

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. 21-0018-EL-BLN
Miami Fort to Tanners Creek 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.

Staff recommends the application for automatic approval February 23, 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 23, 2021, which is the recommended automatic approval date.

Respectfully submitted,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-0018-EL-BLN
Project Name: Miami Fort to Tanners Creek Rebuild Project
Project Location: Hamilton County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: January 20, 2021
Filing Type: Letter of Notification
Report Date: February 16, 2021
Recommended Automatic Approval Date: February 23, 2021
Staff Assigned: G. Zeto, T. Crawford

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 reconductor 0.31 mile portion of 345 kilovolt (kV) transmission line on existing structures from the Miami Fort Substation to the Kentucky border. The project is located in Hamilton County, and originates at the Kentucky border along the Ohio River. Construction for the project is anticipated to begin in March 2021, with an in-service date of June 2021. The 0.31 miles of reconductor is associated with a larger project but is the only portion located in Ohio, and therefore is the only portion jurisdictional to the Ohio Power Siting Board.

Upgrades to the transmission system are part of the PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Plan (RTEP) process of 2016.¹ The rebuild project will remedy a North American Electric Reliability Corporation (NERC) violation found during the PJM RTEP process.² The identified violation was a thermal violation in the "Tanner-Miami Fort 345-kV

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.

See 2016/2017 RTEP Proposal Window #1A Problem Statement, <https://www.pjm.com/-/media/planning/rtep-dev/exapan-plan-process/ferc-order-1000/rtep-proposal-windows/2016-2017-rtep-long-term-proposal-window-1a-problem-statement.ashx> (Accessed February 2, 2021)

² NERC is the electric reliability organization subject to oversight by the Federal Energy Regulatory Commission and responsible for establishing and enforcing reliability standards for the reliable operation of the bulk-power system. See 16 U.S.C. 824o.

Line for loss of Terminal-East Bend 345-kV Line.”³ The project is needed to reduce transmission line constraints and to provide for greater load flow capability and improved reliability to the growing service area. The rebuilt transmission line will increase conductor capacity and will enable the line to alleviate the constraint and thermal overload observed in the PJM RTEP study. The rebuilt line will continue to provide 345-kV service to the area and will allow for load growth and generation resource development in the region. Quantitatively, the rebuild will provide a 20 percent margin over the violation as compared to the eight percent margin in the original scope.⁴

The Applicant is not certain of the date that the solution was submitted to the PJM Board, but the PJM Board approved the project on February 14, 2017. The project was assigned the baseline ID number b2831.⁵ Baseline upgrades include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).⁶ The project was included in the Applicant’s 2020 Long-Term Forecast Report, FE-T9, page 53, which may be accessed through the Ohio Power Siting Board website and entering 20-0375 in the ‘Case Lookup’.⁷

The Applicant proposes to begin construction in March 2021 with an in-service date of June 2021. The estimated capital cost for the Ohio portion of the project is \$3,000,000, which is also the total cost.⁸

Nature of Impacts

Land Use

The project is located within the southwestern corner of Miami Township in Hamilton County. The reconductor would originate at the Kentucky border along the Ohio River and terminate at the Miami Fort Generation Station. Land use in the project areas consists of industrial/commercial uses and existing utility infrastructure. There are no residences, agricultural districts, parks, churches, cemeteries, wildlife management areas, or nature preserve areas located within 500 feet of the project. 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. Due to the high level of previous ground disturbance in the project area, the Applicant’s consultant

³ <https://www.pjm.com/-/media/library/reports-notice/2016-rtep/2016-rtep-book-3.ashx> (Accessed January 27, 2021, Page 37/168 and 68/168).

⁴ <https://www.pjm.com/-/media/committees-groups/committees/teac/20180405/20180405-teac-reliability-analysis-update.ashx> (Accessed January 27, 2021, Page 5/37).

⁵ <https://www.pjm.com/-/media/library/reports-notice/state-specific-reports/2017/2017-ohio-state-infrastructure.ashx> (Accessed February 3, 2021).

⁶ PJM Manual 14B: PJM Region Transmission Planning Process, Revision 48, Effective Date: October 1, 2020.

⁷ <https://dis.puc.state.oh.us/> (Accessed January 27, 2021).

⁸ Applicant indicates that the projected costs, approximately \$3,000,000, are estimated to be transmission plant and included in the Applicant’s FERC Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-22), and would be assessed on all users of the Duke Energy Zone transmission system. The costs assessed to the retail customers of Duke Energy Ohio will be recovered through the Base Transmission Rider.

recommended no further cultural resource work for this project. Staff agrees with the Applicant that no further cultural resource work is necessary and finds the lack of any proposed earth disturbing activity to be a contributing factor.

Surface Waters

The project would not require any in-stream work and no wetlands were delineated within the project area. However, the proposed recondutor would span the Ohio River. Because the Ohio River is a navigable river, this crossing would require a U.S. Army Corps of Engineers (USACE) Section 10 Permit. The Applicant obtained this permit on September 2, 2020. No further coordination between the Applicant and USACE would be required.

The project would disturb less than one acre of land and would not require an Ohio EPA National Pollutant Discharge Elimination System 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 a 100-year floodplain area, but would not require new structure construction and thus does not require floodplain development permitting.

Threatened and Endangered Species

Impacts to 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 23, 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). 21-0018-EL-BLN

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