

**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING**

In the Matter of:

THE ELECTRONIC APPLICATION OF DUKE)
ENERGY OHIO, INC. FOR A CERTIFICATE OF)
CONSTRUCTION FOR TWO NEW 138) CASE NO.
KILOVOLT NONREGULATED ELECTRIC) 2025-00228
TRANSMISSION LINES APPROXIMATELY 1.2)
AND 1.3 MILES IN LENGTH, IN BOONE)
COUNTY, KENTUCKY)

DUKE ENERGY OHIO, INC.'S APPLICATION FOR REHEARING

Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company), by counsel, petitions the Kentucky State Board on Electric Generation and Transmission Siting (Board) for rehearing, pursuant to KRS 278.400, of the Board's Order entered herein on January 14, 2026 (Final Order).¹ Specifically, Duke Energy Ohio seeks rehearing and/or clarification with respect to the following findings and directives in Appendix A to the Final Order:

6. Duke Energy Ohio is required to limit construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. local time, Monday through Saturday. The Siting Board directs that construction activities that create a higher level of noise will be limited to 9 a.m. to 5 p.m. local time, Monday through Friday. Non-noise causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m. local time, Monday through Sunday, including field visits, arrival, departure, planning, meetings, mowing, surveying, etc.

In support of this petition, the Company states as follows:

I. BACKGROUND

On September 16, 2025, Duke Energy Ohio filed its Application for an Order granting a Construction Certification authorizing the construction of two new non-

¹ Final Order (Ky. P.S.C. Jan. 14, 2026).

regulated 138 kilovolt (kV) transmission lines (approximately 2.6 miles total) (Certificate) in Boone County, Kentucky (Turfway Reliability Project or the Project).² The Company's Application, Responses to Data Requests, and testimony proffered at the December 16, 2025 evidentiary hearing demonstrate that the proposed Turfway Reliability Project will minimize significant adverse impact on the scenic assets of Kentucky and that the Company will construct and maintain the line according to all applicable legal requirements.³ On January 14, 2026, the Board issued its Final Order approving the Company's Application and, among other things, through Appendix A, established thirty-two (32) Mitigation Measures and Conditions for its Approval (Conditions).

In this Application for Rehearing, the Company respectfully requests the Board revisit and clarify one of these Conditions to ensure that the Company carries out the Board's directives and meet permitting and construction requirements, while constructing the transmission facilities in a safe, reliable, efficient, and customer-friendly manner. Specifically, Duke Energy Ohio seeks rehearing and/or clarification with respect to three aspects of Condition No. 6 in the Final Order Appendix A.

II. ARGUMENT

A. The restriction to daytime construction activities should be clarified because highway crossings may need to be performed during overnight hours.

Appendix A to the Order limits construction activities to specific hours during daylight. Specifically, under Condition No. 6 the Board provided three construction windows that limit the times certain activities may be performed:

² Application (Sept. 16, 2025).

³ See KRS 278.714(3).

- 1) construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. local time, Monday through Saturday;
- 2) construction activities that create a higher level of noise between 9 a.m. to 5 p.m. local time, Monday through Friday; and
- 3) non-noise causing and non-construction activities on the site between 7 a.m. and 10 p.m. local time, Monday through Sunday, including field visits, arrival, departure, planning, meetings, mowing, surveying, etc.

While these limitations are acceptable to the Company for nearly all of the construction activities, these limitations are far too restrictive and indeed may be impossible to comply with during necessary highway crossings under state-issued permits. As the Company explained in its response to Siting Board Staff DR-01-051, a portion of the new line construction will require crossing the I-71 and I-75 Interstate.⁴ To pull the conductor across the interstate, a “maintenance of traffic” plan (MOT Plan) is developed and submitted for approval to the relevant highway agency. The MOT Plan serves to protect the public through, among other things, using rolling roadblocks to pull ropes and conductors across the interstate.⁵ This involves using local law enforcement officers to gradually slow and temporarily stop traffic in all lanes for 15-minute durations to create a safe zone for the public as well as a safe workspace for the overhead line crews. In order to minimize impacts to traffic, per permitting requirements, this work is performed overnight, specifically between 11pm and 5am.⁶ Without clarification or a waiver to permit the interstate crossings that must occur overnight, the Board’s construction windows would prevent the Company from performing this needed activity unless it occurs during the day when traffic is heaviest, thereby creating significant inconvenience to the public, additional costs, and risks for the safety of the public and the Company’s workforce. Duke Energy

⁴ Duke Energy Ohio’s Response to Siting Board Staff DR-01-051 (Oct. 31, 2025).

⁵ *Id.*

⁶ *Id.*

Ohio respectfully requests that the Board clarify that the daytime construction windows do not apply to any necessary interstate crossings where overnight construction would be in the public interest and provides for the safety of the construction personnel.

III. CONCLUSION

WHEREFORE, on the basis of the foregoing, Duke Energy Ohio respectfully requests that the Board grant rehearing of the Final Order in accordance with the above clarifications and modifications.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/Rocco D'Ascenzo

Rocco O. D'Ascenzo (92796)
Deputy General Counsel
Larisa M. Vaysman (98944)
Associate General Counsel
Sheena McGee Leach (1000598)
Staff Attorney
Duke Energy Business Services LLC
139 East Fourth Street, 1303-Main
Cincinnati, Ohio 45202
Phone: (513) 287-4320
Fax: (513) 370-5720
MWRegulatoryFilings@duke-energy.com
rocco.d'ascenzo@duke-energy.com
larisa.vaysman@duke-energy.com
sheena.mcgee@duke-energy.com

Counsel for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document in paper medium; that the electronic filing was transmitted to the Commission on January 29, 2026; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.⁷

/s/Rocco D'Ascenzo

Counsel for Duke Energy Ohio, Inc.

⁷ *In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. P.S.C. July 22, 2021).