Requests: None
Staff Assigned: J. Patmon, T. Crawford, M. Bellamy

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

American Transmission Systems, Incorporated (Applicant), a FirstEnergy company, proposes to expand the existing Wentworth 138 kilovolt (kV) Substation by approximately 72.4 percent, to accommodate the installation of new equipment that would enable the establishment of a five-breaker ring bus configuration which would eliminate the existing, and less reliable, single bus configuration. The project also includes transmission line work between the Ebner Substation, Wentworth Substation, and the Vulcan Substation. This includes rehabilitation of 9.7 miles of transmission line, rebuild of 0.6 miles of transmission line, and installation of 1 mile of new transmission line. Rehabilitation would include work on individual parts of a line, including select pole replacements or smaller equipment replacement. This differs from rebuild, which would be an entire replacement over a select distance. The work would also result in the removal of approximately 0.9 miles of existing transmission line. The Applicant states that 62 new wood structures would be used to replace 50 existing structures and install 12 new additional structures.

The Applicant states the expansion and upgrade of the Wentworth Station portion of the project is needed to address the outages that have occurred since 2013, which were directly related to the single bus design of the station and the three terminal line configuration. The average duration of nine momentary and nine sustained outages has been 9.25 hours. The Applicant further states the proposed five-breaker ring bus configuration at the Wentworth Station would allow for the elimination of the three-terminal line, resulting in improved reliability and operational flexibility with reduced unplanned outages for the load served.

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process.¹ The Applicant submitted the need and solution to the PJM Subregional Regional Transmission Expansion Plan Committee – Western meeting on September 28, 2018. The project was assigned the supplemental upgrade case ID number s1700.² Supplemental projects or upgrades refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).³

The project was included in the Applicant’s 2023 Long–Term Forecast Report to the Public Utilities Commission of Ohio.⁴

The Applicant expects construction of the project to begin February 2024 with an in-service date expected by January 2025. The capital cost of the station expansion and line rebuild project is estimated to be approximately \$24,110,000.⁵

Nature of Impacts

Land Use

This project would be located in Springfield Township, the village of Holland, and the city of Toledo in Lucas County. The primary land uses along the line are agricultural and residential and to a lesser extent, commercial and industrial land uses. The Applicant states there would be no significant impacts to land use on account of this project involving mostly rebuilding an existing transmission line with only one mile of new transmission line. There is one Agricultural District Land parcel within the project area, however only one new structure will be installed on the edge of the parcel, therefore the project is not expected to impact the eligibility of that parcel as Agricultural District Land.

Cultural Resources

The Applicant’s cultural resources consultant performed a literature review in reference to archaeology and history/architecture for the project. Within 0.5 miles of the project’s area of potential effect, the consultant identified one structure listed in the National Register of Historic Places, 90 Ohio Historic Inventory listed structures, 18 Ohio Archaeological Inventory listed structures, and two Ohio Genealogical Society listed cemeteries. The project is in a mostly urban area that has been heavily developed, and all but approximately one mile of the project pertains to

1. 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.

2. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/20180928/20180928-reliability-analysis-update.ashx> (Accessed December 12, 2023).

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

4. Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, and American Transmission Systems, Inc., “Long-Term Forecast Report”, Public Utilities Case No. 23-0504-EL-FOR, April 14, 2023, Form FE-T9, Specifications of Planned Transmission Lines, pages 52 and 104. (Accessed December 11, 2023).

5. The Applicant indicates that the cost of the rebuild project is a Class 3 estimate, and the project costs would be the responsibility of ATSI as the asset owner. The cost would be projected to be transmission plant, and pursuant to the PJM Open Access Transmission Tariff, would be recovered in the Applicant’s FERC formula rate (Attachment H-21), and allocated to the ATSI Zone.

rebuilding an existing line and expanding a substation. The approximately one mile of new build is near an existing railroad right-of-way. Therefore, the Applicant and Staff do not expect the project to impact cultural resources. The Applicant is coordinating with the Ohio Historic Preservation Office (OHPO) to determine if OHPO has concerns as to impacts on cultural resources. Staff is recommending a condition to complete the coordination with OHPO and mitigate any adverse impacts.

Surface Waters⁶

The Applicant's consultant conducted several surface water delineations within the approximately 179.2-acre project study area in the spring and summer of 2023.

Seventeen wetlands were identified during the surveys including four Category 1 and 13 Category 2 wetlands.⁷ No category 3 wetlands were identified. The Applicant anticipates 0.10 acre of permanent wetland impacts for the construction of the proposed substation expansion.

Seventeen streams were identified including 14 perennial, two intermittent, and one ephemeral. No impacts are anticipated to these streams, however if a stream crossing is required for access, the Applicant states that timber matting will be utilized above the ordinary high-water mark.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater discharges under General Permit OHC000006. The Applicant would also implement and maintain Best Management Practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion and control sediment during storm events, as well as coordinate stormwater permitting needs with local government agencies. The Applicant plans to seek authorization for a Nationwide Permit 57 with the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act.

Portions of the project area are located within a mapped Federal Emergency Management Agency 100-year floodplain. The Applicant states that no work is planned within the floodplain, therefore no coordination with the local floodplain administrator is expected to be necessary.

6. 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://epa.ohio.gov/divisions-and-offices/surface-water/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%20learn/safety-conservation/about-odnr/water-resources/water-resources>).

7. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

*Threatened and Endangered Species*⁸

The Applicant received coordination letter responses from the United States Fish and Wildlife Service (USFWS) in May 2023 and from the Ohio Department of Natural Resources (ODNR) in June 2023.

The responses indicated that this project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), the state endangered and federally threatened northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). The ODNR recommends that tree cutting only occur between October 1 and March 31 to prevent impacts to these species. The Applicant is proposing 24.5 acres of tree clearing and has committed to this seasonal restriction. The ODNR also recommends that a desktop habitat assessment is conducted to determine if a potential hibernaculum is present within the project area. The desktop habitat assessment completed by the Applicant did not identify potential hibernaculum within the project area.

The project is within range of the state endangered lark sparrow (*Chondestes grammacus*). This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, and patches of bare soil. The Applicant states that construction will be avoided in this type of habitat during the lark sparrow's nesting period of May 1 through July 31.

The project is also within range of several other aquatic, reptile, amphibian, and avian species. Impacts to these species are not anticipated due to lack of suitable habitat and no proposed in-stream work.

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 automatic approval of this application on March 1, 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

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

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 construction, the Applicant shall coordinate the assessment of potential effects of the proposed structures on cultural resources, if any, with Staff and the OHPO. If the resulting coordination discloses negative impacts on cultural resources, then the Applicant shall submit an amendment, a modification, or a mitigation plan to Staff to ensure compliance with this condition. Any such mitigation plan shall be developed in coordination with the OHPO and submitted to Staff for review to assure impacts to cultural resources are minimized.
- (3) Prior to the commencement of construction activities in areas that require permits or authorizations by federal, state, or local 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.
- (4) 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.
- (5) 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.
- (6) Construction in lark sparrow preferred nesting habitat types shall be avoided during the species' nesting period of May 1 through July 31. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action.
- (7) Staff recommends the Applicant install highly visible fencing between the project and adjacent wetlands prior to construction in order to prevent construction vehicles from inadvertently entering any wetland area.

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Case No(s). 23-0953-EL-BLN

Summary: Staff Report of Investigation electronically filed by Ms. Justine Patmon
on behalf of Staff of the OPSB.