

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application of Duke Energy Ohio, )  
Inc. for a Certificate of Environmental Compatibility )  
and Public Need for the 3885-138kV East Provident ) 17-2057-EL-BLN  
Loop 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 on October 6, 2017, 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 October 6, 2017, which is the recommended automatic approval date.

Sincerely,



Patrick Donlon  
Director, Rates and Analysis  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
(614) 644-8932

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 17-2057-EL-BLN  
**Project Name:** 3885-138 kV East Provident Loop  
**Project Location:** Butler County  
**Applicant:** Duke Energy Ohio, Inc.  
**Application Filing Date:** October 27, 2017  
**Filing Type:** Expedited Letter of Notification  
**Inspection Date:** November 9, 2017  
**Report Date:** November 20, 2017  
**Recommended Automatic Approval Date:** November 27, 2017  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** J. Whitis, A. Holderbaum, J. Cross

### Summary of Staff Recommendations (see discussion below):

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

### Application Description

Duke Energy Ohio, Inc. (Applicant) proposes to construct approximately 0.27 miles of 138 kilovolt (kV) transmission line from the existing Duke 138 kV transmission line circuit F3885 to a planned East Provident distribution substation. The existing transmission line is located in Butler County. The project consists of installing 10 new steel poles, 138 kV conductors, associated insulators, and static wire. The Applicant estimates the cost of the project, to be borne by Duke Energy Ohio, at \$1.46 million.

### Need

The Applicant states that the planned East Provident distribution substation is needed for improving quality and reliability due to load growth on the Duke Energy Ohio system in the Butler County service area. The proposed 0.27-mile long 138 kV transmission line interconnect would provide a source of power for the planned distribution substation. The planned distribution substation was included in the Applicant's most recent long-term forecast report filing. PJM Interconnection (PJM) assigned upgrade ID Number s0905 to the Applicant's project. The status of the proposed project can be tracked on PJM's website.<sup>1, 2</sup>

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1. PJM Interconnection, "Transmission Construction Status," accessed November 20, 2017, <http://pjm.com/planning/rtep-upgrades-status/construct-status.aspx>.

2. Duke Energy Ohio, Inc., "2017 Long-Term Electric Forecast Report," Public Utilities Commission of Ohio Case No. 17-0888-EL-FOR, June 29, 2017.

## Site Description

Three of the new steel poles would be installed within Duke Energy Ohio's existing right of way. Seven of the new steel poles would be installed within new easement that has been obtained by Duke Energy Ohio for the planned substation.

## Nature of Impacts

### *Social*

Construction of the project would occur on previously disturbed land and would not result in any adverse ecological and cultural resources impacts. The project is not located within agricultural district land.

### *Surface Waters*

The project area contains two Category 1 wetlands and one intermittent stream. No in-water work is planned in any wetlands or streams, and no impacts are anticipated. The Applicant would be required to submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit.

The project does not cross a 100-year floodplain and no floodplain permit would be required.

### *Threatened and Endangered Species*

The state and federal 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*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). The U.S. Fish and Wildlife service (USFWS) and the Ohio Department of Natural Resources (ODNR) recommend that removal of any trees greater than three inches in diameter only occur from October 1 through March 31, unless coordination with the ODNR and the USFWS allows a different course of action. The Applicant states no trees greater than 3 inches in diameter would be removed for this project. However, the Applicant does state that ornamental residential trees throughout the project area may be impacted.

The project lies within the range of the state and federal endangered rayed bean (*Villosa fabalis*) and the state threatened fawnsfoot (*Truncill donaciformis*). Due to the location, and the fact that there is no in-water work proposed for the project, no impacts to these species are anticipated.

The project lies within the range of the state endangered cave salamander (*Eurycea lucifuga*), Kramer's cave beetle (*Pseudanophthalmus krameri*), and Ohio cave beetle (*Pseudanophthalmus ohioensis*) and the state threatened Kirtland's snake (*Clonophis kirtlandii*) and Sloan's crayfish (*Orconectes sloanii*). Due to the location of the project, the absence of cave habitat, and the fact that there is no in-water work planned for this project, no impacts to these species are anticipated.

The project lies within the range of the state endangered Upland sandpiper (*Bartramia longicauda*). Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program. The ODNR recommends avoiding this type of habitat during the species' nesting period of April 15 to July 31.

## Recommended Findings

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 automatic approval of this case on November 27, 2017 provided that the following conditions are satisfied.

**Conditions:**

- (1) 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, to Staff within seven days of issuance or receipt by the Applicant.
- (2) The Applicant shall avoid impacts to Upland sandpiper (*Bartramia longicauda*) habitat during the species' nesting periods of April 15 through July 31, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) allow for a different course of action.
- (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 ODNR 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**

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**in**

**Case No(s). 17-2057-EL-BLN**

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