

THE OHIO POWER SITING BOARD

**IN THE MATTER OF THE CONSTRUCTION
NOTICE APPLICATION FILED BY DUKE
ENERGY OHIO, INC. FOR THE STATION 854
REGULATOR STATION INSTALLATION
PROJECT.**

CASE No. 18-1455-GA-BNR

ENTRY

Entered in the Journal on February 21, 2019

I. SUMMARY

{¶ 1} The Ohio Power Siting Board dismisses this application at the request of the applicant, Duke Energy Ohio, Inc. and rescinds the Staff Report of Investigation docketed October 30, 2018.

II. DISCUSSION

{¶ 2} Duke Energy Ohio, Inc. (Duke) is a person as defined in R.C. 4906.01.

{¶ 3} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 4} R.C. 4906.03(F) instructs the Board to adopt rules that provide for an accelerated review and automatic certification of a gas pipeline that is not more than five miles in length, subject to suspension for good cause shown. In accordance with R.C. 4906.03(F), the Board has adopted Ohio Adm.Code Chapter 4906-6 addressing accelerated certificate applications.

{¶ 5} Ohio Adm.Code 4906-6-02 identifies the types of accelerated applications as either letters of notification (LON) or construction notice (BNR) applications. Accelerated applications are subject to a 90-day automatic approval process.

{¶ 6} Additionally, an applicant may seek expedited treatment of an accelerated application pursuant to Ohio Adm.Code 4906-6-03. An LON application for which expedited treatment is sought is subject to a 28-day automatic approval time frame while a BNR application for which expedited treatment is sought is subject to a 21-day automatic approval process. Both types of expedited applications are subject to suspension from the expedited approval process at any time prior to the expedited process automatic approval date pursuant to Ohio Adm.Code 4906-6-04(B).

{¶ 7} On October 15, 2018, Duke filed a construction notice application seeking authority to install a new regulator station and approximately 1,500 feet of 20-inch coated steel pipe in the unincorporated community of Finneytown in Hamilton County and in the city of Cincinnati. Further, Duke sought expedited treatment of its construction notice application. Unless suspended, the automatic approval date of Duke's expedited, accelerated construction notice application is November 6, 2018.

{¶ 8} On November 5, 2018, and after the Staff had filed its Report of Investigation (Staff Report) on October 30, 2018, Duke filed a letter seeking temporary suspension of the automatic approval process in order to allow Duke to amend the application for discussion of an additional segment of the line and to afford Staff time to review this additional information.

{¶ 9} Pursuant to Ohio Adm.Code 4906-6-09, the Board, its executive director, or the administrative law judge (ALJ) may suspend an accelerated certificate application for good cause shown.

{¶ 10} By Entry issued November 5, 2018, the ALJ suspended Duke's construction notice application.

{¶ 11} On November 9, 2018, Duke filed an amendment to its construction notice application.

{¶ 12} By letter docketed on November 28, 2018, Duke sought permission to withdraw its pending construction notice application as being non-jurisdictional. In support, Duke explains that the length of the proposed pipeline more than 9 inches in outside diameter with a maximum allowable operating pressure in excess of 125 pounds per square inch is less than 500 feet and thus does not qualify as a major utility facility.

{¶ 13} On December 21, 2018, Staff docketed its final assessment of the proposed project concurring with Duke's request to withdraw the project as non-jurisdictional and requesting that the Board rescind the Staff Report filed in this case on October 30, 2018.

{¶ 14} The Board finds that Duke's request to withdraw Case No. 18-1455-GA-BNR should be granted and this case should be dismissed and closed of record. Further, the Board agrees that the October 30, 2018 Staff Report should be rescinded.

III. ORDER

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That Case No. 18-1455-GA-BNR be dismissed and closed of record. It is, further,

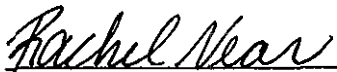
{¶ 17} ORDERED, That the October 30, 2018 Staff Report be rescinded. It is, further,

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

THE OHIO POWER SITING BOARD



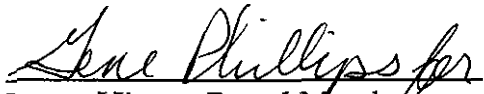
Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



Lydia Mihalik, Board Member
and Director of the Ohio
Development Services Agency

 for

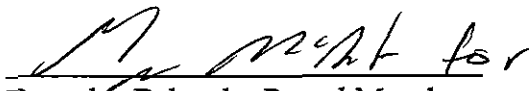
Mary Mertz, Board Member
and Director of the Ohio
Department of Natural Resources

 for

Lance Himes, Board Member
and Director of the Ohio
Department of Health

 for

Laurie Stevenson, Board Member
and Director of the Ohio
Environmental Protection Agency

 for

Dorothy Pelanda, Board Member
and Director of the Ohio
Department of Agriculture

Greg Murphy, Board Member
and Public Member

JRJ/mef

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FEB 21 2019



Tanowa Troupe
Secretary