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May 17, 2023

Ms. Tanowa M. Troupe, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, OH 43215-3716

Re: OPSB Case No. 23-0265-GA-BNR / *In the Matter of the Application of Duke Energy Ohio, Inc. for a Construction Notice for the V000B Pipeline Replacement Project*
Letter Accepting Staff's Conditions

Dear Ms. Troupe:

Duke Energy Ohio, Inc. (Duke Energy Ohio), filed a Construction Notice, pursuant to O.A.C. Chapter 4906-6, on April 14, 2023, concerning a proposed project known as the Line V000B Pipeline Replacement Project. The Ohio Power Siting Board (OPSB) Staff issued its report recommending approval by the OPSB, provided that the following conditions are satisfied:

- (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, 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 notice of violation received by the Applicant from the permitting or authorizing authority 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 Staff allow a different course of action. If coordination with these agencies allow clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.
- (5) Prior to commencement of construction within floodplain areas, the Applicant shall obtain any floodplain permits required for construction of this project. The Applicant shall provide a copy of such permits and supporting documentation, or a copy of correspondence with the floodplain administrator showing that no permit is required, on the case docket prior to commencement of construction.
- (6) The Applicant shall not conduct mechanized clearing in wetlands or within 25 feet of any stream channel, except as minimally required for trench installation activities.
- (7) The Applicant shall not cross streams or wetlands by fording for construction access and shall instead employ timber matting or other methods that avoid or minimize streambed and wetland disturbance.
- (8) The Applicant shall coordinate with the appropriate state and local authorities in implementing its traffic control plan.
- (9) The Applicant shall follow the recommendations as outlined in the geotechnical studies conducted to assess soil conditions for Segment 2300 (trenchless installation beneath Duck Creek), and the slope stability assessment conducted at Segment 2380 immediately adjacent to (north) Interstate 71.

Duke Energy Ohio adopts and accepts these required conditions and agrees to satisfy them.

Respectfully submitted,

/s/ Elyse H. Akhbari

Elyse H. Akhbari

Senior Counsel

cc: Michael Williams

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 23-0265-GA-BNR

Summary: Correspondence Duke Energy Ohio, Inc.'s Letter Accepting Staff's Conditions - V000B Pipeline Replacement Project electronically filed by Mrs. Tammy M. Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Akhbari, Elyse Hanson and Kingery, Jeanne.