

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) Case No. 14-1717-GA-BLN
the Avon 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) 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

- (3) 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. The Board, therefore, established a procedural schedule, including a deadline for the filing of all expert and factual testimony to be offered by FirstEnergy, the property owner intervenors, and Staff.
- (4) By Entry dated April 10, 2015, the ALJ granted, to the extent set forth in the Entry, the property owner intervenors' motion for an extension of the deadline for the filing of expert and factual testimony by FirstEnergy, the property owner intervenors, and Staff. As a separate matter, the ALJ noted that the list of property owner intervenors provided in footnote 1 of the motion for extension included individuals and business entities that were not listed in the petition to intervene filed on behalf of the property owner intervenors on January 9, 2015. Accordingly, the ALJ directed that, if there are additional individuals and entities that seek to join the property owner intervenors as a party to this case, and who are not listed among the property owner intervenors granted intervention in the Entry dated March 3, 2015, a petition for leave to intervene should be filed on their behalf no later than April 15, 2015, with any memoranda contra filed by April 17, 2015.

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 April 13, 2015, counsel for the property owner intervenors filed a petition for leave to intervene on behalf of an additional group of various property owners in Lorain County, Ohio (collectively, property owner petitioners).² In support of their petition, the property owner petitioners state that they were unrepresented by counsel when the initial petition for intervention was filed on January 9, 2015. The property owner petitioners further state that, because they raise no novel issues to be addressed by NRG Pipeline and are seeking to join the existing group of property owner intervenors with similar property interests that are already parties to this matter, the petition for intervention will not unduly delay this proceeding or prejudice any existing party. Additionally, the property owner petitioners note that they agree to be bound by any and all agreements, arrangements, and other matters previously made in this proceeding. No memoranda contra were filed.
- (6) Upon review of the petition for leave to intervene filed by the property owner petitioners, the ALJ finds that the unopposed petition should be granted, given that the property owner petitioners, in the interest of judicial economy, seek to join the existing group of property owner intervenors, have demonstrated that they would be directly affected by the proposed project, and have agreed to be bound by all agreements, arrangements, and other matters previously made in this proceeding.

It is, therefore,

ORDERED, That the petition for leave to intervene filed on April 13, 2015, by the property owner petitioners be granted. It is, further,

² The property owner petitioners are Barbara and Thomas Demaline; Matthias and Joanne Helfrich; Mark and Darlene Julius; Marty and Irene Kaulins; Thomas Oster, President, Avon Development, LLC; Robert and Debra Kubasak; George Mekker and Irene Noster; Joan Kerecz; Albert Kelling; William and Anna Marie Holt; and Theresa M. Wukie.

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

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in

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

Summary: Administrative Law Judge Entry granting petition to intervene filed on 04/13/2015 by the property owner petitioners. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio