

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE LETTER OF
NOTIFICATION APPLICATION BY DUKE
ENERGY OHIO, INC. FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE MIAMI FORT
GENERATING STATION CG25 NATURAL
GAS PIPELINE PROJECT IN HAMILTON
COUNTY, OHIO.

CASE NO. 15-94-GA-BLN

ENTRY

Entered in the Journal on April 4, 2019

I. SUMMARY

{¶ 1} The Ohio Power Siting Board cancels the certificate authority issued to Duke Energy Ohio, Inc. for failure to begin construction within two years of issuance of the certificate.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} Duke Energy Ohio, Inc. (Duke) is a corporation and a person under R.C. 4906.01(A) and is certified to construct, operate, and maintain a major utility facility, in the form of a natural gas pipeline facility in Hamilton County, Ohio.

{¶ 4} 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 Board.

{¶ 5} R.C. 4906.03(F) instructs the Board to adopt rules that provide for an accelerated review and automatic certification of a gas pipeline not more than five miles in length or needed to meet the requirements of a specific customer or specific customers. In accordance with R.C. 4906.03(F), the Board has adopted rules addressing accelerated certificate applications.

{¶ 6} On May 7, 2015, the Board approved an accelerated letter of notification (LON) certificate application to construct a 12-inch, 1.3 mile gas pipeline to the Miami Fort Generating Station in Hamilton County filed by Duke in Case No. 15-94-GA-BLN, pursuant to then applicable Ohio Adm.Code 4906-5-02.¹

{¶ 7} Pursuant to Ohio Adm.Code 4906-5-02(A)(4), if a continuous course of construction had not commenced within two years of the LON approval date, the Board's approval of the LON project automatically expired.

{¶ 8} To date, Duke has taken no action under the LON certificate to commence a continuous course of construction on the Miami Fort Generating Station project.

{¶ 9} Based on Duke's failure to begin a continuous course of construction within two years as authorized, the Board finds that Duke's authority under the certificate should be canceled and that Case No. 15-94-GA-BLN should be dismissed and closed of record.

III. ORDER

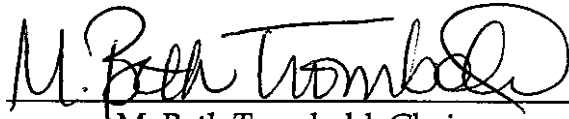
{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the authority to construct under the certificate in Case No. 15-94-GA-BLN be canceled, and that this case be dismissed and closed of record in accordance with Paragraph 9. It is, further,

¹ Ohio Adm.Code 4906-5-02(A)(2) was replaced by Ohio Adm.Code 4906-6-12(B) effective December 11, 2015.

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

THE OHIO POWER SITING BOARD



M. Beth Trombold, Chair
Public Utilities Commission of Ohio



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



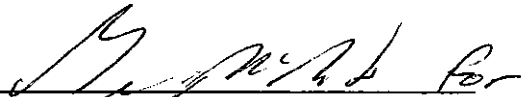
Mary Mertz, Board Member
and Director of the Ohio
Department of Natural Resources



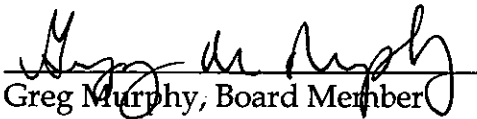
Amy Acton, M.D., MPH, Board
Member and Director of the Ohio
Department of Health



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



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




Greg Murphy, Board Member
and Public Member

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Entered in the Journal

APR 04 2019



Tanowa Troupe
Secretary