

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Expedited Letter of Notification)
Application of Duke Energy Ohio, Inc. for a Certificate)
of Environmental Compatibility and Public Need for) Case No. 20-0007-EL-BLN
the Morgan T-Line Separation 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 February 3, 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 February 3, 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: 20-0007-EL-BLN
Project Name: Morgan T-Line Separation Project
Project Location: Hamilton County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: January 5, 2021
Filing Type: Expedited Letter of Notification
Inspection Date: January 22, 2021
Report Date: January 27, 2021
Recommended Automatic Approval Date: February 3, 2021
Staff Assigned: A. Holderbaum, 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 separate the F1689 and F5783 transmission lines. The project includes constructing seven new steel structures with approximately 1.14 miles of new 138 kilovolt (kV) transmission line. The new transmission line would connect the Morgan Substation to the existing F5783 138 kV transmission line. The project is located in Whitewater Township in Hamilton County. Construction for the project is anticipated to begin in February 2021, with an in-service date of December 2021.

The Applicant states that the existing F1689 and F5783 138 kV circuits would be separated by moving circuit F5783 into its own transmission corridor. Moving F5783 into its own transmission corridor would provide a reliable second source of power to Duke's new Energy Operations Center and provide greater system reliability to the area by allowing the transmission lines to be sectionalized during an outage or maintenance event.

This project was presented and reviewed with PJM Interconnection, LLC (PJM) stakeholders at the Subregional RTEP Committee on January 24, 2017.^{1, 2} The project was issued supplemental PJM upgrade ID s1236, whereby the project status can be tracked on PJM's website.³

The project was included in the Applicant's 2020 Long Term Forecast Report to the Public Utilities Commission of Ohio, filed in case number 20-0375-EL-FOR.⁴ The capital cost of this proposed transmission line project is estimated to be \$6,000,000.⁵

Nature of Impacts

Land Use

The project is located just west of Dry Fork Road where it originates at the Morgan Substation in Whitewater Township, Hamilton County and goes east across Interstate 275 (I-275) where it ties into the F5783 transmission line just west of Morgan Road. The surrounding area is made up of agricultural land, residential and commercial properties, industrial properties, highway, and forested land. 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.

Work to be performed for this project is located on seven different parcels. One of these parcels is owned by the Applicant. Five of the parcels are nearby landowners for which the Applicant has obtained easements. One of the property owners is the State of Ohio, as a small portion of the proposed transmission line aerially spans I-275. The Applicant states it is coordinating with the Ohio Department of Transportation (ODOT) for this crossing and will obtain the appropriate Maintenance of Transportation (MOT) Permit and an aerial crossing permit for the crossing prior to the start of construction in this section of the line. The Applicant estimates three to five days for the pulling of the transmission line construction over the highway and anticipates receiving the MOT Permit within two weeks of issuance of approval of the project. Once the transmission line pulling schedule has been determined, the Applicant states it will then coordinate with the ODOT

1. PJM 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 Interconnection, "Subregional RTEP Committee - Western," January 24, 2017, Reliability Analysis Update <https://pjm.com/-/media/committees-groups/committees/srrtep-w/20170124/20170124-reliability-analysis-update.ashx> (Accessed January 19, 2021).

3. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed January 13, 2021).

A Supplemental Project is defined in the PJM Operating Agreement as a transmission expansion or enhancement that is not required for compliance with the following PJM criteria: system reliability, operational performance or economic criteria, pursuant to a determination by the Office of the Interconnection and is not a state public policy project pursuant to Operating Agreement, Schedule 6, section 1.5.9(a)(ii). See also, PJM Manual 14B: PJM Region Transmission Planning Process, Revision 48, effective October 1, 2020, available at: <https://www.pjm.com/-/media/documents/manuals/m14b.ashx>.

4. 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.

5. Applicant indicates that the entire cost, approximately \$6,000,000, 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 Ohio & Kentucky (DEOK) zone.

for the appropriate crossing permit. This permit will be obtained prior to construction over the highway.

Cultural Resources

The Applicant conducted a cultural resource survey to ascertain 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 determination of the survey.

Surface Waters

Eleven streams, including three intermittent, six ephemeral, and two perennial streams, were identified within the project area. Four industrial ponds are located within the project area. The project will avoid all four ponds. Several streams will be aerially spanned by the proposed transmission line. No structures will be placed in stream boundaries. No in-water work is planned, and no direct stream or pond impacts are anticipated.

The survey corridor contains one Category 1 wetland. 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 Applicant's procurement of this permit. The project does cross a Federal Emergency Management Agency (FEMA) 100-year floodplain area. The Applicant states it will obtain a floodplain permit from the Local Floodplain Administrator of Hamilton County prior to the start of construction in the floodplain.

Threatened and Endangered Species

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 February 3, 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.
- (3) 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 and the U.S. Fish and Wildlife Service allows a different course of action.
- (4) The Applicant shall obtain a Floodplain Permit from the Hamilton County Floodplain Administrator prior to the start of construction in a FEMA 100-year floodplain area.

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Case No(s). 20-0007-EL-BLN

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