

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 5781 Emergent Pole         )** **Case No. 21-0731-EL-BNR**  
**Replacement 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 August 13, 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 August 13, 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:** 21-0731-EL-BNR  
**Project Name:** 5781 Emergent Pole Replacement Project  
**Project Location:** Butler County  
**Applicant:** Duke Energy Ohio, Inc.  
**Application Filing Date:** July 22, 2021  
**Filing Type:** Expedited Construction Notice  
**Inspection Date:** August 4, 2021  
**Report Date:** August 6, 2021  
**Recommended Automatic Approval Date:** August 13, 2021  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** T. Crawford, A. Delong, M. Bellamy, G. Zeto

### 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 install three steel pole structures along the existing Duke Energy 5781 transmission line. The pole replacement would allow for the separation of 69-kV and 138-kV lines. It would also allow for the installation of a new 69-kV switch, though non-jurisdictional to, or included with, this Application. The Applicant states that the pole replacement would remove deficient wood poles and would improve service and reliability to customers in the service area.

The proposed pole replacement was not included in the Applicant's 2020 or 2021 Long-Term Forecast Reports, as it is simply a separation of two circuits on two different poles and would not affect the 138-kV model.<sup>1</sup> The Applicant states that the project does not change the topology or

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<sup>1</sup> Staff notes that Ohio Revised Code (R.C.) requires an LTFR to include "A description of proposed changes in the transmission system planned for the next five years." Since this Project is a change to the transmission system, Staff recommends the Applicant include future changes to the transmission system within its LTFR.

ratings of the system and therefore was not included in the PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>2</sup>

The Applicant anticipates construction to begin during the week of September 13, 2021 with an in-service date of approximately October 1, 2021. The cost of the replacement project is estimated to be \$431,208.<sup>3</sup>

## **Nature of Impacts**

### *Land Use*

The project is located in the City of Fairfield in Butler County within existing right-of-way, so no new easements were needed or obtained for the project. The land use in the project area is urban and commercial. There are no residential structures or institutions located within 100 feet of the replacement project, and no residential structures would need to be removed to construct this project. The project would not be located on agricultural land or registered agricultural district land.

### *Cultural Resources*

The Applicant's cultural resources consultant performed a literature review for the project. The consultant determined that the project would not involve or impact any significant cultural resources or landmarks, and that no further cultural resource management work was considered to be necessary. The consultant concluded that this project is not anticipated to affect historic or archaeological properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

### *Surface Waters*

No streams or wetlands are present within the project area. No in-water work is planned, and no surface water impacts are proposed.

The project would impact less than one acre of land and would not require a Notice of Intent for coverage under the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Permit. The project does not cross a 100-year floodplain and no floodplain permit would be required.

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<sup>2</sup> 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 July 23, 2021).

<sup>3</sup> 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.

### *Threatened and Endangered Species*

The project area is currently developed for commercial land uses. Impacts to state and federal listed species would not occur due to a lack of proposed impacts to 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 on August 13, 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.

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

**Commission of Ohio Docketing Information System on**

**8/6/2021 3:24:16 PM**

**in**

**Case No(s). 21-0731-EL-BNR**

Summary: Staff Report of Investigation electronically filed by Mr. Jason Cross on behalf of Staff of OPSB