

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Expedited Letter of Notification**                   )  
**Application of Duke Energy Ohio for the Dicks Creek**                   ) **Case No. 19-2163-EL-BLN**  
**Generation Station and Substation Separation Project**                   )

Members of the Board:

Chair, 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 on February 3, 2020, 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 3, 2020, which is the recommended automatic approval date.

Sincerely,



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Public Utilities Commission of Ohio  
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## OPSB STAFF REPORT OF INVESTIGATION

**Case No.:** 19-2163-EL-BLN  
**Project Name:** Dicks Creek Generation Station and Substation Separation Project  
**Project Location:** Butler County  
**Applicant:** Duke Energy Ohio  
**Application Filing Date:** January 3, 2020  
**Filing Type:** Expedited Letter of Notification  
**Inspection Date:** January 24, 2020  
**Report Date:** January 27, 2020  
**Recommended Automatic Approval Date:** February 3, 2020  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** A. Holderbaum, M. Christopher

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

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

### Project Description

Duke Energy Ohio (Applicant) proposes separate Dicks Creek Generation Station from Dicks Creek Substation. The Applicants states that in order to achieve this separation, they propose to expand Dicks Creek Substation by approximately 50 feet to the east and 50 feet to the north using chain link perimeter fencing. The project would replace two existing steel lattice towers with four steel monopoles ranging in heights from 110 to 115 feet. The new structures would accommodate approximately 0.33 mile of new 138 kilovolt (kV) transmission line that will run out of the expanded substation. The project will construct an approximately 210-foot-long retaining wall ranging in height from 5 to 11.5 feet. The retaining wall will run the full extent of the east side of the substation and along the short section of the north side of the substation. The Applicant proposes to begin construction in February 2020 and complete construction by December 31, 2020. The Applicant estimates the total cost of the project at \$14.5 million.

### Site Description

The proposed project is located in Middletown, Ohio. The surrounding land use is a mix of forest, scrub-shrub, and maintained right of way. The entire project be located within existing easements owned by the Applicant.

## **Basis of Need**

The purpose of the Applicant's proposed "Dicks Creek Generation Station and Substation Separation Project," is to accommodate the reconfiguration and installation of new transmission facilities within the existing Dicks Creek Substation located in Middletown, Ohio. The reconfiguration of the substation would enable the separation and expansion of the existing substation to operate independently from the Dicks Creek Generation Station, which is one of the commercial generation assets divested by Duke Energy Ohio.

The original scope of the project in 2015 was to install two new 138 kV circuit breakers. In 2019, additional scope included a retaining wall, expanded substation, four engineered monopoles, two 138 kV reconductored lines, and reconfigured equipment within the proposed substation footprint.

The project is associated with PJM Interconnection, LLC's (PJM) Supplemental Project No. S0910, the initial scope for which was presented at the PJM Sub Regional RTEP Committee Western Region Reliability Update Meeting in 2015.<sup>1</sup>

The main transmission facilities associated with this project were included in the Applicant's 2019 Electric Long-Term Forecast Report to the Public Utilities Commission of Ohio.<sup>2</sup> The facilities are itemized in Form FE-T8, Summary of Existing Substation and Form FE-T9, Specifications of Planned Electric Transmission Lines.

The basis of need for this transmission project is reasonable because it includes measures needed to improve service reliability and operational flexibility in the project area transmission system. By completing this project, the secure and efficient separation of the Dicks Creek Substation from the Dicks Creek Generation Station would be enabled.

## **Nature of Impacts**

### *Agricultural Land*

No agricultural land would be impacted by this project.

### *Cultural Resources*

The Applicant completed a cultural resources literature review for the area of potential effects for the project. The review identified twenty previously recorded archaeological sites within 1 mile of the project area. However, the Applicant concluded that Phase I investigatory work is not necessary, because the project is located within already disturbed contexts, has minimal ground disturbance outside of the substation expansion area, and is heavily sloped throughout the proposed transmission line right of way. Due to these conclusions, the Applicant and Staff believe the project would not impact any significant cultural resources.

### *Surface Waters*

The proposed transmission line would aerially span two ephemeral streams. The Applicants states neither stream would be crossed during construction. No poles would be placed in streams.

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1. DEOK Transmission Company, Inc., "Supplemental Project No. (S0910)," PJM Sub Regional RTEP Committee Western Region, Reliability Updates, March 05, 2015, page 31.

2. Duke Energy Ohio, Inc., "2019 Long-Term Electric Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 19-0590-EL-FOR, July 01, 2019, pages 41, 57, and 58.

One Category 2 wetland was delineated in the project area. This wetland is located outside of the project area and would not be crossed during construction or impacted by the project. No ponds are located within the project area. The project would not impact a Federal Emergency Management Agency 100-year floodplain.

The Applicant will submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit in January 2020 as the project would result in over one acre of ground disturbance. No wetland or stream impacts are anticipated for the project. However, if stream crossings are found to be necessary as construction proceeds, impacts would be covered under the Nationwide Permit #3 from the U.S. Army Corps of Engineers without the need to submit a pre-construction notification due to the potential for less than 300 linear feet of impacts potentially occurring.

#### *Threatened and Endangered Species*

The Applicant coordinated with Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) to minimize and eliminate potential impacts to state and federal listed species and/or suitable habitat that may be found in the project area.

The project area is within the range of the state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species may be impacted by the project. In order to avoid impacts to the Indiana bat and the northern long-eared bat, the ODNR, the USFWS, and Staff recommend the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter. Presence of the Indiana bat has been established in the area according to the ODNR, and therefore additional summer surveys would not constitute presence/absence in the area. The Applicant states no tree clearing will be necessary for the project. No impacts to these species are anticipated.

The project lies within the range of several federal and state listed mussel species. Due to no in-water work proposed in perennial streams, no impacts to these species are anticipated.

The project lies within the range of the federal and state threatened eastern massasauga (*Sistrurus catenatus*), the state endangered upland sandpiper (*Bartramia longicauda*), the state endangered cave salamander (*Eurycea lucifuga*), and the state threatened Kirtland's snake (*Clonophis kirtlandii*). Due to the location, the type of habitat at the project site and within the vicinity of the project area, and the type of work proposed, no impacts to these species are anticipated.

#### **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 application on February 3, 2020. 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.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**Case No(s). 19-2163-EL-BLN**

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