

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by
Duke Energy Ohio, Inc. for the Remington Substation
Expansion and Transmission Line Relocation**)
)
) **Case No. 23-0094-EL-BNR**
)

Members of the Board:

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 (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval May 17, 2023, 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 May 17, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0094-EL-BNR
Project Name: Remington Substation Expansion and Transmission Line Relocation
Project Location: Hamilton County
Applicant: Duke Energy Ohio, Inc.
Application Filing Date: February 15, 2023
Filing Type: Construction Notice
Inspection Date: March 17, 2023
Report Date: May 10, 2023
Recommended Automatic Approval Date: May 17, 2023
Applicant's Waiver Requests: none
Staff Assigned: J. O'Dell, A. Holderbaum and J. Cross

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

The Applicant proposes an expansion of the Remington Substation. The 138-kilovolt substation is currently situated on 1.76 acres. The expansion area is 0.22 acres, or approximately 14%. One adjacent steel lattice tower would be replaced with two steel monopoles. The substation expansion is needed to facilitate the installation of a new ring bus. This ring bus would allow the grid to be sectionalized during an outage or planned maintenance event; thus, providing greater system reliability to the area.

This project's need and solution were presented and reviewed with PJM Interconnection, LLC (PJM) stakeholders at the 'Subregional Regional Transmission Expansion Plan (RTEP) Committee – Western' on August 31, 2018, and September 28, 2018.¹ Transmission owners plan supplemental projects in accordance with PJM's Open Access Transmission Tariff, Attachment M-3 process. The project was issued supplemental PJM upgrade ID s1744, whereby the project

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," August 31, 2018, Reliability Analysis Update, <https://pjm.com/committees-and-groups/committees/srtepw> (Accessed April 22, 2023).

PJM Interconnection, "Subregional RTEP Committee - Western," September 28, 2018, Reliability Analysis Update, <https://pjm.com/committees-and-groups/committees/srtepw> (Accessed April 24, 2023).

status can be tracked on PJM's website.² 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 project was included in the Applicant's 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0503-EL-FOR.⁴

Schedule and Cost

The Applicant expects construction of the project to begin in May of 2023, with an in-service date of August 31, 2024. The capital and total costs of the proposed substation expansion and transmission line relocation are estimated to be \$12,533,000.⁵

Nature of Impacts

Land Use

The project is in Symmes Township, Hamilton County, Ohio. The surrounding land use consists of commercial, industrial and railroad uses. Agricultural Districts and agricultural land use are not present. New land rights are not required to complete the substation expansion. The steel monopole structures would be installed within the Applicant's existing transmission line right-of-way.

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 State Historic Preservation Office provided a letter of concurrence on November 28, 2022. Staff agrees with these findings.

Ecological Impacts

*Surface Waters*⁶

No streams, wetlands, or ponds are present in the project area. No portions of the project lie within a FEMA 100-year floodplain. No impacts to surface waters are anticipated.

². PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed April 24, 2023).

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 Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 22-0503-EL-FOR, July 7, 2022.

⁵. Applicant indicates that, \$12,533,000, would be included in the Applicant's formula rate (Attachment H-22 to the PJM Open Access Transmission Tariff) and would be assessed on all transmission customers within the Duke Energy zone.

⁶. The Ohio Environmental Protection Agency (OEPA) 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

*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*). To avoid impacts to these listed bat species, the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service 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 no tree clearing would be required for this project. No winter hibernacula were observed within 0.25 miles of the project area. No impacts to these species are anticipated.

This project is within range of several other state listed species. Due to the lack of suitable habitat in the project area, 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 Ohio Revised Code Section 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this application on May 17, 2023, provided that the following conditions are satisfied. 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.

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-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/discover-and-learn/safety-conservation/about-ODNR/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>.) 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 its becoming endangered." Id.

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**

5/10/2023 2:45:05 PM

in

Case No(s). 23-0094-EL-BNR

Summary: Staff Report of Investigation Staff Report of Investigation electronically
filed by Mr. James S. O'Dell on behalf of Staff of OPSB.