

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Duke Energy Ohio, Inc. for the North Bend) **Case No. 22-0942-EL-BLN**
Transmission Line Extension 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 (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval February 14, 2023, unless suspended by the Board, an administrative law judge, 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 February 14, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0942-EL-BLN
Project Name: North Bend Transmission Line Extension
Project Location: Hamilton County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: November 15, 2022
Filing Type: Letter of Notification
Inspection Date: February 1, 2023
Report Date: February 7, 2023
Recommended Automatic Approval Date: February 14, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. Renick, M. Bellamy, T. Crawford, A. DeLong

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 installation of nine new steel monopoles, seven of which would be single circuit and two would be double circuit. Two of the monopoles would replace two steel lattice towers. This project would allow an existing 138 kilovolt (kV) circuit F7284 to crossover a 69 kV circuit, then loop into the new, non-jurisdictional North Bend Station. The total length of new conductor would be approximately 850 feet and would be utilize 954 kcmil ACSS/TW as the conductor. The project would be built on property owned by Duke Energy or within existing easements.

The Applicant claims the new distribution substation is needed to maintain reliability and provide for the anticipated growth in the service area, and the 138 kV extension line would provide needed 138 kV service to the new substation to meet these objectives. The replacement of one of the lattice towers located toward the eastern side of the transmission line and planned substation is needed due to damage that has occurred to the tower.

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 meetings, respectively.² The PJM number assigned for this project is s2112, 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, Federal Energy Regulatory Commission 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 in late February 2023, and then placed in service by December 2023.

The application states that the capital cost estimate of the station expansion, pole replacement and line relocation is approximately \$14,800,000 using a Class 4 estimate, but in a response to a data request, the Applicant provided an updated cost estimate of \$16,070,290.⁵

Nature of Impacts

Land Use

This project would be located in the village of Cleves and the village of North Bend, all within Hamilton County. The surrounding area is urban in nature with residential and commercial land uses. There is no agricultural land use or Agricultural District Land parcels within the footprint of the project or surrounding area. The project would take place within existing easements held by the Applicant and the property which is proposed for the development of a non-jurisdictional distribution substation. This project would not necessitate any changes in land use.

Cultural Resources

The Applicant conducted a cultural resource survey to ascertain potential impacts to historic properties and archaeological sites. The survey determined that adverse impacts to historic properties and archaeological sites are not expected. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that

2. The Subregional RTEP Committee (SRRTEP) 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/teac/2021/20211102/20211102-teac-info-only-deok-local-plan-submission-of-the-supplemental-projects-for-2021-rtep.ashx>, (Accessed November 28, 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 November 28, 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 88 and 89.

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.

this project would not affect historic or archaeological resources, and that no additional cultural resources studies are needed. Staff agrees with these findings.

*Surface Waters*⁶

The Applicant's consultant conducted a wetland and stream delineation survey of the project area on September 28, 2021. The consultant identified one Category 1 wetland approximately 0.03 acres in size.⁷ The consultant also identified one ephemeral stream. The Applicant is not proposing any in-water work for this project, thus impacts to surface waters are not anticipated.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater impacts under the National Pollutant Discharge Elimination System General Permit prior to the beginning of construction. The Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion, control sediment, and protect surface water quality during storm events.

This project does not overlap with any Federal Emergency Management Agency 100-year floodplains.

*Threatened and Endangered Species*⁸

The Applicant received environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on September 29 and

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. 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.

8. 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

October 17, 2021, respectively. This project is within range of the state and federal endangered Indiana bat (*Myotis sodalis*), state endangered and federal threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), state endangered tricolored bat (*Perimyotis subflavus*). The Applicant is currently proposing up to two acres of tree clearing. The USFWS and the ODNR have recommended that trees greater than three inches diameter at breast height only be cut between October 1 and March 31 to prevent potential impacts to roosting bat species. The Applicant has committed to this seasonal tree clearing restriction. No potential winter hibernacula were identified within or near the project area.

This project is also within range of several other listed species. Due to lack of in-water work and lack of suitable habitat, 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 February 14, 2023 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.
- (3) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies.
- (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 allow 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.

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 foregoing document was electronically filed with the Public Utilities
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Case No(s). 22-0942-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mr. Andrew S.
Conway on behalf of Staff of OPSB