

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application of Duke Energy Ohio,  
Inc. for a Construction Notice for the 138kV/345kV Mill  
Creek Remediation Relocation Project**

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**Case No. 18-1593-EL-BNR**

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	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 July 3, 2019, 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 concerns you or your designee may have with this case to my office at least four business days prior to July 3, 2019, which is the recommended automatic approval date.

Sincerely,



Raymond W. Strom  
Chief of Siting, Efficiency and Renewables Division  
Rates and Analysis Department  
Public Utilities Commission of Ohio  
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## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 18-1593-EL-BNR  
**Project Name:** 138kV/345kV Mill Creek Remediation Relocation Project  
**Project Location:** Hamilton County  
**Applicant:** Duke Energy Ohio, Inc.  
**Application Filing Date:** April 3, 2019  
**Filing Type:** Construction Notice  
**Inspection Date:** June 7, 2019  
**Report Date:** June 26, 2019  
**Recommended Automatic Approval Date:** July 3, 2019  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** E. Morrison, M. Christopher, A. Holderbaum

### Summary of Staff Recommendations (see discussion below):

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

### Project Description

Duke Energy Ohio, Inc. (Applicant) proposes to relocate and rebuild approximately 0.05 mile of 138kV and 0.13 mile of 345kV transmission lines as well as four new steel pole structures. The project is located along Mill Creek at the Byer Steel facility north of North Bend Road in Cincinnati. The project would replace the substation connections of three existing circuits at the Terminal Substation to existing infrastructure south of that substation. The project would be constructed within existing Applicant's existing electric transmission line right-of-way easements.

The surrounding land use is industrial, and construction would commence in November 2019 during a planned outage. Construction is planned to conclude during a second planned outage in December 2020. The estimated cost of this project is approximately \$2,900,000.

### Basis of Need

The new 138kV transmission line would be installed with two new steel poles that would replace two existing steel poles. The new double circuit 345kV transmission line and two new galvanized steel poles would replace two 345kV lines and one 345kV lattice tower structure.

The purpose of this project is to facilitate on-going restoration and remediation of soils on the banks of Mill Creek. Due to the soil conditions near the creek bank, the structures to be replaced are currently at risk of failing. The transmission lines and poles would be relocated outside of the Mill Creek restoration and remediation project footprint. Relocating the structures in question away from the creek would achieve the goal of maintaining and improving the quality and reliability of electric service that the three circuits provide.

The project was not included in the Applicant's 2018 Long-Term Forecast Report (LTFR) to the PUCO. Therefore Staff recommends that the project be included in the upcoming 2019 LTFR. Furthermore, the Applicant has not filed the project with PJM because the project does not meet the requirements that would require PJM filing. The Applicant clarified to Staff that supplemental project reporting to PJM is not required because the following grid topology changes due to the project would not necessitate model changes:

1. The existing conductor from tower P16-X1-320 to the Terminal Substation would be replaced with a new conductor of the same size and type.
2. The existing conductor from pole P16-540 to the Terminal Substation would be replaced with a larger conductor. However, the negligible section of line replaced with larger conductor would not change the impedance of the line.

Nothing in this report should be construed as Staff's approval of cost recovery in any future rate proceedings.

## **Nature of Impacts**

### *Land Use*

The project site is located in a predominately industrial area in the City of Cincinnati. The project site consists mostly of land owned by the Applicant and Byer Steel, a metals recycling facility. All work would occur within existing right-of-way easement.

### *Cultural Resources*

A cultural resource survey was conducted by the Applicant to identify potential impacts to historical properties and archaeological sites. The survey determined that adverse impacts to historical properties and archaeological sites are not expected. Staff concurs with the Applicant's assessment that no further investigation is needed.

### *Surface Waters*

One perennial stream (Mill Creek) was identified within the project area. The proposed transmission line would aerially span the stream in four locations. Three structures located adjacent to the stream would be removed. The Applicant states all construction access roads would avoid crossing and disturbing the stream. Staff recommends the Applicant not conduct mechanized clearing within 25 feet of Mill Creek and only clear trees in this area which are tall enough to have the potential to interfere with safe construction and operation of the line.

No wetlands or ponds were identified within the project area. The project does cross a 100-year floodplain. Staff recommends the Applicant coordinate with the local floodplain administrator for Hamilton County to discuss any concerns and the potential need for a floodplain construction permit.

The Applicant would not be required to submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit as the project is expected to disturb less than one acre. Stream impacts would be covered under the Permit #12 from the U.S. Army Corps of Engineers without the need to submit a pre-construction notification.

### *Threatened and Endangered Species*

The project area is within the range of the state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species may be impacted by the project. In order to avoid impacts to the Indiana bat and the northern long-eared bat, the Ohio Department of Natural Resources, The U.S. Fish and Wildlife Service, and Staff recommend the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter. The Applicant has agreed to limit tree clearing to the seasonal tree cutting dates.

The project lies within several federal and state listed mussel and fish species. Due to no in-water work proposed in perennial streams, no impacts to these species are anticipated.

The project lies within the range of the state endangered American bittern (*Botaurus lentiginosus*), the state endangered cave salamander (*Eurycea lucifuga*), the state endangered lark sparrow (*Chondestes grammacus*), the state threatened Sloan's crayfish (*Orconectes sloanii*), and the state threatened Kirtland's snake (*Clonophis kirtlandii*). Due to the location, type of habitat present at the project site and within the vicinity of the project area, the type of work proposed, and that no in-water work in perennial streams is proposed, no impacts to these species are anticipated.

### **Conclusion**

Staff's review of the application included consideration of the requirements listed in R.C. Section 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this case on July 3, 2019, provided the following conditions are satisfied.

### **Conditions:**

- (1) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state 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, to Staff within seven days of issuance or receipt by the Applicant.
- (2) The Applicant shall provide a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required, to Staff within seven days of issuance or receipt by the Applicant.
- (3) The Applicant shall not conduct mechanized clearing within twenty-five (25) feet of Mill Creek and only clear trees in this area which are tall enough to have the potential to interfere with safe construction and operation of the line.
- (4) The Applicant shall include this project in its 2019 LTFR and shall file in this docket proof that this project has been included in that 2019 LTFR.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 18-1593-EL-BNR**

Summary: Staff Report of Investigation electronically filed by Adam Bargar on behalf of Staff of OPSB