

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Duke Energy Ohio, Inc. for the Mitchell Ave. Pole) **Case No. 20-0064-EL-BNR**
Replacement 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 4906-6. However, pursuant to the Entry issued on March 17, 2020, in Case No. 20-0601-GE-UNC, such automatic approval has been tolled.

Staff recommends the application for approval, 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.

Sincerely,



Raymond W. Strom
Chief of Facility Review and Compliance Division
Power Siting Department
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
(614) 644-7670
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 20-0064-EL-BNR
Project Name: Mitchell Ave. Pole Replacement Project
Project Location: Hamilton County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: January 23, 2020
Filing Type: Construction Notice
Report Date: April 16, 2020
Recommended Automatic Approval Date: n/a
Applicant's Waiver Requests: None
Staff Assigned: A. Holderbaum, F. Butt

Summary of Staff Recommendations (see discussion below):

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

Project Description

The Applicant, Duke Energy Ohio, Inc., proposes to replace five wood structures with five steel structures along the bank of Mill Creek in the city of Cincinnati. The proposed project would also include the installation of approximately 0.36 miles of 138 kilovolt (kV) single circuit transmission line. The project involves only parts of the existing F8286 and F1288 138 kV transmission lines.

No new easements would be necessary for this project. The Applicant proposes to begin construction during a planned 19-day power outage on September 28, 2020. Concrete foundations would be poured 60 days prior to the planned outage. Construction would be completed during the outage. The Applicant estimates the total cost of the project to be \$1,212,500.

Site Description

Construction would occur on property owned by the Applicant and the Mill Creek Conservancy District. The replacement line begins at the Mitchell Avenue Substation on the northwest side of Mill Creek. The line and replacement poles remain adjacent to Mill Creek for the entire line. Two roads, Mitchell Avenue and Rev Drive, would be crossed by the project. The final pole is located on the southwest corner of the Woody Sander Ford parking lot near the Family Dollar. The project area is predominantly commercial and industrial with maintained lawns.

Basis of Need

The need to replace these structures is based upon a field inspection performed June 2019. Photos in the application show the need to replace the existing structures.

The existing F8286 and F1288 lines provide 138 kV electric service to commercial, industrial and, residential customers. Due to the increase in load in Hamilton County, the existing circuits may not be able to reliably operate if the lines were to be damaged from a failing structure. Based upon the evidence presented, this project warrants pole replacement for continued reliable service to the local community.

Nature of Impacts

Socioeconomic Impacts

The Applicant sent notification about the project to area public officials, libraries, and affected property owners. The project is located on the north and south sides of Mitchell Avenue adjacent to Mill Creek. The project starts at the Mitchell Avenue Substation and goes south for 0.36 miles where the last of the poles to be replaced is located on the north bank of Mill Creek near Kenard Avenue. The surrounding land use is predominantly commercial and industrial property. No residences or structures would need to be removed as a result of this project. There are no cemeteries, churches, schools, or other community facilities located within 1,000 feet of the proposed project.

Agricultural Land

The proposed project area is not located within any agricultural land. Therefore, construction and operation of the electric transmission line extension is not expected to impact agricultural district land or agricultural production.

Cultural Resources

This project area has been studied for the presence of archaeological resources and historic impacts, and no significant adverse impacts on cultural resources are expected as the replacement structures pose no significant changes in location and height compared to the existing structures.

Surface Waters

The survey corridor contains one perennial stream, Mill Creek. No poles would be located in the stream. No in-water work is planned, and no impacts to streams are anticipated. The survey corridor does not contain any wetlands or ponds.

The project would impact less than one acre of land and would not require coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit. The project location is outside of 100-year floodplain areas and no floodplain development permitting would be required.

Threatened and Endangered Species

The project area is within the range of state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). No tree clearing is necessary for this project, and therefore no impacts to these species are anticipated.

Impacts to other state and federally listed species are not anticipated, due to no proposed in-water work and a lack of suitable habitats.

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 approval of this application subject to the following condition. 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.

Condition:

- (1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

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Case No(s). 20-0064-EL-BNR

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