

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application by )**  
**Duke Energy Ohio, Incorporated for a Certificate of )**  
**Environmental Compatibility and Public Need for the ) Case No. 20-0346-EL-BLN**  
**Port Union to Mulhauser Rebuild Project )**

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. However, pursuant to the Entry issued on March 17, 2020, in Case No. 20-0601-GE-UNC, such automatic approval has been tolled.

Staff recommends the application for approval, 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.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 20-0346-EL-BLN  
**Project Name:** Port Union to Mulhauser Rebuild Project  
**Project Location:** Butler County  
**Applicant:** Duke Energy Ohio, Incorporated  
**Application Filing Date:** February 22, 2020  
**Filing Type:** Letter of Notification  
**Inspection Date:** February 25, 2020  
**Report Date:** May 8, 2020  
**Recommended Automatic Approval Date:** n/a  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** G. Zeto and S. Halter

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

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

### Project Description

Duke Energy Ohio, Incorporated (Applicant) proposes to rebuild approximately 2.75 miles of the existing Port Union to Mulhauser 138 kilovolt (kV) transmission line. The proposed rebuild includes the replacement of 15 galvanized steel lattice structures and one wooden pole with 14 double circuit steel monopoles and three single circuit steel monopoles with concrete foundations. The Applicant plans to commence construction of the project in May 2020 and place the facility in service by approximately June 2021. The estimated capital costs of this project total approximately \$6 million.

## **Basis of Need**

This project is needed to resolve a North American Electric Reliability Corporation (NERC) violation.<sup>1</sup> PJM's 2021 model, produced in 2016, uncovered the need for this project, which needs to be put in service by June 1, 2021 to resolve the reliability standard violation.<sup>2</sup>

The Port Union to Mulhauser line exceeds its thermal limit under N-1-1 contingency conditions with the loss of the Todhunter to Rockies Express 138 kV line and the Foster to Garver 345 kV line. This is a violation of the NERC Reliability Standard TPL-001. The proposed project would replace the current conductor with 954 ACSS/TW conductor. This would bring the summer rating of the line up to 300 MVA, which would address the identified thermal overload as required by NERC.

The project would provide more reliable electric service to the residential, commercial, and industrial loads in the service area, which includes Butler County. Since all work would be done entirely in Duke Energy Ohio's existing right-of-way, there are no viable alternatives to this proposed project. The project was submitted to PJM and was given baseline number b2901. The progress of this project can be tracked on PJM's website.

## **Nature of Impacts**

### *Land Use*

The proposed project is located in the city of Fairfield and West Chester Township. All construction would be located within existing right-of-way easements held by the Applicant. Land use in the vicinity of the project is primarily commercial and industrial. The right-of-way does not cross any agricultural district parcels.

### *Cultural Resources*

The Applicant conducted a cultural resource survey to ascertain potential impacts to historic properties and archaeological sites. The survey determined that adverse impacts to historic properties and archaeological sites are not expected. Staff concurs with the survey results.

### *Surface Waters*

The survey corridor contains eight streams, including one perennial stream and seven intermittent streams. No in-water work is planned, and no direct stream impacts are anticipated.

The survey corridor contains four wetlands totaling 1.4 acres, including one category 1 wetland and three category 2 wetlands. No structures would be located within wetlands and no permanent

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1. The North American Electric Reliability Corporation (NERC) is a not-for-profit international regulatory authority whose mission is to assure the effective and efficient reduction of risks to the reliability and security of the grid. NERC develops and enforces reliability standards; annually assesses seasonal and long-term reliability; monitors the bulk power system through system awareness; and educates, trains, and certifies industry personnel. NERC is the electric reliability organization for North America, subject to oversight by the Federal Energy Regulatory Commission and governmental authorities in Canada.  
(<https://www.nerc.com/AboutNERC/Pages/default.aspx>)

2. PJM Interconnection, LLC is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

wetland impacts would occur. Construction access would require wetland and stream crossings. The Applicant would use timber matting to minimized temporary impacts.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Permit. Erosion control measures including silt fencing would be used where appropriate to minimize runoff impacts to surface water resources. The project would overlap with 100-year floodplain area, however the project is exempt from a floodplain permit in accordance with the Butler County Flood Damaged Prevention Regulations.

#### *Threatened and Endangered Species*

Tree clearing associated with maintenance of the existing right-of-way has occurred within the last three years and occurred independent of the proposed work. No trees greater than three inches in diameter would be cleared as part of the proposed project. Impacts to state a federal listed species would not occur due to no proposed in-water work or impacts to unique habitats.

#### **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 approval of this application subject to the following condition. 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.

#### **Condition:**

- (1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

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

**Commission of Ohio Docketing Information System on**

**5/8/2020 1:30:22 PM**

**in**

**Case No(s). 20-0346-EL-BLN**

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