

**In the Matter of the Letter of Notification Application)
by Duke Energy Ohio, Inc. for a Certificate of)
Environmental Compatibility and Public Need for the) Case No. 17-2500-EL-BLN
5680-138kV Nickel to Warren Transmission Line)
Rebuild Project)**

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	

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 on January 18, 2018, 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 January 18, 2018, which is the automatic approval date.

Jamara S Jurkenton

17-2500-EL-BLN
Staff Report of Investigation

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 17-2500-EL-BLN
Project Name: 5680-138kV Nickel to Warren Transmission Line Rebuild
Project Location: Warren County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: December 20, 2017
Filing Type: Expedited Letter of Notification
Inspection Date: January 8, 2018
Report Date: January 11, 2018
Recommended Automatic Approval Date: January 18, 2018
Applicant's Waiver Requests: none
Staff Assigned: J. Whitis, J. Pawley, J. Cross, R. Holderbaum

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions

Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description

Duke Energy Ohio, Inc. (Duke Energy Ohio) proposes to construct a 5.78 mile 138 kV transmission line rebuild located in Warren County. The project would be constructed between the existing Nickel and Warren substations. The Applicant anticipates that construction of this project would begin during the first quarter of 2018, and the facilities would be placed in service by the end of December, 2019. The estimated total cost of the project is \$10 million.

This project would consist of the replacing approximately 5.78 miles of 138 kV transmission line conductors and wood H-frame structures with new 138 kV conductors and galvanized steel pole structures. The transmission line would be sited within the existing Duke Energy Ohio right-of-way, with the exception of 0.3 miles of newly obtained right of way for which new easements have been obtained.

Basis of Need

The Applicant states that the planned Nickel-Warren 138 kV rebuild project is needed to maintain and improve reliability due to increased load growth on the Duke Energy Ohio system in the Warren County service area. The existing line was constructed in the 1950s, and can no longer be relied upon under contingency conditions. The new conductors would provide increased capacity for the transmission line, improving its reliability.

The Applicants most recent Long-Term Forecast Report filing to the Public Utilities Commission of Ohio included the proposed project. Duke Energy Ohio plans to discuss the proposed project

with PJM Interconnection, LLC (PJM) at the January 8, 2018 Subregional RTEP Committee meeting. The Project would be issued a supplemental PJM upgrade ID after the meeting. The construction status of transmission project can be tracked on PJM's website using the supplemental upgrade ID.^{1, 2}

Nature of Impacts

Socioeconomic

The project is located in the City of Monroe, Turtle Creek Township and the City of Lebanon, Warren County, Ohio. No churches, schools, or other community facilities are located within 1,000 feet of the project. The project is predominately located in agricultural land utilized for pasture or row crop production.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review for the project. The consultant determined that the project would not involve or impact any significant cultural resources or landmarks that had previously been studied. The consultant is continuing Phase 1 field work within the project corridor, to determine if there are any new archeological sites along the project corridor. Staff has requested copies of these Phase 1 studies for confirmation that this project would have minimal impact on cultural resources.

Surface Waters

The Applicant identified 13 streams within the project survey corridor, including 1 ephemeral stream, 11 intermittent streams, and 1 perennial stream. No poles would be located in streams. All access roads and construction equipment would avoid crossing streams during construction. No impacts to streams are anticipated.

The Applicant identified one Category 1 wetland within the survey corridor. Five ponds were also identified within the survey corridor. No poles would be placed in these resources. All access roads and construction equipment would avoid crossing these resources during construction. No impacts to ponds or wetlands are anticipated.

The project will replace 11 structures within a Federal Emergency Management Agency Special Flood Hazard Area. The Applicant coordinated with the designated Floodplain Administrator for the City of Monroe and the Warren County Chief Building Official in order to obtain the required floodplain permit. The City of Monroe and Warren County stated the project is exempt from the required floodplain permit due to the limited project footprint.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit.

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

1. Duke Energy Ohio, Inc., "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 17-0888-EL-FOR, January 3, 2018.

2. PJM Interconnection, "Transmission Construction Status," accessed January 10, 2018, <http://pjm.com/planning/rtep-upgrades-status/construct-status.aspx>.

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 project is within the range of several state and federal listed fish and mussel species. Due to the fact that no in-water work is proposed, no impacts to these species are anticipated.

The project is within the range of the state endangered and federal threatened eastern massasauga (*Sistrurus catenatus*), the state endangered northern harrier (*Circus cyaneus*), the state threatened Kirtland's snake (*Clonophis kirtlandii*), the state threatened spotted turtle (*Clemmys guttata*), and the state threatened Sloan's crayfish (*Orconectes sloanii*). Due to the location, the type of work proposed, the type of habitat present at the project site, and that there is no in-water work proposed for this project, no impacts to these species are anticipated.

The project is within the range of the federal endangered running buffalo clover (*Trifolium stoloniferum*). This species can be found in partially shaded woodlots, mowed areas (lawns, parks, cemeteries), and along streams and trails. The species requires periodic disturbance and a somewhat open habitat to successfully flourish, but cannot tolerate full-sun, full-shade, or severe disturbance. Staff believes suitable habitat may be present along the project route. Staff recommends the Applicant make a determination on the presence/absence of suitable habitat for the species and submit to Staff for review the results of the determination. If suitable habitat is present, the USFWS recommends the Applicant conduct a survey for the species by a trained botanist in May or June when the plant is in flower. Any such survey must be coordinated with the USFWS prior to construction in the areas of suitable habitat.

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 automatic approval of this case on January 18, 2018, provided that the following conditions are satisfied.

Conditions:

- (1) The Applicant shall docket the PJM Interconnection supplemental upgrade ID and the presentation presented at the Subregional RTEP Committee meeting.
- (2) Prior to commencement of construction, the Applicant shall conclude its Phase I cultural resources survey program for archaeological work within the project area. The Applicant shall submit the literature review and Phase I fieldwork results to Staff for confirmation that this project would have minimal impact on cultural resources in the project area. If the resulting survey work discloses a find of cultural or archaeological significance, or a site that could be eligible for inclusion in the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan to the Staff.
- (3) 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.

- (4) The Applicant shall determine if suitable habitat for the running buffalo clover is present along the project route and submit the results of the determination to Staff for review. If suitable habitat for the species is present, the Applicant shall retain a U.S. Fish and Wildlife (USFWS)-approved botanist to determine presence or absence of the running buffalo clover as mandated by USFWS recommendations. If this species is present then the Applicant shall develop an avoidance/minimization plan in coordination with the USFWS and Staff.
- (5) 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 USFWS allows a different course of action.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-2500-EL-BLN

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