

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application)
of Duke Energy Ohio, Inc. for a Certificate of)
Environmental Compatibility and Public Need for the) Case No. 20-1778-EL-BLN
Pierce Substation Transmission Line F4502 Relocation)
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.

Staff recommends the application for automatic approval January 12, 2021, 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 January 12, 2021, which is the recommended automatic approval date.

Respectfully submitted,

Merna White

Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 20-1778-EL-BLN
Project Name: Pierce Substation Transmission Line F4502 Relocation Project
Project Location: Clermont County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: December 18, 2020
Filing Type: Expedited Letter of Notification
Inspection Date: December 23, 2020
Report Date: January 5, 2021
Recommended Automatic Approval Date: January 12, 2021
Staff Assigned: G. Zeto, J. Cross

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

Duke Energy Ohio, Inc. (Applicant) proposes to relocate 0.23 mile of 345 kilovolt (kV) transmission line, including two steel monopole structures with concrete foundations in support of the Pierce Substation Expansion Project which was approved under case number 20-0262-EL-BNR on June 8, 2020. The relocation serves to terminate the line on a new position on the existing Pierce Substation take-off structure. The project is located in Pierce Township in Clermont County. Construction for the project is anticipated to begin in February 2021, with an in-service date of July 2022.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning process.¹ Staff verified the need for this project through consultation of PJM's baseline projects. Baseline projects include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).²

1. 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.

2. PJM Manual 14B: PJM Region Transmission Planning Process.

This most recent scope of the project was presented and reviewed with PJM stakeholders at the Transmission Expansion Advisory Committee on December 14, 2017.³ The project was issued baseline PJM upgrade ID b2977.2, whereby the project status can be tracked on PJM's website.⁴ The project was included in the Applicant's 2020 Long Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 20-0375-EL-FOR.⁵

The Applicant states the proposed relocation of the transmission line along with the Board approved Pierce Substation Expansion Project would resolve criteria violations on Duke's transmission facilities.⁶

The cost of the overall project is estimated at \$2,000,000.⁷

Nature of Impacts

Land Use

The project is located adjacent to State Highway 52 and just south of Beckjord Road in Pierce Township, Clermont County and is surrounded by open space, forested land, and existing utility infrastructure. There are numerous utility lines and two generating stations located in the area. The project is not located within any agricultural district lands. No residential structures are located within 100 feet of the project, and no structures would need to be removed to construct this project. There are no parks, churches, cemeteries, wildlife management areas, or nature preserve areas located within 500 feet of the project. All work to be performed for this project is located on property owned by the Applicant and an existing Duke Energy Ohio right-of-way within Ohio Valley Electric Corporation property. No additional property easements or approvals from landowners would be needed for the proposed project.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review for the project. No cultural or historic resource were identified in the project area. The project would not involve or impact any significant cultural resources or landmarks. Staff agrees with the Applicant that no further cultural resource management work is necessary.

Surface Waters

No streams were identified within the project area. No in-water work is planned, and no direct stream impacts are anticipated.

3. PJM Interconnection, "Transmission Expansion Advisory Committee," December 14, 2017, Final 2017 RTEP Proposal Window #1 Recommendations, available at: <https://pjm.com/-/media/committees-groups/committees/teac/20171214/20171214-reliability-analysis-update.ashx> (Accessed December 21, 2020).

4. PJM Interconnection, "Transmission Construction Status," available at: <https://pjm.com/planning/project-construction.aspx> (Accessed December 21, 2020).

5. Duke Energy Ohio, Inc., "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 20-0375-EL-FOR, July 1, 2020.

6. In the Matter of the Construction Notice Application of Duke Energy Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for the Pierce Substation Expansion Project, Case No. 20-0262-EL-BNR, Staff Report of Investigation, June 1, 2020.

7. Applicant indicates that the entire cost, approximately \$2,000,000, will be included in the Applicant's formula rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-22) and would be assessed on all transmission customers within the Duke Energy zone.

The survey corridor contains one wetland totaling 0.1 acres. No structures would be located within wetlands and no permanent wetland impacts would occur. Construction access would not require wetland and stream crossings. Due to impacts totaling greater than one acre of ground disturbance, the Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Permit. Staff does not anticipate issues with the procurement of this permit. The project does not cross a 100-year floodplain and no floodplain permit would be required.

Threatened and Endangered Species

Some tree clearing would be required for this project. The project area is within the range of 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 would be impacted by the project. In order to avoid impacts to the Indiana bat and northern long-eared bat, the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service recommend seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter. The Applicant states it would follow the seasonal tree clearing guidelines in order to avoid impacts to these species.

Impacts to other state and federal listed species are not anticipated, due to no proposed in-water work and a lack of suitable habitats.

Recommended Findings

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 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 January 12, 2021, subject to the conditions below. 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) 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.
- (2) 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, on the case docket prior to commencement of construction.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1778-EL-BLN

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