

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Duke Energy Ohio for the Newtown Substation) Case No. 22-0515-EL-BNR
Transmission Line Relocation 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 October 26, 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 October 26, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0515-EL-BNR
Project Name: Newtown Substation Transmission Line Relocation Project
Project Location: Hamilton County
Applicant: Duke Energy Ohio
Application Filing Date: July 27, 2022
Filing Type: Construction Notice
Inspection Date: October 12, 2022
Report Date: October 19, 2022
Recommended Automatic Approval Date: October 26, 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 the relocation of approximately 140 feet of the 138 kilovolt (kV) 1883 transmission circuit to a new bay location within the existing Newtown Substation to allow for expansion of the substation. This would also allow the transmission line to loop through the existing station. Two new steel monopoles with concrete foundations would allow the relocation of the 138 kV line before entering the new bay of the substation.

The Applicant claims the expansion of the substation is necessary to provide extra capacity at the Newtown Station in the wake of the retirement of other stations and to improve operational flexibility, reliability, and accommodations for additional equipment to support future load growth. This requires the relocation of the 1883 138 kV circuit to allow the circuit to enter and loop through the substation. The new equipment and assets for the substation would include three 138 kV switches, one 138 kV circuit switch, one 138/13 kV transformer, a new distribution circuit along with relays and monitoring equipment to support these items.

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

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.

reviewed with stakeholders at the March 19, 2021 and the April 16, 2021 PJM Subregional RTEP (SRRTEP) Western meeting.² The PJM number assigned for this project is supplemental project s2513, 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 It should be noted that this station expansion project is related to the retirement of obsolete 4 kV distribution facilities at neighboring distribution stations.

The project was identified in the Company's 2022 Long-term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0503-EL-FOR.⁴

The Applicant proposes to begin construction in January 2023, and then place the facility in service by December 31, 2023.

The capital cost estimate of the line relocation and additional poles is approximately \$912,000 using a Class 4 estimate.⁵

Nature of Impacts

Land Use

The proposed project would occur entirely within the Applicant's existing property and easements in Anderson Township and the Village of Newtown, Hamilton County. The surrounding land use is made up of suburban and residential land. 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's review of the Ohio Historic Preservation Office (OHPO) Online Mapping System found no known archaeological resources in the area where the Applicant plans ground disturbance. There were no National Register of Historic Places (NRHP) listed structures within a half mile of the area of disturbance. The OHPO responded with concurrence that this project would have no effect on properties listed or eligible for listing in the NRHP. The OHPO concluded no

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 August 30, 2022).

2. The SRRTEP Committee reviews and provides input on subregional RTEP projects and provides 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/2021/deok-local-plan-submission-of-the-supplemental-projects-for-2021-rtep.ashx> (Accessed August 30, 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 August 30, 2022).

4. Duke Energy Ohio, inc. "Long-Term Electric Forecast Report", Public Utilities Commission of Ohio Case No. 22-0503-EL-FOR, July 7, 2022, Form FE-T9, page 78.

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 Ohio Zone and recovered through the Base Transmission Rider.

further coordination would be required unless there are changes to the project or archeological remains are discovered, in which case, the Applicant shall contact the OHPO. Staff agrees with these findings.

*Surface Waters*⁶

No streams, wetlands, or ponds were identified within the project area. This project does not overlap with any Federal Emergency Management Agency 100-year floodplain.

*Threatened and Endangered Species*⁷

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*). In order to avoid impacts to these listed bat species, the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) recommend seasonal tree cutting dates of October 1 through March 31 for all trees that are three inches or greater in diameter. The Applicant states tree clearing would be required for this project. Staff recommends the Applicant adhere to the seasonal tree clearing restrictions in order to avoid impacts to these species. No winter hibernacula were observed within 0.25 mile of the project area.

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 several 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 October 26, 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, state, or local 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.
- (3) 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
Commission of Ohio Docketing Information System on**

10/19/2022 9:37:28 AM

in

Case No(s). 22-0515-EL-BNR

Summary: Staff Report of Investigation electronically filed by Mr. Robert A
Holderbaum on behalf of Ohio Power Siting Board and Robert A Holderbaum