

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Duke Energy Ohio for the Beckjord Structure) **Case No. 19-1114-EL-BNR**
Relocation Project)

Members of the Board:

Chair, 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 August 30, 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 August 30, 2019, which is the recommended automatic approval date.

Sincerely,



Raymond W. Strom
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OPSB STAFF REPORT OF INVESTIGATION

Case No.: 19-1114-EL-BNR
Project Name: Beckjord Structure Relocation Project
Project Location: Clermont County
Applicant: Duke Energy Ohio
Application Filing Date: May 31, 2019
Filing Type: Construction Notice
Inspection Date: June 7, 2019
Report Date: August 23, 2019
Recommended Automatic Approval Date: August 30, 2019
Applicant's Waiver Requests: none
Staff Assigned: A. Holderbaum, S. Islam

Summary of Staff Recommendations (see discussion below):

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

Project Description

Duke Energy Ohio (Applicant) proposes to construct one 138 kilovolt (kV) steel structure and relocate an existing circuit 150 feet to the new structure and an existing tie-in structure. The new structure would be placed approximately 0.05 mile east of the Beckjord Station. The Applicant proposes to begin construction on November 1, 2019 and place the line in-service by December 6, 2019. The Applicant estimates the total cost of the project at \$300,000.

Site Description

The structure to be installed is located on the Beckjord Substation site in the village of New Richmond, Clermont County. The surrounding land use is mainly industrial, with some wetlands and forested land to the east. The entire project would be located within existing right-of-way owned by the Applicant. Construction would occur within the Applicant's permanent right-of-way.

Basis of Need

The Applicant states the purpose of this project is to relocate an existing circuit (Feeder 1887), due to the retirement of all energy generation at the Beckjord Generation Station. The project aims to enhance operating flexibility by allowing the two circuits to connect to multiple points in the Beckjord Substation, and to increase reliability by eliminating potential common-mode outages of both Feeder 1887 and 1889. The Applicant identified the need for the proposed transmission line

project in the 2018 Duke Long-Term Forecast Report to the Public Utilities Commission of Ohio.¹
² The proposed project is not expected to adversely impact the existing transmission grid. Staff concludes that the Applicant has demonstrated the basis of need due to the reliability issues. The proposed facility should allow the transmission system to provide safe, reliable electric service.

Nature of Impacts

Socioeconomic Impacts

The proposed structure would be located in the vicinity of the Beckjord Substation site between the Ohio River on the west, U.S. 52 to the east, and Beckjord Road to the north. Existing roads and a parking lot would allow the Applicant to access the site. The Applicant stated that it sent notification about the project to area public officials and the local public library. No temporary easements would be required from adjacent property owners for access roads. The Applicant has received clearance from the Federal Aviation Administration for no-hazard determinations to navigable airspace.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects for the project. The review identified one previously recorded archaeological site and two previously recorded historic structures outside of the project location but within the one-mile buffer of the proposed project. The Applicant concluded, and Staff concurs, that Phase I investigatory work is not necessary, because the project is located within already disturbed contexts and would not impact any significant cultural resources.

Surface Waters

The proposed project area contains one perennial stream, one Category 2 wetland, and one Category 1 wetland. All three resources would be aerially spanned by the project and the new structure would be installed outside of stream and wetland boundaries. The structure to be installed is within a wetland. Impacts to the wetland would be less than the 0.1-acre threshold for reporting to the U.S. Army Corps of Engineers (USACE) and the Ohio Environmental Protection Agency. The existing structure would be replaced with a single structure and would be covered under the Nationwide Permit #12 from the USACE 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 (ODNR), 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.

1. "Duke Energy Ohio, Inc. LTFR," Public Utilities Commission of Ohio Case No. 18-484-EL-FOR, <http://dis.puc.state.oh.us>.

2. R.C. 4935.04(C) and Ohio Adm.Code. 4901:5-5.

The project lies within the range of several federal and state listed mussel and fish species. Due to no in-water work proposed in perennial streams, the type of habitat present at the project site and within the vicinity of the project area, no impacts to these species are anticipated.

The project lies within the range of the state endangered northern harrier (*Circus cyaneus*), and the state threatened Kirtland's snake (*Clonophis kirtlandii*). Due to the location and the type of habitat present at the project site and within the vicinity of the project area, no impacts to these species are anticipated.

The project lies within the range of the potentially state threatened Virginia mallow (*Ripariosida hermaphrodita*). The ODNR Division of Natural Areas and Preserves indicated in their response letter to the Applicant on May 2, 2019, that this project could possibly impact this species. ODNR recommends the Applicant conduct a pre-construction survey of the proposed project site to ensure the species is not impacted. Staff concurs with this recommendation and further recommends the Applicant coordinate with the ODNR Division of Natural Areas and Preserves' Chief Botanist Rick Gardner in order to assure impacts to this species are avoided.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this application on August 30, 2019, provided that the following conditions are satisfied. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

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 adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than three inches in diameter, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service allows a different course of action.
- (3) Prior to construction, the Applicant shall conduct a presence/absence survey of the project site for the Virginia mallow. The Applicant shall coordinate the results of the survey with Staff and the ODNR Division of Natural Areas and Preserves to determine the next course of action.

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Case No(s). 19-1114-EL-BNR

Summary: Staff Report of Investigation electronically filed by Mr. Matt Butler on behalf of Staff of OPSB