

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Duke Energy Ohio for the Beckjord Substation)
Expansion and Transmission Line Project) **Case No. 22-0452-EL-BLN**

Members of the Board:

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| Chair, Public Utilities Commission | Ohio House of Representatives |
| Director, Department of Development | 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 1, 2022, 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 objections you or your designee may have with this case to my office at least four business days prior to September 1, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0452-EL-BLN
Project Name: Beckjord Substation Expansion and Transmission Line Project
Project Location: Clermont County
Applicant: Duke Energy Ohio
Application Filing Date: June 2, 2022
Filing Type: Letter of Notification
Inspection Date: August 23, 2022
Report Date: August 25, 2022
Recommended Automatic Approval Date: September 1, 2022
Applicant's Waiver Requests: None
Staff Assigned: A. Holderbaum, T. Crawford, J. Patmon

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) has proposed the expansion of the Beckjord Substation to allow for the addition of new equipment and the reconfiguration of existing equipment. The expansion of the existing substation fence would be within the property and easements of the Applicant. Two new 110-foot-tall steel monopoles would also be installed to raise the existing 138 kV transmission circuits for the relocation of a 69 kV distribution line. The existing 853 ACAR 30x7 conductor would be transferred from the existing structures to the proposed steel monopole structures.

The expansion of the station and the installation of new assets would allow the Applicant to meet the growing load demand of the surrounding area. The additional equipment and reconfiguration of existing assets is needed to improve operational efficiency and reliability of operations and security of the substation. The relocation of equipment within the substation would provide the ability to loop the 69 kV circuit through the substation, providing greater reliability and improved operational flexibility for planned and unplanned outages.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.¹ The need and solution were presented and reviewed with stakeholders at the November 22, 2019 and the January 17, 2020 PJM Subregional RTEP (SR RTEP) Western meeting.² The PJM number assigned for this supplemental project is s2181, and its progress can be tracked on PJM's website. Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).³

The Applicant states that the project was identified in the Company's 2021 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 21-0503-EL-FOR.⁴

The Applicant proposes to begin construction September 1, 2022, and then placed in service by June 1, 2023.

The capital cost estimate of the station expansion, pole replacement and line relocation is approximately \$9,192,176 using a Class 5 estimate.⁵

Nature of Impacts

Land Use

The proposed project would occur entirely within the Applicant's existing easements. The surrounding land use is made up of industrial property. No temporary easements would be required from adjacent property owners for access roads or laydown areas. The proposed project is not located within the limits of an agricultural district or land being utilized for agricultural purposes.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects. The investigation did not identify any Ohio Historic Inventory buildings or structures eligible for or listed on the National Register of Historic Places. The Applicant submitted the results of the

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 their system impacts.

PJM's RTEP identifies transmission system additions and improvements needed to keep electricity flowing to the millions of customers throughout PJM's region. See PJM Regional Transmission Expansion Plan, <https://www.pjm.com/library/reports-notice/2020-rtep/2020-rtep-book-1.ashx> (Accessed June 15, 2022)

2. The Subregional RTEP Committee (SR RTEP) review and provide input on subregional RTEP projects and provide recommendations to the Transmission Expansion Advisory Committee (TEAC) concerning regional RTEP projects. See PJM Submission of Supplemental Projects for Inclusion in the Local Plan, <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/postings/deok-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx>, (Accessed June 15, 2022)

3. PJM Manual 14B: PJM Region Transmission Planning Process, Rev. 51, Effective Date: December 15, 2021 states that Supplemental Projects refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715, economic criteria or State Agreement Approach projects. Page 19/164. See <https://www.pjm.com/-/media/documents/manuals/m14b.ashx> (Accessed June 8, 2022)

4. Duke Energy Ohio, inc. "Long-Term Electric Forecast Report", Public Utilities Commission of Ohio Case No. 21-0503-EL-FOR, July 1, 2021, Form FE-T9, pages 65 and 68.

5. The Applicant indicates the costs of the project are projected to be transmission plant and included in the Applicant's FERC Formula rate (Attachment H-22 to the PJM Open Access Transmission Tariff), and would be allocated to all customers in the Duke Energy Zone transmission system, and would be recovered through the Base Transmission Rider.

literature review to the Ohio Historic Preservation Office (OHPO) and received concurrence from the OHPO on April 19, 2022. The OHPO concluded that no further coordination is required. Staff concurs with OHPO's conclusion.

*Surface Waters*⁶

In May 2022, the Applicant's consultant, V3 Companies, completed a Natural Resource Assessment of the project area. No wetlands or streams were delineated, therefore no impacts to surface waters are anticipated.

The two proposed pole locations are within a FEMA 100-year floodplain and the proposed substation fence would be expanded into areas within a FEMA Regulatory Floodway. The Applicant indicated that the project is expected to be exempt from Clermont County Flood Damage Reduction Regulations and that further coordination with the Clermont County Floodplain Administrator would occur to confirm that no permit requirement is necessary.

*Threatened and Endangered Species*⁷

The Applicant coordinated with the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) in February 2022. No adverse impacts to federally endangered, threatened, or proposed species or proposed or designated critical habitat are anticipated.

6. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams; and samples streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, *About Us: Surface Water*, <https://www.epa.ohio.gov/About#127147228-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, *Obtain a Permit*, <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to the state's water resources." (ODNR, *Division of Water Resources*, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

7. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as 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 R.C. 1518.01-1518.99; 1531.25; and 1531.99. *See also e.g.*, R.C. 1531.08 states, in part: "In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals."

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>).

This project is within range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. However, no potential bat habitat is located within the project area.

The project is also in range of several mussel, fish, and avian species as well as the Kirtland's snake (*Clonophis kirtlandii*). Impacts to these species are not anticipated due to lack of suitable habitat and lack of in-water work.

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 September 1, 2022, 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. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

8/25/2022 11:09:48 AM

in

Case No(s). 22-0452-EL-BLN

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