

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE ACCELERATED  
APPLICATIONS TO CONSTRUCT VARIOUS  
TRANSMISSION LINE PROJECTS FILED BY:

AEP OHIO TRANSMISSION  
COMPANY, INC.,

CASE NO. 19-1987-EL-BLN

AEP OHIO TRANSMISSION  
COMPANY, INC.,

CASE NO. 20-006-EL-BNR

OHIO POWER COMPANY DBA AEP  
OHIO.

CASE NO. 20-377-EL-BNR

DUKE ENERGY OHIO, INC.

CASE NO. 20-64-EL-BNR

DUKE ENERGY OHIO, INC. AND

CASE NO. 20-134-EL-BLN

DUKE ENERGY OHIO, INC.

CASE NO. 20-346-EL-BLN

IN THE MATTER OF THE ACCELERATED  
APPLICATION OF DUKE ENERGY OHIO,  
INC. FOR THE ROUND BOTTOM ROAD  
IMPROVEMENT NATURAL GAS PIPELINE  
REROUTE PROJECT.

CASE NO. 20-543-GA-BLN

IN THE MATTER OF THE ACCELERATED  
APPLICATION OF THE EAST OHIO GAS  
COMPANY D/B/A DOMINION ENERGY  
OHIO FOR THE CONSTRUCTION OF THE  
SUPERIOR DAIRY PIPELINE RELOCATION  
PROJECT.

CASE NO. 20-953-GA-BNR

### OPINION, ORDER, AND CERTIFICATE

Entered in the Journal on May 21, 2020

#### I. SUMMARY

{¶ 1} The Ohio Power Siting Board approves the accelerated applications in the above-captioned proceedings for certificates to construct various transmission line projects and for a natural gas pipeline reroute project.

## II. DISCUSSION

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 3} AEP Ohio Transmission Company, Inc. (AEP Ohio Transco), Ohio Power Company dba AEP Ohio, Duke Energy Ohio, Inc. (Duke), and The East Ohio Gas Company dba Dominion Energy Ohio (DEO) are persons as defined in R.C. 4906.01.

{¶ 4} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Board.

{¶ 5} R.C. 4906.03(F) instructs the Board to adopt rules that provide for an accelerated review and automatic certification of an electric transmission line and associated facilities as well as certain natural gas pipeline projects in some instances. In accordance with R.C. 4906.03(F), the Board has adopted Ohio Adm.Code Chapter 4906-6 addressing accelerated and expedited accelerated certificate applications.

{¶ 6} Ohio Adm.Code 4906-6-02 identifies the types of accelerated applications as either letter of notification or construction notice applications. Accelerated applications are subject to a 90-day automatic approval process. Ohio Adm.Code 4906-6-10(A).

{¶ 7} Accelerated applications may be suspended by the Board, executive director, or an administrative law judge for good cause. Ohio Adm.Code 4906-6-09(A). Once an accelerated certificate application has been suspended, the Board will act to approve, modify, or deny the accelerated certificate application within 90 days from the date that the application was suspended. Ohio Adm.Code 4906-6-09(C). The Board or administrative law judge may, at its discretion, set the matter for hearing. Ohio Adm.Code 4906-6-09(C).

{¶ 8} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are

required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 9} The Supreme Court of Ohio has found that the Board is vested with considerable discretion “to decide how \* \* \* it may best proceed to manage and expedite the orderly flow of its business, avoid undue delay and eliminate unnecessary duplication of effort.” *In re Application of American Transmission Systems, Inc.*, 125 Ohio St.3d 333, 2010-Ohio-1841, 928 N.E.2d 427, ¶ 17; *Toledo Coalition for Safe Energy v. Pub. Util. Comm.*, 69 Ohio St.2d 559, 560, 433 N.E.2d 212 (1982).

{¶ 10} On March 17, 2020, an administrative law judge (ALJ) directed that, among other things, any time period prescribed by order, statute, or rule for the Board to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter except for accelerated applications where Board Staff had already issued a report recommending automatic approval before issuance of the March 17, 2020 Entry.

{¶ 11} Applications in the above-captioned proceedings were filed by AEP Ohio Transco, AEP Ohio, and Duke on various dates. The applications may be summarized as follows:

- a) Case No. 19-1987-EL-BLN - AEP Ohio Transco proposes to rebuild approximately 17 miles of the Hillsboro-Hutchings 138 kilovolt (kV) circuit and the Hillsboro-Warren 138 kV circuit between the Hillsboro Substation in Highland County and the Clinton County Substation in Clinton County. The new steel poles, consisting primarily of direct embedded structures, would be installed within existing right-of-way. This project is part of the Hillsboro-

Hutchings 138 kV circuit 36-mile rebuild. AEP Ohio Transco plans to commence construction of the project as early as the first quarter 2020 and place the facility in service by approximately June 2021.

- b) Case No. 20-006-EL-BNR – AEP Ohio Transco proposes to construct a new single-circuit 138 kilovolt (kV) transmission line approximately 0.1 mile in length. The new line would span between the Devola Substation and the Devola-Riverview 138 kV transmission line.
- c) Case No. 20-377-EL-BNR – AEP Ohio proposes to replace a six-pole wood structure with a single wood pole structure at the request of the city of Columbus. This project is the result of increasing development in the immediate vicinity of the structure and the need to accommodate a new road for that development. The existing six-pole structure is located within the planned right-of-way for a proposed roadway.<sup>1</sup>
- d) Case No. 20-64-EL-BNR – Duke 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.
- e) Case No. 20-134-EL-BLN – Duke proposes to replace three aging lattice tower structures that support an existing 69 kilovolt (kV) and an existing 138 kV line. The structures will be replaced with seven steel monopole structures. Of the seven structures, five will be associated with the 138 kV line and the remaining two will be associated with the 69 kV line. The project would also install 0.42 miles of new 138 kV transmission line in order to separate the existing 69 kV

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<sup>1</sup> Authorization for AEP Ohio to begin construction of this project was addressed by ALJ order issued May 14, 2020. That decision by the ALJ is hereby ratified by the Board.

and 138 kV lines. This project is at the request of the Ohio Department of Transportation as part of larger improvement plans for Interstate 75.

- f) Case No. 20-346-EL-BLN – Duke proposes to rebuild approximately 2.75 miles of the existing Port Union to Mulhauser 138 kilovolt (kV) transmission line. The proposed rebuild includes the replacement of 15 galvanized steel lattice structures and one wooden pole with 14 double circuit steel monopoles and three single circuit steel monopoles with concrete foundations. Duke plans to commence construction of the project in May 2020 and place the facility in service by approximately June 2021.
- g) Case No. 20-543-GA-BLN – Duke proposes to construct 2.28 miles of new 16-inch diameter natural gas pipeline in the village of Newtown and Anderson Township, Hamilton County. This application revises the previously approved Round Bottom Road Improvement Project (Case No. 20-0048-GA-BLN) which was approved on February 14, 2020. The amended route involves a minor reroute of approximately 375 feet due to Duke being unable to obtain an easement on the property at the southern terminus of the project as approved in Case No. 20-0048-GA-BLN. No additional impacts would result from the proposed reroute.
- h) Case No. 20-953-GA-BNR – DEO is planning to relocate two natural gas pipelines to accommodate a third-party expansion for Superior Dairy located in Perry Township, Stark County, Ohio. In the first relocation, approximately 1,171 feet of 20-inch diameter natural gas transmission pipeline will be removed and approximately 1,493 feet of new fusion bonded epoxy 20-inch natural gas pipeline will be installed by means of open-cut method in a new easement acquired from Superior Dairy. The second relocation involves removing approximately 962 feet of 20-inch and 12-inch diameter natural gas high pressure pipeline and installing approximately 1,318 feet of new fusion

bonded epoxy 20-inch natural gas pipeline by means of open-cut method in a new easement acquired from Superior Dairy. Construction of the pipeline is anticipated to begin in June 2020 and DEO plans to place the replaced lines in service by September 2020.

{¶ 12} The applications filed in the above-captioned proceedings were subject to the March 17, 2020 Entry and suspended from automatic approval during the state of emergency.

{¶ 13} Board Staff filed reports of its review of each application, indicating that the Applicants satisfy the statutory requirements of R.C. 4906.10 for a certificate and recommending that the applications be approved with conditions as outlined in the respective Staff Reports.

{¶ 14} The Board, therefore, approves the applications for certificates as more particularly outlined in the applications and subsequent Staff recommended conditions.

### **III. ORDER**

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the applications filed in the above-captioned cases be approved subject to the conditions outlined in the respective Staff Reports. It is, further,

{¶ 17} ORDERED, That a copy of this Opinion, Order, and Certificate be served upon AEP Ohio Transco, AEP Ohio, Duke, DEO, and all other parties of record in these proceedings.

BOARD MEMBERS:

*Approving:*

Sam Randazzo, Chairman  
Public Utilities Commission of Ohio

Rachel Near, Designee for Lydia Mihalik, Director  
Ohio Development Services Agency

Mary Mertz, Director  
Ohio Department of Natural Resources

Gene Phillips, Designee for Amy Acton, M.D., MPH, Director  
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director  
Ohio Environmental Protection Agency

George McNab, Designee for Dorothy Pelanda, Director  
Ohio Department of Agriculture

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

**Commission of Ohio Docketing Information System on**

**5/21/2020 1:55:10 PM**

**in**

**Case No(s). 19-1987-EL-BLN, 20-0006-EL-BNR, 20-0377-EL-BNR, 20-0064-EL-BNR, 20-0134-EL-BLN,**

Summary: Opinion & Order approving the accelerated applications in the above-captioned proceedings for certificates to construct various transmission line projects and for a natural gas pipeline reroute project. electronically filed by Ms. Mary E Fischer on behalf of Ohio Power Siting Board