

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Construction Notice)
of Duke Energy Ohio, Inc. for the) Case No. 13-1843-EL-BNR
Fairfield F-3886 Transmission Line)
Project.)

ENTRY

The Administrative Law Judge finds:

- (1) On August 26, 2013, Duke Energy Ohio, Inc. (Duke) filed with Ohio Power Siting Board (Board), in accordance with Rule 4906-11-02, Ohio Administrative Code (O.A.C.), a construction notice for a 138-kilovolt transmission line project to split and reroute circuits. This project is a prerequisite to the installation of a ring bus that will be part of a subsequent filing.
- (2) Rules 4906-5-02(B)(1) and (3), O.A.C., govern the timeframes for the filing, review, and approval of construction notices. Specifically, a construction notice is to be filed not less than 42 days before commencement of construction and, if the Board does not act upon the filing within 42 days, the notice is deemed automatically approved. However, the applicant may request expedited processing, in which case, it must file the application not less than 21 days prior to commencement of construction and, if the Board does not act upon the notice within 21 days, it is deemed automatically approved. The rule also provides that, for good cause shown, the Administrative Law Judge (ALJ) may waive the 42- or 21-day time period.
- (3) On August 26, 2013, Duke filed a motion for waiver of the 21-day requirement set forth in Rules 4906-5-02(B)(1) and (3), O.A.C., to allow the commencement of construction on September 5, 2013. In support of its motion, Duke states that the purpose of the project is to split and reroute certain transmission lines in preparation for the installation of a ring bus planned to be constructed in 2014. Reviewing system-wide forecasted outages, Duke determined that this project should be expedited to ensure Duke can meet its commitment to the regional transmission operator, PJM Interconnection, LLC. Duke contends that forecasting reflects that the September 2013

outage window, with the commencement of construction on September 5, 2013, is the most advantageous time for the completion of this project. Accordingly, Duke requests that the 21-day time period be waived to allow construction to begin on September 5, 2013.

- (4) On September 4, 2013, Staff filed its report of investigation (Staff Report) recommending that the request for waiver be granted and the application be automatically approved on September 4, 2013.
- (5) Under the circumstances in this case, the ALJ finds that an expedited ruling is necessary. Upon consideration of Duke's motion for waiver and the Staff Report, the ALJ finds that Duke's motion is reasonable, in the public interest, and should be granted. Therefore, the processing of Duke's application will be expedited and the automatic approval date for this application will be September 4, 2013.

It is, therefore,

ORDERED, That Duke's motion be granted and the automatic approval date for this application be September 4, 2013. It is, further,

ORDERED, That a copy of this entry be served upon all persons of record.

THE OHIO POWER SITING BOARD

s/ Greta See

By: Greta See
Administrative Law Judge

jrj/vrm

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in

Case No(s). 13-1843-EL-BNR

Summary: Administrative Law Judge Entry granting Duke's motion for waiver of the 21-day requirement set forth in Rules 4906-5-02(B)(1) and (3), O.A.C., and expediting the processing of Duke's application to the automatic approval date of 09/4/13; electronically filed by Vesta R Miller on behalf of Greta See, Administrative Law Judge, Ohio Power Siting Board