

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application by)
NTE Ohio, LLC for a Certificate of Environmental)
Compatibility and Public Need for the NTE Middletown) 14-2314-EL-BLN
Energy Center Electrical Interconnection)**

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 the Board's rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

The application will be automatically approved on **January 28, 2015**, unless suspended by the Board's chairperson, the Executive Director, or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to **January 28, 2015**, which is the automatic approval date.

Sincerely,



Patrick Donlon
Interim Executive Director
Ohio Power Siting Board
(614) 466-6692
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 14-2314-EL-BLN
Project Name: NTE Middletown Energy Center Electrical Interconnection
Project Location: Butler County
Applicant: NTE Ohio, LLC
Application Filing Date: December 30, 2014
Filing Type: Letter of Notification
Inspection Date: January 16, 2015
Report Date: January 20, 2015
Automatic Approval Date: January 28 2015
Waiver Requests: None
Staff Assigned: J. Whitis, A. Holderbaum

Summary of Staff Recommendations (see discussion below):

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

Project Description

NTE Ohio, LLC (Applicant) proposes to interconnect approximately 0.08 miles of the existing Duke Energy 345 kilovolt (kV) Transmission Line with NTE's combined-cycle natural gas electric generating facility (case number 14-0534-EL-BGN). The electrical interconnection consists of two proposed transmission taps that would connect the proposed Duke switchyard to the existing Duke transmission line. The proposed Duke switchyard would be located on an approximately 300 by 400 foot enclosed area that would include a three-breaker ring bus. Construction of the switchyard and the electrical interconnection would begin in the second quarter of 2015 and be completed by the third quarter of 2017.

Site Description

The NTE electrical interconnection would be located entirely on an industrial-zoned property. Two new poles would be installed as part of the proposed project. This project would be constructed within NTE's proposed generating facility site, with a small portion of the wiring extending into the Duke right-of-way. No additional right-of-way would be required.

Capital Costs

The capital cost for this project is estimated at \$5,850,000.

Ecological Impacts

Surface Waters

The project area contains two perennial streams, Dicks Creek and Shaker Creek. Dicks Creek extends across the northern portion of the project site, and is crossed by the northern access road used by AK Steel. The existing access would not require any upgrading. Shaker Creek flows along the western and southern portion of the project. Since the NTE electrical interconnection activities are located in agricultural land in the southern portion of the proposed generating facility site, no impacts to streams are anticipated.

Two wetlands were delineated near the project site. Wetland 1 is an artificial diversion ditch, totaling 0.40 acre in size, running north-south along an existing access road. Wetland 2 is a disturbed forested wetland, totaling 1.25 acres. Both wetlands are low quality category 1 wetlands. Since the NTE electrical interconnection activities are located in agricultural land in the southern portion of the facility site, no impacts to wetlands are anticipated.

Vegetation

The project area is comprised of active agricultural land, with some surrounding wooded area, and therefore provides limited unique or high-quality wildlife habitat. The proposed construction activities would occur entirely on agricultural land. No additional work is proposed in wetlands or waterways. No tree clearing is proposed for this project.

Threatened and Endangered Species

According to the United States Fish and Wildlife Service and the Ohio Department of Natural Resources, no records of any unique ecological attributes or rare or endangered species, geologic features, animal assemblages, scenic rivers, state wildlife area, nature preserves, parks or forests, national wildlife refuges, or other protected natural areas occur within a 1-mile radius of the project area.

The state-threatened Peregrine Falcon (*Falco peregrinus*) is the closest record to the facility site, with nests more than 0.5 miles north of Oxford State Road. Since the NTE electrical interconnection activities are located in the southern portion of the facility site, no impact to this species is anticipated.

No in-water work or clearing of forested areas is proposed for the project area. Although no tree clearing is proposed, the Applicant has committed to seasonal clearing dates of October 1 and March 31, due to the presence of potential summer roosting habitat for the Indiana Bat (*Myotis sodalis*).

Conclusion

The proposed electrical interconnection would allow for energy to be generated to meet regional demand and to be connected to the existing transmission grid in order to provide that energy to the market. The construction of this project should pose only minimal negative social and ecological impacts. Staff recommends automatic approval of this case on January 28, 2015.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 14-2314-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mrs. Yvonne W Cooper on behalf of Staff of OPSB