

**BEFORE  
THE OHIO POWER SITING BOARD**

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

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**THE CITY OF MADEIRA’S MEMORANDUM CONTRA  
TO DUKE ENERGY OHIO, INC.’S MOTION FOR WAIVER**

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Now comes Mayor Melisa Adrien (“Mayor Adrien”), Mayor for the City of Madeira (“Madeira”), and files pursuant to Ohio Administrative Code (O.A.C.) Rule 4906-2-27 this Memorandum Contra to the Motion for Waiver of certain requirements of the public information program filed by Duke Energy Ohio, Inc. (“Duke”).

As Duke concedes, the Executive Director of the Board shall have the authority to require additional informational meetings “[i]f substantial changes are made to the application” following previous informational meetings.<sup>1</sup> It cannot be disputed that substantial changes have in fact been made.

Duke’s reliance on subpart (B)(3) of 4906.03-03 as informing the prior reference to “substantial changes” is misplaced. Subpart (B)(3) simply sets forth additional mailing requirements necessary in the event of a location change for the proposed facility; it neither defines nor limits what is considered a “substantial change.”

Furthermore, Duke filed its Motion for Waiver concurrent with its Application on September 13, 2016. By doing so, the time period for responding to Duke’s Motion expires prior

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<sup>1</sup> See Duke’s Motion for Waiver (Sept. 13, 2016), at p. 2.

to the time period for Mayor Adrien and similarly situated officials to intervene in the action.<sup>2</sup>

This differential is concerning, and weighs in favor of extending the period for forthcoming intervenors to respond to Duke's Motion, if not denying the Motion altogether.

These are matters of great public interest. In determining the adequacy of prior public information sessions, the Board should caution on the side of increasing rather than foreclosing public participation. Accordingly, the Board should deny Duke's Motion for Waiver and require that an informational meeting be noticed to address the substantial changes to the Application.

Respectfully submitted,

  
MAYOR MELISA ADRIEN, CITY OF MADEIRA

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<sup>2</sup> Compare O.A.C. 4906-2-27(B)(1) with O.A.C. 4906-2-12(A)(1).

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed with the Board by facsimile transmission on this, the 28th day of September, 2016, with copies sent to the following parties of record by U.S. Mail:

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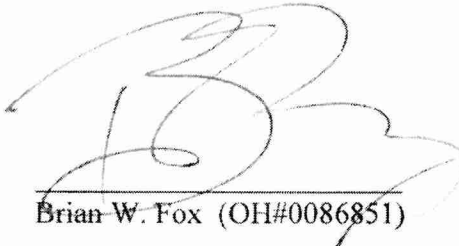
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**Case No(s). 16-0253-GA-BTX**

Summary: Memorandum Contra to Duke Motion for Waiver electronically filed by Mr. Brian W. Fox on behalf of City of Madeira by Mayor Melisa Adrien