

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 1782 GLT Replacement) Case No. 21-0251-EL-BNR
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 (Ohio Adm.Code) 4906-6.

Staff recommends the application for automatic approval May 7, 2021, 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 May 7, 2021, which is the recommended automatic approval date.

Please present any concerns you or your designee may have with this case to my office.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-0251-EL-BNR
Project Name: 1782 GLT Replacement Project
Project Location: Hamilton County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: April 15, 2021
Filing Type: Construction Notice
Inspection Date: April 29, 2021
Report Date: April 30, 2021
Recommended Automatic Approval Date: May 7, 2021
Applicant's Waiver Requests: None
Staff Assigned: T. Crawford, J. Pawley, R. Holderbaum

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions

Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

Duke Energy Ohio, Inc. (Duke Energy or Applicant) proposes to remove and replace an existing, but failing, wood H-frame tower with a new single pole direct embedded steel structure. The project is needed because the existing wood H-frame structure, HMO-32673, failed an internal integrity inspection. The replacement will also ensure safety within the existing easements. No new right of ways will need to be acquired as the entire project is within the existing Duke Energy right of way.

The proposed replacement was included in form FE-T8 in the Applicant's 2020 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 20-0375-EL-FOR.¹

The Applicant anticipates construction to begin during the week of June 7, 2021 with an in-service date of approximately June 28, 2021. The cost of the replacement project is estimated to be \$125,000.²

1. Duke Energy Ohio, Inc. "Long-Term Electric Forecast Report", Public Utilities Commission of Ohio Case No. 20-0375-EL-FOR, July 1, 2020, pages 42, 44.

2. The Applicant indicates that the costs of the replacement project are projected to be transmission plant and included in the Applicant's FERC formula rate (Attachment H-22) and would be allocated to all customers in Duke Energy Zone transmission system. The costs assessed to retail customers of Duke Energy would be recovered through the Base Transmission Rider.

The Applicant states that the project does not change the topology or ratings of the system and therefore was not included in the PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.³

Nature of Impacts

Land Use

The project is located in the City of Cincinnati, Hamilton County. Access for the project would be off of Gray Road and then along an existing utility corridor. Existing land use in a one-mile area of the project consists of overhead electric utility lines, a cemetery, wooded areas and residential structures. No residential structures are located within 100 feet of the replacement project, and no residential structures would need to be removed to construct this project. The project is located entirely on property and easements owned by Duke Energy. No agricultural lands are impacted by this replacement project.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review of previously identified cultural resources in the vicinity of the project. The consultant determined that the project would neither involve nor impact any significant cultural resources or landmarks, and that no further cultural resource management work was considered to be necessary. After consultation with staff, due primarily to the proximity of this project to parcels owned by the Spring Grove Cemetery, which is listed in the National Register of Historic Places and is also a National Historic Landmark, the Applicant is in the process of coordinating these findings with the Ohio Historic Preservation Office (OHPO). The OHPO is reviewing the literature review and consultant recommendations. Staff recommends that construction of this project not commence until such time that the OHPO and the Applicant finalize their coordination to ensure no adverse impacts to the Spring Grove Cemetery.

Surface Waters

No streams, wetlands, or ponds were identified within the project area. Due to impacts totaling less than one acre of ground disturbance, the Applicant would not be required to submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Permit. The project area does not cross a Federal Emergency Management Agency 100-year floodplain area.

3. PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

PJM's RTEP identifies transmission system additions and improvements needed to keep electricity flowing to the millions of people throughout PJM's region. See PJM Regional Transmission Expansion Plan, <https://www.pjm.com/library/reports-notice/rtep-documents.aspx> (Accessed April 19, 2021).

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*). Tree clearing would not be required for this project. No impacts to these species are anticipated.

The Applicant is currently coordinating with the Ohio Department of Natural Resources (ODNR) for any additional state-listed species and/or suitable habitat that may be found in the project area. The Applicant stated that it would provide Staff with any comments from the ODNR review of the project and continue coordination with the ODNR and Staff to assure compliance on the ODNR comments.

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 on May 7, 2021 subject to the following conditions. 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.

Conditions

- (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.
- (2) 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, on the case docket prior to commencement of construction.
- (3) Prior to the commencement of construction, the Applicant shall obtain a coordination letter from the Ohio Historical Preservation Office (OHPO) regarding potential impacts to Spring Grove Cemetery and shall coordinate with the OHPO and with Staff regarding compliance (if any) with the coordination letter.
- (4) Prior to the commencement of construction, the Applicant shall obtain a coordination letter from the Ohio Department of Natural Resources (ODNR) regarding impacts to state and federal listed species and/or their suitable habitat and shall coordinate with the ODNR and with Staff regarding compliance with the letter.

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Case No(s). 21-0251-EL-BNR

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