

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by
Duke Energy Ohio for a Certificate of Environmental
Compatibility and Public Need for the Summerside 138
kV Transmission Line.**

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)
) **Case Number**
) **13-1921-EL-BLN**
)

Members of the Board:

Todd Snitchler, Chairman, PUCO
David Goodman, Director, ODSA
Dr. Ted Wymyslo, Director, ODH
David Daniels, Director, ODA
Scott Nally, Director, Ohio EPA
Jim Zehringer, Director, ODNR
Jeffery J. Lechak, PE, Public Member

Peter Stautberg, State Representative
Sandra Williams, State Representative
Michael Skindell, State Senator
Bill Seitz, State Senator

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with the Board's rules. The applicant's accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

The application would be automatically approved on October 12, 2013, unless suspended by the Board's chairperson, the executive director, or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days.

Any concerns you or your representative may have with this case must be presented to the Executive Director of the Power Siting Board at least four business days prior to October 12, 2013, which is the automatic approval date. To contact the Executive Director with concerns, you can reply to the email to which this document was attached, or use the ContactOPSB email address listed below.

Sincerely,



Kim Wissman
Executive Director
Ohio Power Siting Board
(614) 466-6692
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 13-1921-EL-BLN
Project Name: Summerside 138 kV Line
Project Location: Clermont and Hamilton County, Ohio
Applicant: Duke Energy Ohio
Application Filing Date: September 13, 2013
Filing Type: Letter of Notification
Inspection Date: September 27, 2013
Report Date: October 3, 2013
Automatic Approval Date: October 12, 2013
Waiver Requests: None
Staff Assigned: J. Whitis, G. Zeto, C. Burri

Summary of Staff Recommendations (see discussion below):

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

Project Description

Duke Energy Ohio proposes to replace the structures of an existing 69 kV line circuit and add a new 138 kV conductor on common pole structures on 1.56 miles of its current corridor. Duke Energy proposes a new .14 mile section of the 138 kV transmission line in a new right-of-way to interconnect between the Summerside Substation, Oakley Substation and Beckjord Station. The project will include the installation of both wood and steel poles. Construction is scheduled to start November 1, 2013 and is anticipated to be completed and in-service by March 1, 2014.

Site Description

The replacement structures and 1.56 miles of the existing line are located within the current corridor and are adjacent to the Summerside Substation. The project is located on the property of Duke Energy Ohio with the exception of the new .14 mile section of transmission line. Additional Right-of-Way easements are required for this project.

Capital Costs

The capital cost for this project is estimated at \$5.5 million.

Need

The Summerside 138 kV line is needed to improve and secure electric service reliability for customers in the eastern Hamilton County and Western Clermont County area. The project will ensure that Duke Energy will continue to meet system conditions set forth by PJM the regional transmission authority.

Nature of Impacts

Vegetation management will be required and performed as needed for access and construction activities and will be consistent with standard practices used for normal line clearance activities. Additional right-of-way easements are required for this project. Duke Energy Ohio has stated that signed agreements with property owners will be in place prior to any construction activity.

The electric transmission line right-of-way contains 20 streams, nine of which would require equipment crossings during construction. No perennial stream crossings would be necessary for this project. The Applicant would need to place temporary bridge platforms in or over streams for passage of construction equipment. The Applicant also proposed dry or low water crossings. If headwater streams need to be crossed, it is the standard practice of the Applicant to use timber matting to avoid impacts to headwater streams. The proposed project would not cross any wetlands or 100-year flood zone areas.

OPSB Staff has reviewed the Applicant's Storm Water Pollution Prevention Plan (SWPPP). Based on OPSB Staff's review of this plan, the Applicant has appropriately considered locations of streams and wooded areas, and explains how impacts to all sensitive resources would be avoided or minimized during construction, operation, and maintenance of this project. The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters.

The Applicant anticipates submitting a Notice of Intent (NOI) for coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit. A copy of the SWPPP will also be filed with the Hamilton and Clermont County Soil and Water Conservation District offices.

Threatened and Endangered Species

The federal and state listed species and/or their suitable habitat that may be found in the project area include the state and federal endangered Indiana bat (*Myotis sodalis*), the state and federal endangered rayed bean mussel (*Villosa fabalis*), federal endangered running buffalo clover (*Trifolium stoloniferum*), the state engendered black bear (*Ursus americanus*), and the state endangered upland sandpiper (*Bartramia longicauda*). Based on the type of construction activities proposed, these species and/or their suitable habitat would not be impacted by this project.

Conditions:

1. Prior to the commencement of construction activities 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, to Staff within seven days of issuance or receipt by the Applicant;
2. The Applicant shall utilize best management practices when working in the vicinity of environmentally sensitive areas. This includes, but is not limited to, the installation of silt fencing (or similarly effective tool) prior to initiating construction near streams and wetlands. The installation shall be done in accordance with generally accepted construction methods and shall be inspected regularly;
3. The Applicant shall adhere to seasonal cutting dates of October 1 and March 31 for removal of suitable Indiana bat habitat trees, if avoidance measures can not be achieved;
4. Construction in upland sandpipers preferred nesting habitat types shall be prohibited during the nesting period of April 15 to July 31;
5. The Applicant shall not conduct mechanized clearing within 25 feet of any stream channel;
6. Prior to the commencement of construction activities the Applicant shall check for the following potential hazards. Areas prone to landslides and slumping, including some local fine-grained soils derived from lake deposits, terraces along valley sides, and certain bedrock formations (particularly the Kope Shale) along steep slopes. If during the course of review these hazards are discovered at the project site, the Applicant shall coordinate with the Ohio Department of Natural Resources Division of Geological Survey and OPSB Staff on the appropriate course action.

7. The Applicant has signed agreements with property owners for the additional right of ways prior to commencement of construction activities.

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Case No(s). 13-1921-EL-BLN

Summary: Report of investigation electronically filed by Mr. Adam S Bargar on behalf of Staff of OPSB