

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Construction Notice of)
Duke Energy Ohio, Inc. to Relocate the Fields) Case No. 15-1257-EL-BNR
Ertel 138 Kilovolt Transmission Line Project.)

ENTRY

The Ohio Power Siting Board finds:

- (1) All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.
- (2) Duke Energy Ohio, Inc. (Duke) is a person and corporation as defined in R.C. 4906.01.
- (3) Pursuant to R.C. 4906.04, before construction can begin on any major utility facility within the state of Ohio a certificate of environmental compatibility and public need must be obtained from the Board.
- (4) R.C 4906.03(F) requires the Board to adopt rules to provide for an accelerated review of an application for a construction certificate. Ohio Adm.Code 4906-5-02(B)(1) provides that a construction notice application shall be automatically approved if the Board does not act on the filing within 42 days of the filing date. Ohio Adm.Code 4906-11-02 sets forth the requirements for the filing of a construction notice and requires the applicant to document that a copy of the construction notice was provided to the chief executive officer of each municipal corporation and county, and the head of each public agency charged with protecting the environment or of planning land use in the area in the project area.
- (5) On July 8, 2015, Duke filed a construction notice to relocate the Fields Ertel 138 Kilovolt Transmission Line Project (Fields Ertel Project), in accordance with Ohio Adm.Code 4906-11-02. Duke filed its construction notice to relocate the Fields Ertel Project to begin construction on relocating and rebuilding the existing transmission line from its current location along Fields Ertel Road to accommodate road widening and a roundabout.

- (6) Thereafter, on August 13, 2015, Duke filed an amended construction notice in this case to relocate the Fields Ertel Project. Duke noted that its initial construction notice incorrectly identified the county in which the project is located and, therefore, the referenced mailings were sent to the incorrect public officials.
- (7) On August 18, 2015, Duke filed a request that the Board close this case. Duke noted in its request that it intends to refile the Construction Notice to relocate the Fields Ertel Project in a new docket.¹
- (8) The Board agrees that the best course of action in this situation is for Duke to refile its application in a new docket. Duke incorrectly provided notice of the filing in this case with public officials in the wrong county. Therefore, Duke must refile the application and provide notice to the appropriate public officials. Since Duke's application is subject to an automatic approval process whereby the time period for automatic approval starts on the filing date of the application, by refiling the application in a new docket, a new time period for automatic approval of Duke's application will be adopted, which will provide the Board and its Staff sufficient time to review the application. Therefore, the Board finds that Duke's request to withdraw the construction notice filed in this case is reasonable and should be granted. Accordingly, the Board finds that this case should be dismissed and closed of record.

It is, therefore,

ORDERED, That Duke's request to withdraw be granted and Case No. 15-1257-EL-BNR be dismissed and closed of record. It is, further,

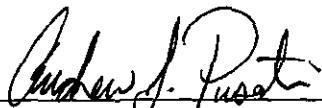
¹ On August 18, 2015, Duke refiled the construction notice to relocate the Fields Ertel Project in Case No. 15-1446-EL-BNR.

ORDERED, That a copy of this Entry be served upon all parties of record.

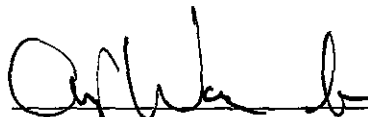
THE OHIO POWER SITING BOARD



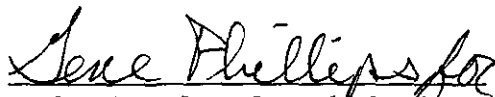
Andre T. Porter, Chairman
Public Utilities Commission of Ohio



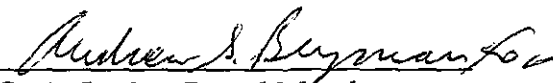
David Goodman, Board Member
and Director of the Ohio
Development Services Agency



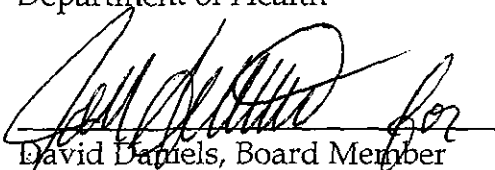
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



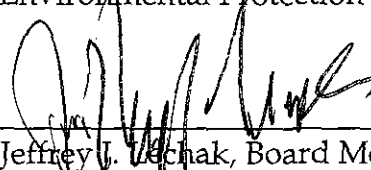
Richard Hodges, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency



David Daniels, Board Member
and Director of the Ohio
Department of Agriculture



Jeffrey I. Vechak, Board Member
and Public Member

BAM/vrm

Entered in the Journal



Barcy F. McNeal
Secretary