

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application of )**  
**Duke Energy, Ohio Inc., Pole Relocation at Dimmick ) Case No. 23-0306-EL-BNR**  
**Substation (138 kV) 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 November 20, 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 November 20, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 23-0306-EL-BNR  
**Project Name:** Pole Relocation at Dimmick Substation (138 kV) Project  
**Project Location:** Butler County  
**Applicant:** Duke Energy Ohio  
**Application Filing Date:** August 22, 2023  
**Filing Type:** Construction Notice  
**Inspection Date:** September 13, 2023  
**Report Date:** November 13, 2023  
**Recommended Automatic Approval Date:** November 20, 2023  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** G. Zeto, S. Rowley, 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 install two self-supporting steel monopole structures of heights 125 feet and 120 feet with concrete foundations near the existing Dimmick Substation in Butler County. The structures would be used to support the 138 kilovolt (kV) transmission circuit 3881, which would be relocated from the existing 123-foot tall steel monopole structure within the station. The distance between the two new structures would be approximately 370 feet, and the total length of circuit 3881 being relocated between the existing lattice towers would be approximately 910 feet. The project would be built entirely on property owned by the Applicant, and there would be no need for additional easements, access rights, or changes to the existing right-of-way.

The Applicant claims the relocation and structure removal is needed to allow for equipment improvements, improved access to existing equipment within the station, and additional distribution equipment, when needed. The existing circuit 3881 passes over distribution equipment within Dimmick Station, and the relocation of the circuit outside the station fence would facilitate replacement of deteriorated equipment.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>1</sup> The Applicant states that the project does not qualify as an M-3 supplemental project as it does not significantly change the transmission system model and, therefore, would not be submitted to PJM.<sup>2</sup> In response to a data request the Applicant stated that no need and solution would be submitted to any meetings which consider regional transmission expansion plans. Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability operational performance, Federal Energy Regulatory Commission (FERC) Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).<sup>3</sup>

The Applicant states that the project was included in the Applicant's 2023 Long-Term Forecast Report to the Public Utilities Commission of Ohio.<sup>4</sup>

The Applicant proposes to begin construction in January 2024, and then have the project placed in service by December 2024. The capital cost estimate of the pole replacement project is approximately \$1,465,969, using a Class 4 estimate.<sup>5</sup>

## **Nature of Impacts**

### *Land Use and Agricultural Land*

The project is located in West Chester Township within Butler County, Ohio. The land use of the proposed project area includes residential, commercial, forested, and maintained transmission line and road right of way. The proposed project would not impact the existing and future land uses since the project would occur in existing Duke Energy Ohio-owned property. Following completion of construction, the project area would be restored to pre-existing conditions. The project area is not used for agricultural purposes. Therefore, there would be no impacts to agricultural land or Agricultural District land as a result of the project.

### *Cultural Resources*

The Applicant consulted the Ohio Historic Preservation Office's online mapping system to identify previously recorded cultural resources within 0.5 miles of the project area. This preliminary records check revealed three archaeological sites, one historic structure, which is listed in the National Registry of Historic Places, and one cemetery within the review buffer. The previously recorded archeological sites are not recorded within the proposed project boundaries and would not be

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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.

2. The PJM M-3 Process generally encapsulates: (1) asset management projects, (2) supplemental projects, and (3) other transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning.

3. PJM Manual 14B: PJM Region Transmission Planning Process, Rev. 51, Effective Date: December 15, 2021.

4. Duke Energy Ohio, Inc., "Long-Term Electric Forecast Report", Public Utilities Commission of Ohio, Case No. 23-0503-EL-FOR, June 30, 2023, form FE-T9 Planned Electric Transmission Lines, Summerside-Port Union line, page 71.

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.

directly impacted by the proposed project. Further, the historic structure and cemetery are located approximately 700 feet north of the project.

In addition, there have been two previous archaeological surveys conducted within 0.5 mile of the project area. One survey was conducted for the Dimmick Substation, which encompasses approximately 2.0 acres of the project. The second survey was conducted for the widening of U.S. Route 42 and encompasses approximately 0.4 acres of the project area. No archaeological sites were identified during these surveys.

Based on this review, the Applicant determined that these resources would not be impacted, as the buildings and the property do not intersect the proposed project alignment. Staff agrees with these findings.

#### *Surface Waters<sup>6</sup>*

The Applicant's consultant conducted a wetland and stream delineation of the project area on May 4, 2022. The consultant identified one Category 1 wetland totaling 0.004 acres.<sup>7</sup> The consultant also identified one intermittent stream. No stream or wetland impacts are proposed. The project would impact less than one acre of land and would not require a National Pollutant Discharge Elimination System General permit.

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

#### *Threatened and Endangered Species<sup>8</sup>*

This project is within range of several other listed species. Due to lack of tree clearing, in-water work, and impact to suitable habitat, impacts to these species are not anticipated.

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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, 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 U.S. Fish and Wildlife Service and the 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

## 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 November 20, 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.

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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/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/stste-listed-species>).

**OPSB Staff Report Distribution List**

(The following individuals were provided a copy of this report)

**Jenifer French, Chair**  
**Public Utilities Commission of Ohio**  
180 E. Broad St.  
Columbus, OH 43215

**Gregory Slone**  
**OPSB Public Member**  
6123 Sugar Maple Dr.  
Westerville, OH 43082

**Lydia Mihalik, Director**  
**Ohio Department of Development**  
77 S. High St., 29<sup>th</sup> Floor  
Columbus, OH 43216

**Senator Kent Smith**  
**Ohio Senate**  
1 Capitol Square  
Columbus, OH 43215

**Bruce T. Vanderhoff, M.D.**  
**Director of Health**  
**Ohio Department of Health**  
246 N. High St., P.O. Box 118  
Columbus, OH 43215

**Senator Bill Reineke**  
**Ohio Senate**  
1 Capitol Square  
Columbus, OH 43215

**Brian Baldrige, Director**  
**Ohio Department of Agriculture**  
8995 E. Main St.  
Reynoldsburg, OH 43068

**Rep. Sharon Ray**  
**Ohio House of Representatives**  
77 S High St.  
Columbus, OH 43215

**Anne Vogel, Director**  
**Ohio EPA**  
50 W. Town St., Suite 700  
Columbus, OH 43215

**Rep. Michael Skindell**  
**Ohio House of Representatives**  
77 S High St.  
Columbus, OH 43215

**Mary Mertz, Director**  
**Ohio Department of Natural Resources**  
2045 Morse Rd., Building D-3  
Columbus, OH 43229

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**Case No(s). 23-0306-EL-BNR**

Summary: Staff Report of Investigation electronically filed by Mr. Grant T Zeto on behalf of Staff of the Ohio Power Siting Board.