

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of NRG)
Ohio Pipeline Company LLC for Approval)
of a Letter of Notification for the Avon) Case No. 14-1717-GA-BLN
Lake Gas Addition Project in Lorain)
County, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On December 19, 2014, NRG Ohio Pipeline Company LLC (NRG Pipeline) filed a letter of notification application, pursuant to Ohio Adm.Code 4906-11-01, for the purpose of constructing the Avon Lake Gas Addition Project (project), which consists of a proposed natural gas pipeline, metering station, and regulating station in Lorain County, Ohio. In the application, NRG Pipeline states that the proposed pipeline would extend south for approximately 20 miles from the Avon Lake power plant in the city of Avon Lake to a proposed supply tap location southwest of the village of Grafton. NRG Pipeline asserts that the project qualifies for the Board's letter of notification process, because the project is primarily needed to meet the requirements of a specific customer or specific customers and, therefore, satisfies the criteria set forth in R.C. 4906.03(F). NRG Pipeline explains that, as of the time of the filing of its application, its sole customer is the Avon Lake power plant and the primary purpose of the project is to provide natural gas as a fuel source for the plant.
- (2) NRG Pipeline published notice of its application in local newspapers of general circulation, consistent with Ohio Adm.Code 4906-5-08(C)(1) and the Board's interim process requirements. *In re Review of Chapters 4906-1, 4906-5, 4906-7, 4906-9, 4906-11, 4906-13, 4906-15, and 4906-17 of the Ohio Administrative Code*, Case No. 12-1981-GE-BRO, Second Finding and Order (Dec. 17, 2012) at 3. On January 8, 2015, NRG Pipeline filed proofs of publication indicating that notice of the application was published in The Morning Journal and The Chronicle Telegram on December 22, 2014, and December 29, 2014, respectively. As required, the notice

set forth the address for the Board's docketing division and stated that motions to intervene and/or comments must be filed with the Board within 10 days from the date of publication. The notice also indicated that the application was served on local public officials and that it is available for inspection at local libraries and on NRG Pipeline's website, in accordance with Ohio Adm.Code 4906-5-06.

- (3) On March 3, 2015, the administrative law judge (ALJ) granted petitions to intervene in this proceeding filed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and American Transmission Systems, Inc. (collectively, FirstEnergy), as well as various property owners in Lorain County, Ohio (collectively, property owner intervenors).¹
- (4) By Entry dated March 9, 2015, the Board found that good cause exists to suspend NRG Pipeline's letter of notification application and the 90-day automatic certification process, pursuant to R.C. 4906.03(F), in order for the Board and Staff to further review this matter. Pursuant to Ohio Adm.Code 4906-5-02(A)(3)(c), the Board also found that a local public hearing and an adjudicatory hearing should be held in this matter. Specifically, the Board directed that an adjudicatory hearing commence on April 14, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. The Board further directed that the local public hearing would be scheduled, and publication of notice of both hearings required, by subsequent entry. As the Board noted, the purpose of the local public hearing is to allow interested persons in the local community affected by the project, who are not parties to the case, to provide written or oral testimony regarding the project. The purpose of the adjudicatory hearing is for NRG Pipeline, Staff, FirstEnergy, and the property owner intervenors to provide evidence regarding the project.

¹ The property owner intervenors are Wesley Parker; Brandon and Mary Thorne; Charles Borling; Samuel Dennis; Carlos and Sonia Llado; Edmund and Angie Carter; Gary and Kathleen Conlin; Stephanie K. Unger; Edward Kurianowicz; Lawrence R. Plas; Mary B. Miller; Richard and Carol Petersen; Richard and Ellen Braatz; Thomas and Johanna Julius; Louis and Gale Betzel; Fathers of St. Joseph Church; and K. Hovnanian Oster Homes, LLC.

- (5) On March 20, 2015, NRG Pipeline filed a motion for a continuance of the adjudicatory hearing, due to the unavailability of its key witnesses on April 14, 2015. NRG Pipeline requests that the adjudicatory hearing be rescheduled to commence on April 23, 2015. NRG Pipeline represents that Staff, FirstEnergy, and the property owner intervenors do not object to the requested continuance.
- (6) The ALJ finds that NRG Pipeline's unopposed motion for a continuance of the adjudicatory hearing is reasonable and should be granted. Accordingly, the adjudicatory hearing will commence on April 23, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.
- (7) The local public hearing will commence on April 8, 2015, at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio 44035.
- (8) NRG Pipeline should issue public notice of the hearings, which should comply with the requirements set forth in Ohio Adm.Code 4906-5-08(C)(2). As part of the information to be included in the notice, NRG Pipeline shall include a statement that the hearing in this case shall consist of two parts:
 - (a) A public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on April 8, 2015, at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio 44035.
 - (b) An adjudicatory hearing, commencing on April 23, 2015, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That NRG Pipeline's motion for a continuance of the adjudicatory hearing be granted in accordance with finding (6). It is, further,

ORDERED, That the local public hearing in this matter be scheduled at the time and place designated in finding (7). It is, further,

ORDERED, That notice of the hearings be published by NRG Pipeline in accordance with finding (8). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

OHIO POWER SITING BOARD

s/Sarah Parrot

By: Sarah J. Parrot
Administrative Law Judge

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/25/2015 9:33:45 AM

in

Case No(s). 14-1717-GA-BLN

Summary: Administrative Law Judge Entry granting NRG Pipeline's motion for a continuance of the adjudicatory hearing in accordance with finding (6) and scheduling the local public hearing in accordance with finding (7). - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio