

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Duke Energy	)	
Ohio, Inc., for a Certificate of Environmental	)	Case No. 16-0253-GA-BTX
Compatibility and Public Need for the C314V	)	
Central Corridor Pipeline Extension Project	)	

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**NOPE - NEIGHBORS OPPOSED TO PIPELINE EXTENSION, LLC’S  
PETITION FOR LEAVE TO INTERVENE**

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Pursuant to Ohio Revised Code section 4906.08 and Ohio Administrative Code section 4906-2-12(A)(2), NOPE - Neighbors Opposed to Pipeline Extension, LLC (“NOPE”) respectfully petitions the Board for leave to intervene in the above-captioned proceeding, with all of the powers and rights granted to intervening parties. NOPE and its constituent members have significant interests in the outcome of this proceeding, NOPE’s interests are not adequately represented by existing parties, NOPE will contribute to a just and expeditious resolution of the issues before the Board, and NOPE’s intervention will neither delay the proceeding nor prejudice any existing party. The grounds supporting this Petition are more fully stated in the attached Memorandum in Support.

Respectfully submitted,

/s/ James Yskamp  
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*Attorneys for Proposed Intervenors NOPE*

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Duke Energy	)	
Ohio, Inc., for a Certificate of Environmental	)	Case No. 16-253-GA-BTX
Compatibility and Public Need for the C314V	)	
Central Corridor Pipeline Extension Project	)	

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

On September 13, 2016, Duke Energy Ohio, Inc. (Duke Energy) initiated this proceeding by submitting an Application for a Certificate of Compatibility and Public Need (“Application”) for the proposed Central Corridor Pipeline Extension Project (“Project”), which is to be located in Hamilton County, Ohio. The Project is intended to carry natural gas through a 20-inch diameter pipeline from a point near the intersection of Hamilton, Warren and Butler Counties to a location in either the Village of Fairfax or the City of Norwood. The proposed 13-mile route passes through densely populated and environmentally sensitive areas in more than 11 separate jurisdictions within Hamilton County, including Amberley Village, the City of Blue Ash, the City of Cincinnati, the City of Deer Park, the Village of Evendale, the Village of Silverton and Sycamore Township.

Proposed Intervenor NOPE - Neighbors Opposed to Pipeline Extension, LLC (“NOPE”) is a community association comprised of more than 750 individuals, many of whom own property and/or reside along or near the majority of the proposed Project route.

NOPE is concerned that the Project would unnecessarily and adversely affect human health and safety, the environment and its members' economic interests. NOPE is also concerned that Duke Energy has not adequately demonstrated the Public Need for this Project. NOPE has not, however, been given the adequate opportunity to thoroughly review or evaluate the proposed route(s) or other information submitted by Duke Energy in support of its Application. NOPE wishes to participate in this proceeding in order to safeguard and maintain its significant interests in the proposed Project.

## **II. LEGAL STANDARD**

The Board shall grant a petition for leave to intervene upon a showing of good cause and may consider:

- (1) the nature and extent of the petitioner's interest;
- (2) the extent to which the petitioner's interest is represented by existing parties;
- (3) the petitioner's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (4) whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Ohio Admin. Code § 4906-2-12(B).

## **III. ARGUMENT**

### **A. NOPE and its constituent members have significant interests in the outcome of this proceeding.**

As described above, NOPE is comprised of more than 750 individuals, many of whom own property and/or reside along or near the majority of the proposed Project route. Collectively, NOPE is concerned that the Project would endanger the health and safety of communities along its route. Individual members are concerned about threats to

the health and safety of their families, as well as the effects of the proposed Project on their property values and other economic interests.

One example of a NOPE member who lives on or near the proposed Project route and who is concerned about environmental, health and safety concerns, and who questions the need for the Project is Karen Palatchi, 6841 Fox Hill Lane, Madeira, Ohio 45236.

**B. NOPE's interests are not adequately represented by existing parties.**

As of September 28, 2016, the electronic Case Record maintained online by the Public Utilities Commission of Ohio (PUCO) listed the following Parties of Record:

Adele M. Frisch  
Duke Energy  
139 East Fourth Street  
Cincinnati, OH 45202

Felecia D. Burdett  
PUCO  
180 E Broad Street  
Columbus, OH 43215

Donielle M. Hunter  
PUCO  
180 East Broad Street, 11th Floor  
Columbus, OH 43215

Carys Cochern  
Duke Energy  
155 East Broad Street, 20th Floor  
Columbus, OH 43215

Anthony and Joan Boiano  
9528 Bluewing Terrace  
Blue Ash, OH 45241

Thomas A. and Patricia H. Kreitingner  
6150 St. Regis Drive  
Cincinnati, OH 45236

Ohio Power Siting Board Case Record For: 16-0253-GA-BTX, *at*

<http://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-0253&link=POR> (last visited Sept. 28, 2016).

Duke Energy, as the applicant, does not represent the interests of property owners and other NOPE members who reside on or near the proposed Project route.

PUCO, which encompasses the Board, is presiding over these proceedings and is not in a position to adequately represent Proposed Intervenor NOPE's interests.

The four individuals who are Parties of Record have interests in two properties along the proposed Project route in Blue Ash and Sycamore Township, respectively, but do not adequately represent the interests of NOPE members who own or reside at other properties along the proposed Project route or in jurisdictions outside of Blue Ash and Cincinnati and within Hamilton County.

NOPE's participation will obviate the need for hundreds of other individuals to petition for leave to intervene in these proceedings in order to protect their rights and interests. The Board has previously granted leave to intervene in other cases to other non-governmental organizations such as the Ohio Farm Bureau and the Sierra Club.

As of September 28, 2016, no governmental parties eligible to intervene under Ohio Administrative Code section 4906-2-12(A)(1) have filed paperwork in this proceeding. While some jurisdictions have expressed an intention to intervene in this proceeding, by information and belief, none of those jurisdictions would adequately represent the interests of NOPE and its members.

**C. NOPE will contribute to a just and expeditious resolution of the issues before the Board.**

As a community association comprised of more than 750 members, many of whom own property and/or reside within multiple jurisdictions within Hamilton County, NOPE represents interests that exceed the more limited property interests of the existing parties and potential intervenors, and is uniquely positioned to represent the broader public public.

NOPE can also contribute to these proceedings because its members possess broad expertise, and because it is represented by counsel with broad experience in environmental and administrative matters.

**D. Granting NOPE leave to intervene will neither delay the proceeding nor prejudice any existing party.**

By granting NOPE leave to intervene, the Board will facilitate its orderly and comprehensive review of Duke Energy's Application. Failure to include NOPE at this stage of the proceeding may lead to delays in the future.

Granting NOPE leave to intervene will not prejudice any existing parties, including Duke Energy, the PUCO, Anthony and Joan Boiano, or Thomas A. and Patricia H. Kreitingner.

**IV. CONCLUSION**

For the foregoing reasons, NOPE respectfully requests that the Board grant its Petition for Leave to Intervene and allow NOPE to participate as a full party of record in this matter.

Respectfully submitted,

/s/ James Yskamp

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Fax: (412) 291-1197

*Attorneys for Proposed Intervenor NOPE*

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Leave to Intervene was served upon the parties of record listed below on September 28, 2016, by first class U.S. mail and by electronic mail via the electronic filing system where applicable.

*Via e-filing*

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*Via U.S. Mail*

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9528 Bluewing Terrace  
Blue Ash, OH 45241

Thomas A. and Patricia H. Kreitingner  
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Cincinnati, OH 45236

By: /s/ James Yskamp  
James Yskamp (0093095)



**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 16-0253-GA-BTX**

Summary: Petition Petition for Leave to Intervene of NOPE - Neighbors Opposed to Pipeline Extension, LLC electronically filed by James Yskamp on behalf of NOPE - Neighbors Opposed to Pipeline Extension, LLC