

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 the F9787 Line GLT            )**   **Case No. 20-1610-EL-BLN**  
**Realignment 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 (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval February 8, 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 8, 2021, which is the recommended automatic approval date.

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:** 20-1610-EL-BLN  
**Project Name:** F9787 Line GLT Realignment Project  
**Project Location:** Hamilton County  
**Applicant:** Duke Energy Ohio, Inc.  
**Application Filing Date:** November 9, 2020  
**Filing Type:** Letter of Notification  
**Inspection Date:** January 21, 2021  
**Report Date:** February 1, 2021  
**Recommended Automatic Approval Date:** February 8, 2021  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** T. Crawford, J. Pawley, G. Zeto

### 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 (Duke Energy Ohio or Applicant) proposes to replace and realign a 0.27-miles section of the 138 kilovolt (kV) F9787 Transmission Line with 0.21 miles of line. The project would remove one pole and realign five others and would reductor the 138 kV F9787 Transmission Line.

By replacing deficient wooden poles with embedded steel structures and reductoring the lines of this section, the project will improve system reliability, reduce power outages and restoration times, and relocate the transmission line away from traffic signals and off of private property and into the right-of-way.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>1</sup> The Applicant expects construction of the project to begin in March 2021 and will be in service in December 2021.

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<sup>1</sup> 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.

The Applicant indicates that it did not include this project in its 2020 Long-Term Forecast Report (LTFR) because “construction of this project will not change the model significantly, therefore does not need reporting.”<sup>2</sup> The Applicant estimates the total cost of the Project to be approximately \$700,000.<sup>3</sup>

## **Nature of Impacts**

### *Land Use*

The project is located approximately at the intersection of Interstate 275 and U.S. Route 27 in Colerain Township, Hamilton County at the northwestern edge of the city of Cincinnati. The predominant land use is road right-of-way and existing utilities, including some commercial and residential land uses. The project would not cross any agricultural district parcels. The nearest residential structure is located approximately 100 feet from the project, and no structures would need to be removed to construct this project. No parks, churches, cemeteries, wildlife management areas, or nature preserve areas would be impacted by the project.

### *Cultural Resources*

The Applicant 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*

The right-of-way contains three perennial streams and one ephemeral stream. No poles would be located in streams and no in-water work is planned. One existing pole, structure 107H-1695, is located close to an eroding stream bank. The Applicant has committed that this structure would be removed by cutting it at the grade level and leaving the underground portion in place in order to prevent contributing to erosion issues. No wetlands were delineated within the project area. Construction access plans are designed to fully avoid impacts to surface water resources.

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. As part of this permit, erosion control measures including silt fencing would be used where appropriate to minimize runoff

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PJM’s RTEP identifies transmission system additions and improvements needed to keep electricity flowing to the millions of people throughout PJM’s region. See PJM Regional Transmission Expansion Plan, <https://www.pjm.com/library/reports-notice/rtep-documents.aspx> (accessed December 08, 2020).

<sup>2</sup> Staff notes Ohio Revised Code (R.C.) 4935.04 requires an LTRF to include a: “description of proposed changes in the transmission system planned for the next five years.” This project being a “change” to the transmission system, Staff recommends the Applicant include future changes to the transmission system, even those that “will not change the model significantly,” within its LTFR.

<sup>3</sup> The Applicant indicates that approximately \$625,000 of the \$700,000 estimated project costs is projected to be transmission plant and will be included in the Duke Energy Ohio & Kentucky (DEOK) FERC Formula rate in Attachment H-22. Any costs included in the Attachment H-22 are assessed on all users of the Duke Energy Zone transmission system. The remaining \$75,000 of the estimated cost will be recovered through the Distribution Capital Investment (DCI) Rider or distribution base rates.

impacts to nearby streams. 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 has committed to following these seasonal tree clearing guidelines. The proposed project is not expected to impact any bat hibernacula.

Impacts to other state and federal listed species would not occur due to a lack of proposed impacts to suitable 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 on February 8, 2021 subject to the following conditions. 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.

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

**Commission of Ohio Docketing Information System on**

**2/1/2021 3:20:11 PM**

**in**

**Case No(s). 20-1610-EL-BLN**

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