

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Expedited Construction Notice)
Application of Duke Energy Ohio for the F7481 Wood) **Case No. 22-0801-EL-BNR**
Pole Replacement Project)

Members of the Board:

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 30, 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 30, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0801-EL-BNR
Project Name: F7481 Wood Pole Replacement Project
Project Location: Hamilton County
Applicant: Duke Energy Ohio
Application Filing Date: September 8, 2022
Filing Type: Expedited Construction Notice
Inspection Date: September 20, 2022
Report Date: September 23, 2022
Recommended Automatic Approval Date: September 30, 2022
Applicant's Waiver Requests: None
Staff Assigned: A. Holderbaum, T. Crawford

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 to replace four wood poles with steel poles on the F7481 138 kilovolt (kV) transmission circuit. One of these wood poles is a stub pole for guy wires to the main structure across the street. A fifth pole would have its transmission attachments removed but would remain in place to provide for distribution service. Changes in the heights of some poles between 2.25 and 15.0 feet would be made to provide adequate clearance between transmission and distribution circuits. There would be no changes to the conductor, static wire, or insulators with this project.

The Applicant claims the replacement of the wood poles with steel poles is necessary due to failed inspections, uplift which induces forces on insulators and clamps of adjacent poles, and clearance issues between transmission and distribution circuits. Applicant further states that the replacement project would improve reliability and operation of electrical service in the area.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.¹ The Applicant states that the project is not a

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/rtep-documents> (Accessed September 13, 2022)

PJM supplemental project and, therefore, no need and solution were presented and reviewed with stakeholders at any RTEP meetings.²

The Applicant states that the project was not included in the Company's 2021 or 2022 Long-term Forecast Report to the Public Utilities Commission of Ohio, due to the project being maintenance and inspection based.³

The Applicant proposes to begin construction in early October 2022, and then be placed in service by November 2022.

The capital cost estimate of the pole replacement project is approximately \$530,000 using a Class 3 estimate.⁴

Nature of Impacts

Land Use

The proposed project would occur entirely within the Applicant's existing easements in the City of Blue Ash, Hamilton County adjacent to commercial properties. The surrounding land use is made up of commercial property. No temporary easements would be required from adjacent property owners for access roads or laydown areas.

Agricultural Land

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 literature review to the Ohio Historic Preservation Office (OHPO) and received concurrence from the OHPO on August 9, 2022. The OHPO concluded that no further coordination is required. Staff concurs with OHPO's conclusion.

Surface Waters⁵

No streams, wetlands, or ponds were identified within the project area. This project does not overlap with any FEMA 100-year floodplains.

2. 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). *See* PJM Manual 14B: PJM Region Transmission Planning Process, Rev. 51, Effective Date: December 15, 2021.

3. Staff notes that Ohio Revised Code (R.C.) 4935.04(C)(5) 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 in its LTFR.

4. 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 Ohio Zone and recovered through the Base Transmission Rider.

5. 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

*Threatened and Endangered Species*⁶

The project is within range of the federal and state endangered Indiana bat (*Myotis sodalis*), the federal threatened and state endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). The Applicant states no tree clearing would be required for this project.

This project is within range of four other state listed species. Due to lack of suitable habitat, and the type of work proposed, impacts to these species are not anticipated.

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 30, 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.

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>).

6. 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>).

- (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**

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Case No(s). 22-0801-EL-BNR

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