

# HILLCREST SOLAR PROJECT

March 11, 2020

Ohio Power Siting Board  
Docketing Division  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215-3793  
Attn: Grant Zeto

RE: Case Nos. 17-1152-EL-BGN - Hillcrest Solar I, LLC

**Notice of Compliance with Certificate Condition #6 – Before commencement of construction activities in any affected areas, Hillcrest shall obtain and comply with all necessary permits and authorizations. Hillcrest shall provide copies of such permits and authorizations to Staff within seven days prior to the applicable construction activities. Hillcrest shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.**

Dear Mr. Zeto;

Hillcrest Solar I, LLC (“Hillcrest Solar”) is certified to construct a solar-powered electric generation facility in Brown County, Ohio in accordance with the orders issued by the Ohio Power Siting Board (“OPSB”) in the above-referenced cases.

Attached please find the Duke Energy Transmission Line Right-of-Way Plan Review Conditional Approval Letter regarding compliance with Certificate Condition #6 of the Opinion, Order and Certificate issued on February 15, 2018 in Case No. 17-1152-EL-BGN.

We are available, at your convenience, to answer any questions you may have.

Sincerely,

  
Julia Mancinelli, Senior Manager - Environment

Attachment: Duke Energy Transmission Line Right-of-Way Plan Review Conditional Approval Letter

Innergex Renewable Energy Inc.  
888 Dunsmuir Street, Suite 1100  
Vancouver, British Columbia V6C 3K4  
Canada  
Tel. 604 633-9990 | Fax 604 633-9991  
info@innnergex.com | www.innnergex.com

Head Office  
1225 Saint-Charles Street West, 10th floor  
Longueuil, Québec J4K 0B9  
Canada  
Tel. 450 928-2550 | Fax 450 928-2544  
info@innnergex.com | www.innnergex.com



Duke Energy  
5445 Audro Drive  
Cincinnati, OH 45247  
513-287-1418  
[Sean.bill@duke-energy.com](mailto:Sean.bill@duke-energy.com)

February 28, 2020

Attn: Adriana Terziotis  
1225 Saint-Charles Street West, 10th Floor  
Longueuil, Quebec J4K 0B9 Canada  
514.886.4976  
[ATerziotis@innergex.com](mailto:ATerziotis@innergex.com)

Re: Duke Energy Transmission Line Right-of-Way Plan Review Conditional Approval  
Project: Hillcrest Solar – Duke Energy Easement.  
Line: 4569 Foster – Hillcrest  
Structure: 28B-X31-194 to 27B-X31-180

Dear Adriana,

This office has reviewed the proposed HILLCREST SOLAR site plans (attached separately via email) and referred to herein as Attachment “A”. We find the plans as shown on the referenced drawings to be acceptable and in compliance with the attached transmission right-of-way guidelines and restrictions. Therefore, Duke Energy Transmission (“DET”) approves the referenced plans, insofar as its transmission easement rights are concerned, subject to the conditions detailed below. If this project construction has not commenced by a period of 12 months from the date of this letter, this approval by DET shall expire, and additional plan review will be required by DET at that time.

In summary, the following details DET’s comments:

- No stockpiling or storage of materials, dirt, or equipment of any kind is permitted within the DET easement area, nor may any combustible materials be placed within the easement area.
- Contractors operating any and all equipment should be instructed not to operate within 25’ of the poles, towers, or other electrical structures including guy anchors. All slopes shall be 4:1 or less. No spoil dirt is to be placed within the rights-of-way limits unless previously approved by DET.
- Any proposed easements must not cross closer than 25’ to DET’s electrical structures including, but not limited to poles, towers, and guy anchors.
- All underground facilities, such as, but not limited to, storm water pipes and domestic water line pipes, must be capable of a heavy equipment load bearing weight of 80,000 lbs. DET will not be responsible for damages to these installed facilities.
- Any damage to the transmission line or its associated structures, related to this project, and/or claims due to the damage, is the responsibility of the developer/owner.
- We have not reviewed, and therefore have not approved, any plans other than Attachment A. DET restrictions prohibit trees that exceed 15’ at maturity or lights that exceed 15’ within the rights-of-way limits, and neither may be within the wire zone. Vegetation that exceeds 15’ in height is subject to removal by DET. Additionally, irrigation systems and signs are not permitted.

- All plats, plans, renderings and representations of lots, parcels, designated spaces and/or designated areas having and including area within a Duke Energy easement cannot represent, with setbacks or other means, buildable areas(s) within a Duke Energy easement.
- This approval by DET is subject to the paramount right of DET at all times to make use of its entire easement area for the construction, maintenance, reconstruction, and operation of electric lines.
- This letter only addresses issues related to DET's transmission line easement. Additional easements, approvals, or permits from the underlying property owner(s) or other applicable agencies may be required in order for you to proceed with this project.

DET also offers these additional comments to ensure that other potential conflicts are not created during or after construction:

- If there are design changes to any drawings that involve the transmission right-of-way, DET requires a review of the changes for compliance with the rights-of-way guidelines.
- Proper clearances must be maintained at all times. If any transmission line modification by DET is required to maintain proper clearances, the cost will be the responsibility of the developer/owner. Any such line modifications must be approved and scheduled, through DET well in advance of the project start date.
- All current and future property owners are required to adhere to the most current version of the DET transmission right-of-way guidelines and restrictions. (attached separately via email)
- DET heavy equipment access must not be restricted during construction of this project due to grading or any other activity.
- Please contact me prior to the start of this project to attend any pre-construction meetings.
- Underground Utilities with cathodic protection will require a study of anodic interference on existing DET structures. The developer / owner is responsible for any required remediation as determined by DET. This study shall be provided at no cost to DET for their review and acceptance before a Final Approval shall be issued by DET. This study must be submitted to DET prior to the commissioning of the Underground Utilities.

In not objecting to the use of the rights-of-way for use as shown on the drawings, DET is not relinquishing the right to control and maintain the rights-of-way as specified in the recorded easement documents. Any damages to the transmission lines or its associated structures, and claims caused by the damage, is the responsibility of the developer/contractor/owner. It is the responsibility of the developer/contractor/owner to ensure that all work performed in the proximity of the transmission lines complies with all applicable laws and regulations, including but not limited to the National Electric Safety Code ("NESC"), the Overhead High-Voltage Line Safety Act ("OHVLSA"), and the Occupational Safety and Health Act ("OSHA"), and that all persons working near the electric power lines are made aware of the inherent safety hazards associated with these lines.

Please note that this approval is based in part on the accuracy of the information you have supplied on the site plans (Attachment A). You are responsible for indicating the correct location of the DET right of way and its associated electrical structures along with the correct width of the DET rights-of-way limits.

Thank you for the opportunity to work with you on this project. If you have any questions, please feel free to contact me at 513-287-1418.

Sincerely,

*Sean Bill*

Sean Bill

Asset Protection Specialist  
Transmission Right of Way

Attachments: Attachment "A" - Site Plans  
Duke Energy Transmission Right-of-Way Guidelines & Restrictions  
Duke Energy "Look Up & Live" Brochure

Cc:

Attachment "A"

1. SEE SHEET CV-030 FOR GENERAL NOTES AND CONSTRUCTION NOTES.
2. ALL ELEVATIONS ARE IN FEET.






5905 Airport Rd Suite 500 Missoula MT 59815 Phone: 905 690-1005 www.crima.ca	750 N St Paul Street, Suite 1950 Dallas TX 75201 Tel (214) 429 3724 www.srup.com	Client	Contractor
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**INNERGEX**  
Renewable Energy.  
Sustainable Development.

**PCL**

**CONSTRUCTION LEADERS**

**HILLCREST SOLAR I PROJECT**  
200 MINAC Ground Mounted Solar Project  
4010 County Hwy 8-C, Mt. Crest, OH 45154  
Brown County, Ohio



## Drawing Title

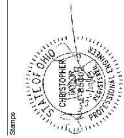
Scale	1" = 200'-0"
File Name	HILLCREST_DWG_OV-414.DWG

Drawing Status		100% EARLY WORKS SUBMITTAL	
Job No	271883	Drawing No	CV-414
		Issue	B



NOTES:

1. SEE SHEET CV-030 FOR GENERAL NOTES AND CONSTRUCTION NOTES.
2. ALL ELEVATIONS ARE IN FEET.



B	11/27/2019	R3	TW	CT
ISSUED FOR SWPPP				
A	11/10/2019	R3	C5	CT
ISSUED FOR SWPPP				



5025 Airport Rd Suite 500  
Mississauga ON L4V 1W5  
Phone: 905 695-1005  
www.ctts.ca

Client  
Contractor

**CONSTRUCTION LEADERS**

**HILLCREST SOLAR I PROJECT**  
200 MW AC Ground Mounted Solar Project  
4010 County Hwy 8-C, Mt. Orab, OH 45154

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**Key Plan**



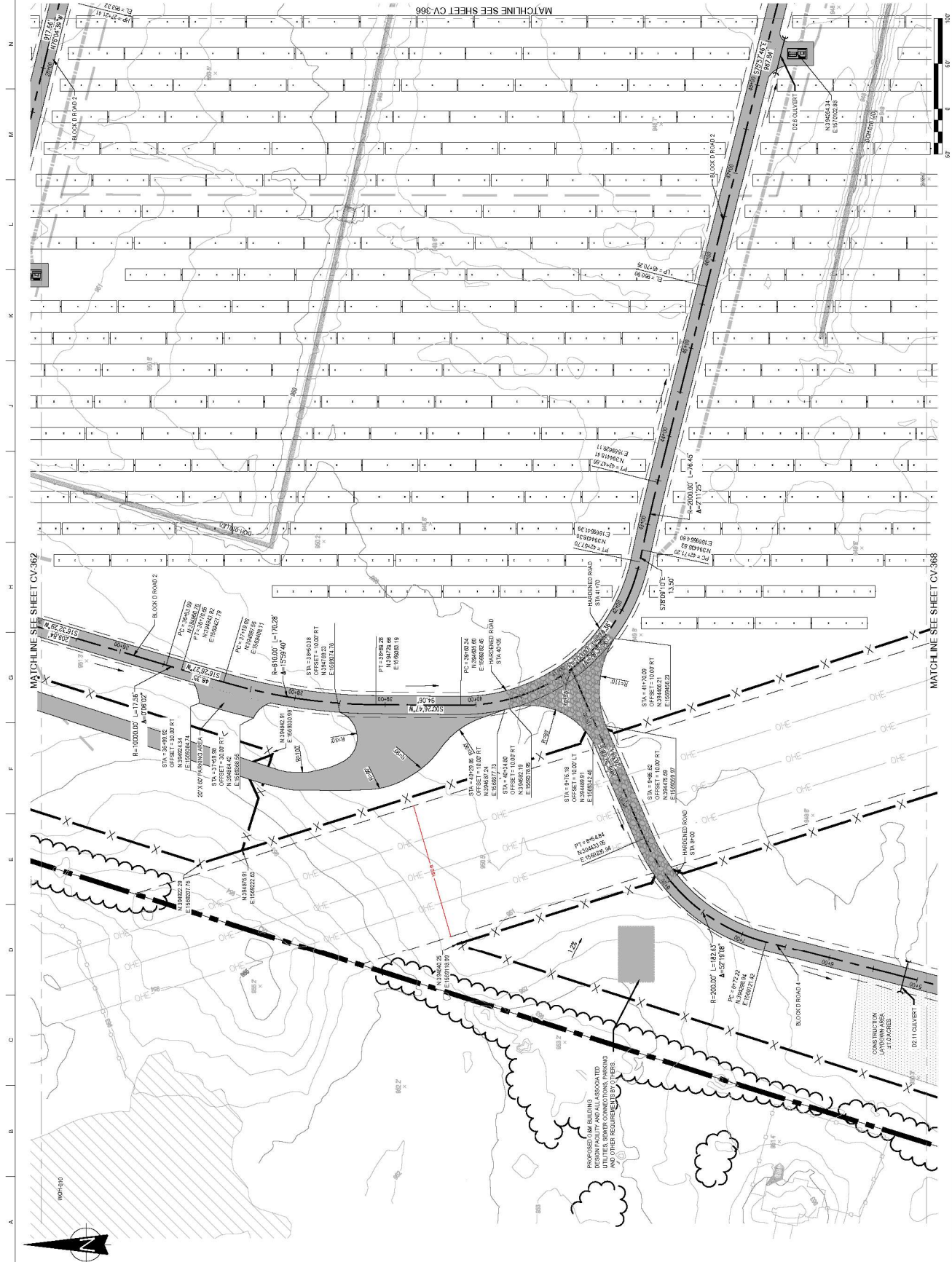
Drawing Title  
EROSION AND  
SEDIMENT CONTROL  
SITE BLOCK F  
OVERVIEW

Scale 1" = 200'-0"

File Name

**Growing Status**  
**100% EARLY WORKS SUBMITTAL**

Job No <b>271883</b>	Drawing No <b>CV-458</b>	Issue <b>B</b>
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NOTES

1. ALL COORDINATES SHOWN ON THE SITE PLANS ARE FOR THE HORIZONTAL DATUM REFERRED IN THE SURVEY NOTES ON DRAWING 02-02.
2. FOR ACCESS ROAD TYPICAL CROSS SECTIONS, SEE CONSTRUCTION NOTES.
3. FOR ACCESS ROAD TYPICAL CROSS SECTIONS, SEE CONSTRUCTION NOTES.
4. SEE ELECTRICAL DRAWINGS FOR DIRECTIONAL LANE.
5. SEE SHEET 02-07 FOR THE ENTRANCE OF TULLS.
6. SEE SHEET 02-08 FOR THE ENTRANCE OF TULLS.
7. SEE SHEET 02-09 FOR THE ENTRANCE OF TULLS.
8. SEE SHEET 02-10 FOR THE ENTRANCE OF TULLS.
9. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THIS SET PREPARED BY DESIGN TEAM.

LEGEND:  
ENVIRONMENTALLY SENSITIVE AREAS  
CONSTRUCTION LAYDOWN AREA



1	2/24/2020	RG	TW	CT
ISSUED FOR CONSTRUCTION				
0	1/27/2020	RG	TW	CT

**CIMA+ ARUP**

5505 Belmont Rd, Suite 500  
Cincinnati, OH 45224  
Tel: 513.762.1234  
Fax: 513.762.1235  
www.cima-arup.com

**INNERGEX**  
Sustainable Development

**PCL CONSTRUCTION LEADERS**

**HILLCREST SOLAR PROJECT**  
2000 Hillcrest Ave, Suite 100  
Beverly Hills, CA 90210

Key Plan



CONSTRUCTION  
SITE BLOCK D  
PARTIAL D14

Scale: 1" = 60.00'

FILE NAME: HILLCREST\_DWG\_02-285.DWG

ISSUED FOR CONSTRUCTION

271883  
CV 365  
1









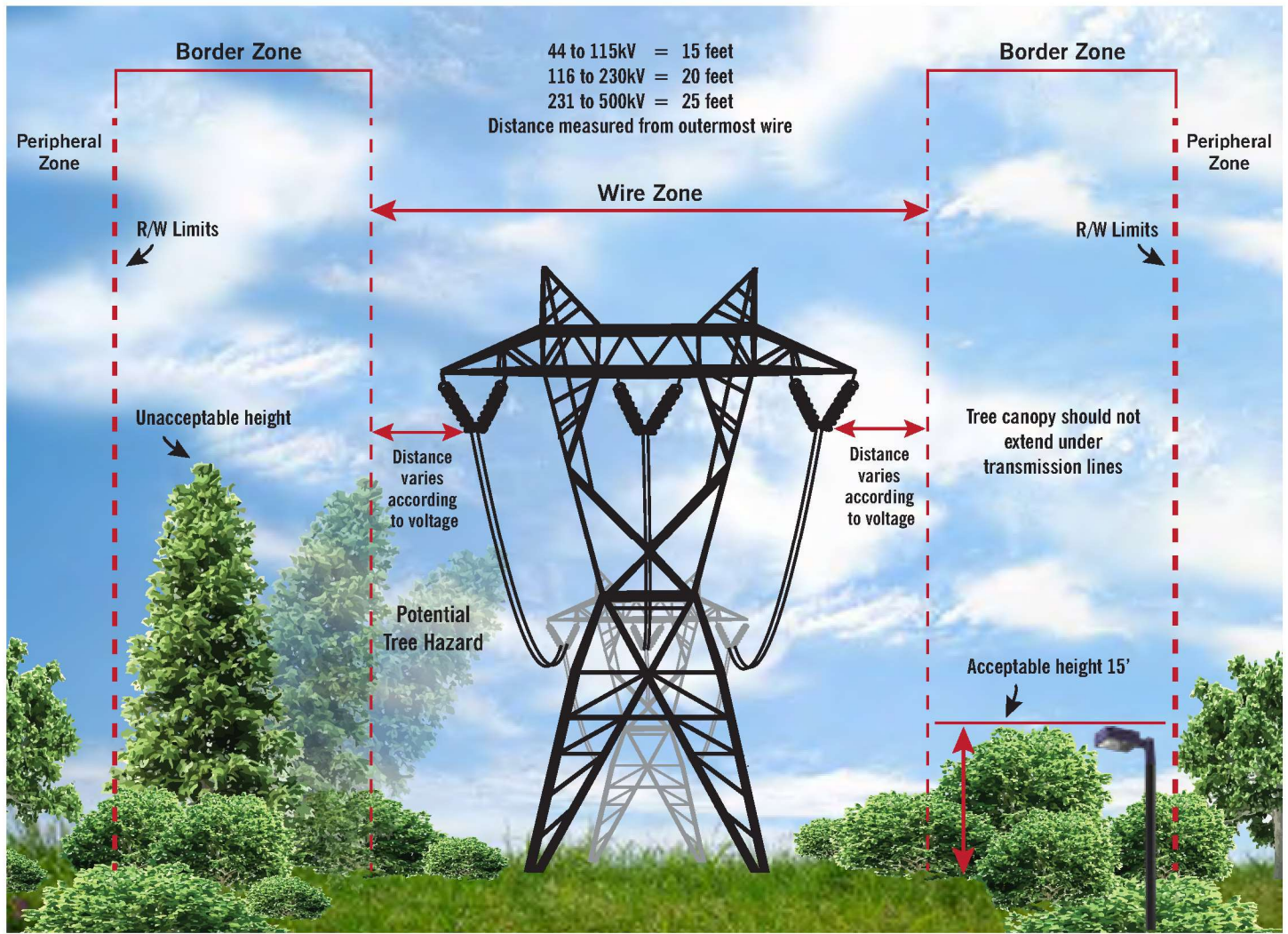
## ELECTRIC TRANSMISSION RIGHT-OF-WAY GUIDELINES/RESTRICTIONS VALID FOR OHIO, INDIANA AND KENTUCKY (Revised 11/20/14)

This list of right-of-way restrictions has been developed to answer the most frequently asked questions about property owner use of Duke Energy's electric transmission rights of way. This list does not cover all restrictions or all possible situations. You should contact the Asset Protection right-of-way specialist if you have additional concerns about the rights of way. This list of restrictions is subject to change at any time and without notice. Duke Energy reserves all rights conveyed to it by the right-of-way agreement applicable to the subject property. All activity within the rights of way shall be reviewed by an Asset Protection right-of-way specialist to obtain prior written approval. Engineering plans may be required. Compliance with the Duke Energy Right-of-Way Guidelines/Restrictions or approval of any plans by Duke Energy does not mean that the requirements of any local, county, state or federal government or other applicable agency with governing authority have been satisfied.

1. Structures, buildings, manufactured/mobile homes, satellite systems, swimming pools (and any associated equipment and decking), graves, billboards, dumpsters, signs, wells, deer stands, retaining walls, septic systems or tanks (whether above or below ground), debris of any type, flammable material, building material, wrecked or disabled vehicles and all other objects (whether above or below ground) which in Duke Energy's opinion interfere with the electric transmission right of way are not allowed within the right-of-way limits. Transformers, telephone/cable pedestals (and associated equipment) and fire hydrants are not allowed. Manholes, water valves, water meters, backflow preventers and irrigation heads are not permitted. Attachments to Duke Energy structures are prohibited.
2. Fences and gates shall not exceed 10 feet in height and shall be installed greater than 25 feet from poles, towers and guy anchors. Fences shall not parallel the centerline within the rights of way but may cross from one side to the other at any angle not less than 30 degrees with the centerline. If a fence crosses the right of way, a gate (16 feet wide at each crossing) shall be installed by the property owner, per Duke Energy's specifications. The property owner is required to install a Duke Energy lock on the gate to ensure access. Duke Energy will supply a lock.
3. Grading (cuts or fill) shall be no closer than 25 feet from poles, towers, guys and anchors (except for parking areas; see paragraph 7) and the slope shall not exceed 4:1. Grading or filling near Duke Energy facilities which will prevent free equipment access or create ground-to-conductor clearance violations will not be permitted. Storage or stockpiling of dirt or any construction material is prohibited. Sedimentation control, including re-vegetation, is required per state regulations.
4. Streets, roads, driveways, sewer/water lines, other utility lines or any underground facilities shall not parallel the centerline within the right of way but may cross, from one side to the other, at any angle not less than 30 degrees with the centerline. No portion of such facility or corresponding easement shall be located within 25 feet of Duke Energy's facilities. Roundabouts, cul-de-sacs and intersections (such as roads, driveways and alleyways) are not permitted.
5. Any drainage feature that allows water to pond, causes erosion, directs stormwater toward the right of way or limits access to or around Duke Energy facilities is prohibited.
6. Contact Duke Energy prior to the construction of lakes, ponds, retention or detention facilities, etc.
7. Parking may be permitted within the right of way, provided that:
  - a. Prior to grading, concrete barriers shall be installed at a minimum of 9 feet from the Duke Energy facilities. During construction, grading shall be no closer than 10 feet to any Duke Energy facility.
  - b. After grading/paving activity is complete, Duke Energy-approved barrier sufficient to withstand a 15-mph vehicular impact shall be erected 9 feet from any Duke Energy facility.
  - c. Any access areas, entrances or exits shall cross (from one side to the other) the right of way at any angle not less than 30 degrees with the centerline and shall not pass within 25 feet of any structure. Parking lot entrances/exits cannot create an intersection within the right of way.
  - d. Lighting within the right-of-way limits must be approved by Duke Energy before installing. Due to engineering design standards, lighting is not allowed in the "Wire Zone." Where lighting is approved ("Border Zone"), the total height may not exceed 15 feet. Contact your Asset Protection right-of-way specialist as the "Wire Zone" varies for the different voltage lines.
8. Duke Energy will not object to certain vegetation plantings as long as:
  - a. They do not interfere with the access to or the safe, reliable operation and maintenance of Duke Energy facilities.
  - b. Duke Energy does not object to low-growing shrubs and grasses within the "Wire Zone." Tree species are not allowed within the "Wire Zone." Trees that are approved in the "Border Zone" may not exceed, at maturity, 15 feet in height. Contact the Asset Protection right-of-way specialist for "Wire Zone"/"Border Zone" definitions.
  - c. For compliant mature height species, refer to [plantfacts.osu.edu/plantlist/index.html](http://plantfacts.osu.edu/plantlist/index.html) for reference.
  - d. Engineering drawings must indicate the outermost conductors.
  - e. Vegetation that is not in compliance is subject to removal without notice.
  - f. Duke Energy may exercise the right to cut "danger trees" outside the right-of-way limits as required to properly maintain and operate the transmission line.

We hope this is useful information. If you have additional questions or plan any activity not mentioned above, please contact the Asset Protection right-of-way specialist for your area (see map).

## Transmission Right-of-way Zones - Midwest



**Wire Zone:** Extends beyond the outermost conductor on both sides.  
(See diagram above.)

**Permitted within the Wire Zone:** Low-growing plants, shrubs and grasses.

**Not permitted within the Wire Zone:** Tree species of any kind.

**Border Zone:** Extends from the edge of the Wire Zone to the outside edge of the Right of Way.

**Permitted within the Border Zone:** Lighting structures and plantings within the Right of Way that do not exceed a vertical height of 15 feet. For compliant mature height species, refer to [plantfacts.osu.edu/plantlist/index.html](http://plantfacts.osu.edu/plantlist/index.html).

**Not permitted within the Border Zone:** Any object that exceeds vertical height restrictions. These restrictions are based on flat ground elevations. If the ground elevations differ, no object at any time may exceed the outermost conductor's ground elevation.

**Peripheral Zone:** Outside the Right of Way and adjacent to Border Zones.

**Permitted within the Peripheral Zone:** Trees may be planted in the Peripheral Zone. Duke Energy recommends customers exercise caution selecting and planning trees in this zone.

**Not permitted in the Peripheral Zone:** Trees with canopies are subject to routine trimming and possible removal.

### In all zones:

When an outage risk is identified, Duke Energy will attempt to notify the affected customer. However, the company may need to take immediate action if trees cannot be pruned to appropriate levels. This may include trees and shrubs that are within 20 feet of the power line at the maximum peak load or during weather conditions that create line sag and sway.

**Written approvals by Duke Energy are required for all plans.**

We hope this is useful information. If you have additional questions on line voltages or plan any activity not mentioned above, please contact the Asset Protection Specialist for your area. (See Map)

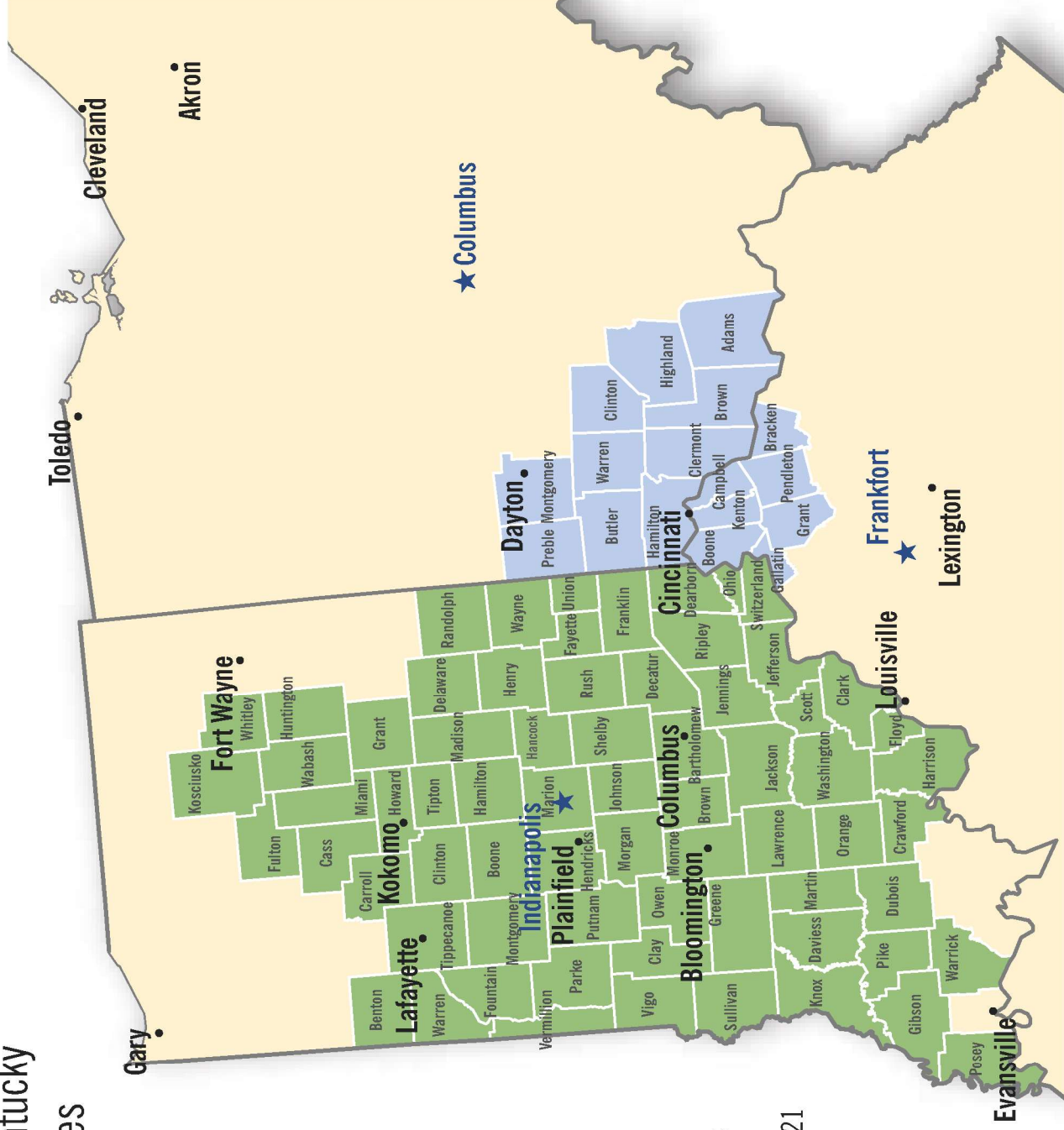
\*Right of Way is intended to reference the easement rights granted to Duke Energy. Actual zone size may vary based upon the particular Right of Way.

# Duke Energy Ohio, Indiana and Kentucky Transmission Asset Protection Zones

## Asset Protection Right-of-Way Specialist Zones

Midwest North – Ryan Daugherty 812.375.2021

Midwest South – Sean Bill 513.287.1418



BUILDING A SMARTER ENERGY FUTURE®



## Your safety is our priority

We have a goal at Duke Energy – to eliminate injury and death from needless power line contacts. We want to provide you with the information you need to stay safe at work.

## Important OSHA minimum approach regulation

The following table is from OSHA 1910.333 and applies to nonqualified persons working in proximity to energized power lines. The minimum approach distance is to be maintained for nonqualified workers. When using equipment classified as a crane or derrick, OSHA 29 CFR 1926.1407-1411 must be followed.

OSHA 1910.333 Applies to NonQualified Persons Minimum Approach Distance	
Up to 50 kV	10 Feet
50 kV up to 200 kV	15 Feet
200 kV up to 350	20 Feet
350 to 500 kV	25 Feet
500 kV to 750 kV	35 Feet

## Important OSHA crane regulation

### Cranes and derricks near transmission power lines – OSHA 29 CFR 1926.1407-1411

This regulation applies to power-operated equipment used in construction that can hoist, lower and horizontally move a suspended load. Such equipment includes, but is not limited to:

If any part of equipment, load line or load could get closer than 20 feet to less than 350 kV power lines or 50 feet for greater than 350 kV power lines, you must speak with a Duke Energy representative before beginning work.

Such equipment includes, but is not limited to:

- Articulating cranes (such as knuckle boom cranes)
- Floating cranes
- Locomotive cranes
- Multipurpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load
- Industrial cranes (such as carry deck cranes)
- Pedestal cranes
- Straddle cranes
- Derricks
- Overhead bridge and gantry cranes NOT permanently installed
- Crawler cranes
- Cranes on barges
- Side boom tractors
- Base-mounted drum hoists only when used with derricks
- Tower cranes
- Portal cranes
- Service/mechanic trucks with a hoisting device
- Dedicated pile drivers
- Mobile cranes (such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted and boom truck cranes)
- Variations of these types of equipment



## Contact us

For more information, please visit [duke-energy.com/safety](http://duke-energy.com/safety) or call:

Duke Energy Carolinas  
800.777.9898 or 800.POWERON

Duke Energy Indiana  
800.521.2232

Duke Energy Kentucky or Ohio  
800.544.6900

Duke Energy Progress  
800.452.2777

Duke Energy Florida  
800.700.8744

550 South Tryon Street  
Charlotte, NC 28202



Revised for 1926.1407 computer requirements  
©2014 Duke Energy Corporation 130665 8/14



## Look up and live.

Working around high-voltage transmission lines



Know how to protect yourself, your crew and the public when working around transmission lines.

Duke Energy cares about your safety. This brochure contains important information for:

- Anyone working around power lines
- Grading contractors
- Forklift operators
- Crane operators
- Developers (residential, commercial, industrial)
- Architects and engineers
- Dump truck operators

## Know your voltage, know your clearance

Federal law requires that all contractors maintain at least a 10-foot clearance from overhead power lines up to 50 kV. Greater clearance is required for higher-voltage power lines and cranes and derricks in construction.

Contact Duke Energy at least three working days before you start working near overhead power lines and equipment so that safety recommendations can be made.

Treat all transmission lines, regardless of their operating voltage, with caution:

- 44 kV and 100 kV lines look similar.
- Never assume a voltage based on the illustration.
- Minimum clearance includes maximum sag, which must be calculated for each instance.
- Injury or death can occur without touching power lines.
- Assume all overhead power lines are energized.
- Contact Duke Energy if you are in doubt about safe operating distances.

### Fact 1.

Power lines that serve your homes and businesses are not insulated like home appliance cords.

### Fact 2.

Power lines carry 4,000 to 500,000 volts of electricity that can seriously injure or kill on contact.

### Fact 3.

The simplest way to stay safe is to know where your power lines are located and stay away.

## A planned project is a safe project

Check the job site for hazards and know the location of all overhead power lines and electric equipment, including poles and guy wires.

Consider all overhead lines as energized. Mark the work site boundaries to keep workers, vehicles, tools and equipment a safe distance from electric lines and equipment.

Hold a pre-work safety meeting, pointing out areas where overhead lines and electric equipment are located.

We can help you:

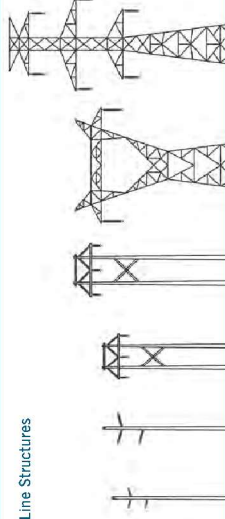
- Confirm voltage
- Confirm clearance
- Confirm wire height under peak conditions
- Provide safety guidance around power lines
- Review and approve drawings for:
  - Compliance with right-of-way restrictions
  - Compliance to National Electric Safety Code
- Identify the best, safe solution

### Emergency situations

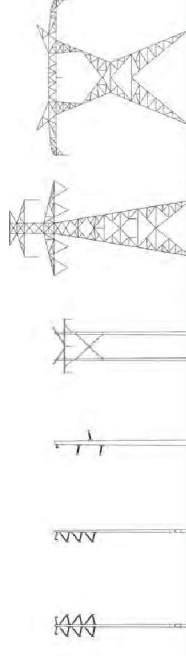
If your equipment makes contact with an overhead power line, notify Duke Energy immediately and take these precautions:

- Have someone call 911.
- Do not attempt to turn off engines or generators.
- Move equipment away from the line only if it is safe to do so.
- Remain on equipment until utility workers arrive and de-energize the line.
- Warn others to stay away. Those on the ground can be injured or killed if they make contact with the equipment.
- If you must leave the equipment because of fire or other dangers, jump off with your feet together. Never touch the ground and equipment at the same time. Keeping your feet together, shuffle or hop away until you are clear of the area.

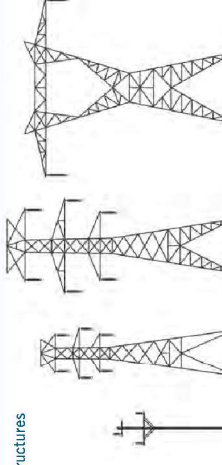
Duke Energy Midwest Transmission Line Structures



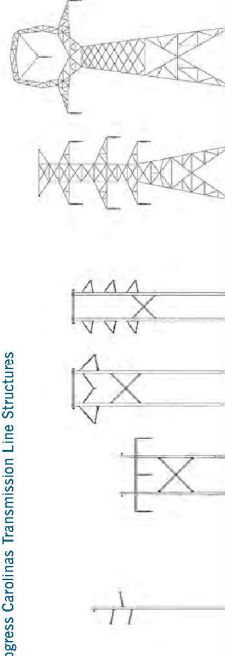
Duke Energy Florida Transmission Line Structures



Duke Energy Carolinas Transmission Line Structures



Duke Energy Progress Carolinas Transmission Line Structures



For more information, visit [duke-energy.com/safety](http://duke-energy.com/safety).

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

**Commission of Ohio Docketing Information System on**

**3/11/2020 2:43:39 PM**

**in**

**Case No(s). 17-1152-EL-BGN**

Summary: Notice Notice of Compliance with Condition 6 - Permits - Duke Tx ROW  
electronically filed by Ms. Julia M Mancinelli on behalf of Hillcrest Solar I, LLC