

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application of)
Duke Energy Ohio, Inc. for a Certificate of)
Environmental Compatibility and Public Need for the) Case No. 21-0348-EL-BNR
Half Acre Substation Transmission Line Relocation)
Project)**

Members of the Board:

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| 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.

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

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-0348-EL-BNR
Project Name: Half Acre Substation Transmission Line Relocation Project
Project Location: Clermont County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: June 8, 2021
Filing Type: Construction Notice
Inspection Date: July 2, 2021
Report Date: August 31, 2021
Recommended Automatic Approval Date: September 7, 2021
Applicant's Waiver Requests: None
Staff Assigned: A. Conway, J. Cross, M. Bellamy, A. 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. (Applicant) proposes to remove and replace eight existing structures, install three new additional transmission support structures, and install approximately 950 feet of new conductor for each phase of electricity. The proposed project is located northwest of the intersection of Half-Acre Road and James A. Rhodes Appalachian Highway (State Route 32) just east of Batavia in Williamsburg Township, Clermont County. The purpose of this transmission line relocation project is to support the future installation of a temporary electric distribution substation to provide electric service to the area's commercial customers.

Most of the new replacement transmission line support structures would be steel monopoles. These poles would be directly embedded/vibrated into the ground. One new structure would be an H-frame that would also be directly embedded in the same manner. Three of the replacement structures would be self-supporting engineered steel poles with concrete foundations. The project is located entirely within an existing Duke Energy Ohio right-of-way and easements.

This transmission line relocation project is a subset of the larger overall project to install a new Half Acre electric distribution substation whose need and solution was presented and reviewed with PJM Interconnection, LLC (PJM) stakeholders at the Subregional Regional Transmission

Expansion Planning Committee on November 20, 2020, and January 15, 2021.¹ Transmission owners plan supplemental projects in accordance with PJM's Open Access Transmission Tariff, Attachment M-3 process. The larger overall substation installation project was issued supplemental PJM upgrade ID s2425, whereby its status can be tracked on PJM's website.² The overall project was included in the Applicant's 2021 Long Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 21-0503-EL-FOR.³ The total cost of this proposed transmission line relocation piece is estimated to be \$1,312,561.⁴

The Applicant plans to commence construction of the transmission line relocation project in October 2021 and place the facility in service by October 2022.

Nature of Impacts

Land Use

The proposed project is within the Applicant's existing right-of-way and easements. The project area is surrounded by agricultural land and commercial/industrial warehouse facilities on the south side of State Route 32. The project is not located within any agricultural district.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for 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 necessary. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect historic properties,

1. 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 Interconnection, "Subregional RTEP Committee - Western," November 20, 2020, Western DEOK Supplemental Projects, Need No. (DEOK 2020-008), <https://pjm.com/-/media/committees-groups/committees/srtepw/2020/20201120/20201120-deok-supplemental-projects.ashx> (Accessed August 10, 2021).

PJM Interconnection, "Subregional RTEP Committee - Western," January 15, 2021, Western DEOK Supplemental Projects, Need No. (DEOK 2020-008), <https://pjm.com/-/media/committees-groups/committees/srtepw/2021/20210115/20210115-deok-supplemental-projects.ashx> (Accessed August 10, 2021).

2. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed August 10, 2021).

A Supplemental Project is defined in the PJM Operating Agreement as a transmission expansion or enhancement that is not required for compliance with the following PJM criteria: system reliability, operational performance or economic criteria, pursuant to a determination by the Office of the Interconnection and is not a state public policy project pursuant to Operating Agreement, Schedule 6, section 1.5.9(a)(ii). See also, PJM Manual 14B: PJM Region Transmission Planning Process, Revision 48, effective October 1, 2020, available at: <https://www.pjm.com/-/media/documents/manuals/m14b.ashx>.

3. Duke Energy Ohio, Inc., "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 21-0503-EL-FOR, July 1, 2021.

4. Applicant indicates that the projected costs, \$1,312,561, are estimated to be transmission plant and included in the Applicant's Federal Energy Regulatory Commission Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-22), and would be assessed on all users of the Duke Energy Zone transmission system. The costs assessed to the retail customers of Duke Energy Ohio will be recovered through the Base Transmission Rider.

Duke Energy Ohio, Inc.'s response to Staff's First Set of Data Request's, DR# STAFF-DR-01-016

and that no additional cultural resources studies are needed for the project. Staff agrees that no further cultural resource management work is necessary.

Surface Waters

The Applicant identified three Category 1 wetlands within the project area.⁵ One wetland would require 0.08 acre of fill in order to replace the existing structure within that wetland. The Applicant has obtained an isolated wetland permit authorization from the Ohio Environmental Protection Agency (EPA) (Ohio EPA authorization ID No. 217472W) for construction activities in wetlands. No streams or ponds were identified within the project area.

The Applicant submitted a Notice of Intent for coverage under the Ohio EPA National Pollutant Discharge Elimination System General Permit. As a requirement of that permit coverage, the Applicant has developed a stormwater pollution prevention plan (SWPPP) and submitted it to Staff for review. Staff has reviewed the SWPPP and does not anticipate any issues. The project area does not cross a Federal Emergency Management Agency (FEMA) 100-year floodplain area.

Threatened and Endangered Species⁶

The project area is within the range of state and federally endangered Indiana bat (*Myotis sodalis*), the federally threatened northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). Tree clearing would be required for this project.

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 has provided Staff with comments from the ODNR review of the project, in a letter dated June 8, 2021. Staff recommends continued coordination with the ODNR and Staff to assure compliance on those ODNR comments.

Conclusion

Staff's review of the application as supplemented 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 on September 7, 2021. Staff recommends automatic approval of this application provided that the following conditions are satisfied. Staff notes that its recommendation for

5. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

6. Based on agency coordination with the USFWS and ODNR, identified listed species of concern are generally defined as including those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544), and/or according to the Conservation of Natural Resources within RC Title XV (§ 1518.01-1518.99; 1531.25, 1531.99, etc.).

One of the missions of the ODNR is to "conserve and improve the fish and wildlife resources and their habitats, and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans." In carrying out this mission, the ODNR considers the "status of native wildlife species [to be] very important" and therefore lists wildlife species needing protection. (ODNR, State Listed Species, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>). In addition to endangered species, those species classified as "threatened" are considered during OPSB project planning and approval because these species are those "whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in it becoming endangered."

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) The Applicant shall coordinate with the ODNR and with Staff regarding compliance with the ODNR's coordination letter dated June 8, 2021.
- (4) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter unless coordination efforts with the ODNR and the USFWS allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 21-0348-EL-BNR

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