

THE POWER SITING BOARD OF OHIO

IN THE MATTER OF THE APPLICATION OF
AEP OHIO TRANSMISSION COMPANY, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR THE BELL RIDGE-DEVOLA 138KV
TRANSMISSION LINE PROJECT.

CASE NO. 17-1907-EL-BTX

ENTRY

Entered in the Journal on March 27, 2018

{¶ 1} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-5 and 4906-2.

{¶ 2} On September 22, 2017, AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Company) filed with the Board a pre-application notification letter for a certificate for environmental compatibility and public need to construct a new 138 kilovolt (kV) transmission line covering approximately eleven miles through Lawrence, Fearing, and Muskingum townships in Washington County. On October 11, 2017, AEP Ohio Transco held a public information meeting to discuss the project with interested persons and landowners.

{¶ 3} Thereafter, on December 21, 2017, AEP Ohio Transco filed its application in this proceeding. AEP Ohio Transco states that the proposed Bell Ridge-Devola transmission line will improve service for customers, reduce power outages, and speed recovery of service when outages occur. AEP Ohio Transco asserts the new line will provide overall improved service and will support the development of the area's economy.

{¶ 4} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed February 20,

2018, the Board notified AEP Ohio Transco its original application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed AEP Ohio Transco, pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the letter directed AEP Ohio Transco, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

{¶ 5} On March 15, 2018, AEP Ohio Transco filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. AEP Ohio Transco also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12. The effective date of the filing of the application shall be March 15, 2018.

{¶ 6} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

{¶ 7} Accordingly, the administrative law judge (ALJ) finds that a local public hearing in this matter shall be held on June 4, 2018, at 6:00 p.m., at the Marietta Public Library, 615 Fifth Street Marietta, Ohio 45750. The evidentiary hearing shall commence on June 18, 2018, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 8} Additionally, the ALJ finds that petitions to intervene in this proceeding are due by May 18, 2018.

{¶ 9} AEP Ohio Transco should issue public notices of the application and hearings, in accordance with Ohio Adm.Code 4906-3-09. As part of the information to be included in

the notices, as required by Ohio Adm.Code 4906-3-09, AEP Ohio Transco shall include a statement that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on June 4, 2018, at 6:00 p.m., at the Marietta Public Library, 615 Fifth Street Marietta, Ohio 45750.
- (b) An evidentiary hearing commencing on June 18, 2018, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215-3793

{¶ 10} Further, regarding the initial notice required under Ohio Adm.Code 4906-3-09, AEP Ohio Transco shall include the following statement as part of the initial notice:

Petitions to intervene in the adjudicatory hearing are due no later than May 18, 2018. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above listed case number.

{¶ 11} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing including, requiring that expert or factual testimony to be offered at Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation (Staff Report) on or before May 18, 2018.
- (b) On or before May 28, 2018, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by AEP Ohio Transco shall be filed by June 8, 2018.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by June 13, 2018.
- (e) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to their case.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraph 7. It is, further,

{¶ 14} ORDERED, That notices of the application and hearings be issued by AEP Ohio Transco in accordance with Paragraphs 9 and 10. It is, further,

{¶ 15} ORDERED, That the parties file their lists of issues and testimony in accordance with Paragraph 11. It is, further,

{¶ 16} ORDERED, That Staff file its Staff Report pursuant to Paragraph 11. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

s/Stacie Cathcart

By: Stacie Cathcart
Administrative Law Judge

JRJ/sc

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3/27/2018 3:35:13 PM

in

Case No(s). 17-1907-EL-BTX

Summary: Administrative Law Judge Entry scheduling local public hearing and evidentiary hearing in accordance with Paragraph 7 electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio