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KOHNNEN & PATTON LLP

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BEFORE
THE OHIO POWER SITING BOARD

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

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PUCO

PLEASANT RIDGE COMMUNITY COUNCIL'S PETITION FOR LEAVE TO
INTERVENE

Pursuant to Ohio Revised Code Section 4906.08(B) and Ohio Administrative Code Section 4906-2-12(A)(2), the Pleasant Ridge Community Council ("PRCC") respectfully petitions the Ohio Power Siting Board ("the Board") for leave to intervene in the above-captioned proceeding. PRCC and its constituent officers and members have a significant interest in the outcome of this proceeding. PRCC's interests are not adequately represented by existing parties, PRCC will contribute to a just and expeditious resolution of the issues before the Board, PRCC's intervention will neither delay the proceeding nor prejudice any existing party, and extraordinary circumstances and good cause exist justifying PRCC's intervention. The grounds supporting this Petition are set forth in the attached Memorandum in Support.

Respectfully submitted,

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**BEFORE
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MEMORANDUM IN SUPPORT

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 terminal location in either the Village of Fairfax or the City of Norwood. The proposed 13-mile route passes through densely populated 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 City of Silverton, and Sycamore Township. The geographical boundaries of Pleasant Ridge, an unincorporated area located within the City of Cincinnati, border on at least two of these municipalities.

Proposed Intervenor PRCC is an Ohio non-profit corporation organized for the purpose of serving as the voice of residents and businesses in Pleasant Ridge before federal, state, and local governmental authorities. PRCC is comprised of an executive board of six (6) members

and several subcommittees comprised of approximately fifty (50) people. Many of these individuals own or lease property near certain sections of the proposed Project route.

PRCC respectfully requests permission to intervene so that its voice can be heard at any Board hearings or meetings concerning the Project. Intervention will ensure that the citizens of Pleasant Ridge have a "seat at the table" as a stakeholder during the Board's consideration of this important matter. Moreover, PRCC's input and insight regarding the significant dangers and risks of the Project will greatly benefit the Board in reaching its ultimate decision, as a portion of the proposed pipeline is slated to run through communities and neighborhoods that border Pleasant Ridge. For these reasons, PRCC respectfully requests that the Board grant its petition to intervene and allow it to meaningfully participate in this important process.

II. STANDARD OF REVIEW

Under Ohio law, 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.

OAC § 4906-2-12(B).

Moreover, the Board, in "extraordinary circumstances for good cause shown," may grant a petition for leave to intervene even in the case of an untimely filed petition. R.C. § 4906.08(B).

III. LAW AND ARGUMENT

A. PRCC and Its Officers, Executive Committee Members, and Subcommittee Members Have a Significant and Substantial Interest in the Outcome of this Proceeding.

PRCC and its officers, executive committee members, and subcommittee members have a significant and substantial interest in the outcome of this proceeding. As noted above, PRCC is comprised of 6 officers and approximately 50 individuals who serve on PRCC subcommittees, many of whom own property and reside near a section of the proposed Project route. Collectively, PRCC is sincerely concerned that the Project would endanger the health and safety of the residents of neighborhoods and communities along its route. Individually, PRCC officers, executive committee members, and subcommittee 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 the environment.

B. PRCC's Interests Are Not Adequately Represented by the Existing Parties to the Proceeding.

PRCC's interests are not adequately represented by existing parties. As of March 24, 2017, the electronic Case Record maintained online by the Public Utilities Commission of Ohio (PUCO) reflects the involvement of the following Attorneys and Parties of Record:

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<http://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-0253&link=POR> (last visited March 24, 2017).

Duke Energy, as the applicant, does not represent the interests of PRCC and the residents and property owners in Pleasant Ridge who reside near the proposed Project route. PUCO, which encompasses the Board, is presiding over these proceedings. Therefore, the PUCO is similarly not in a position to adequately represent PRCC's interests. The four individuals who are Parties of Record have ownership interests in two properties along the proposed Project route in Blue Ash and Sycamore Township, respectively, but do not adequately represent the interests of PRCC and Pleasant Ridge residents who reside near other properties along the proposed Project route. Likewise, the City of Madeira is not in a position to adequately represent PRCC's interests, as its primary concern is the safety and security of the residents of Madeira. Finally, Neighbors Opposed to the Pipeline Extension ("NOPE") cannot adequately represent PRCC's interests because its organization has constituent members from many different communities and is not exclusive to Pleasant Ridge.

PRCC's participation will eliminate the need for hundreds of other individuals to petition for leave to intervene in this proceeding in order to protect their rights and interests. The Board has previously granted leave to intervene in other cases to other nongovernmental organizations such as the Ohio Farm Bureau and the Sierra Club. As of March 24, 2017, only one governmental party eligible to intervene under OAC § 4906-2-12(A)(1) has done so – the City of Madeira. While some jurisdictions have expressed an intention to intervene in this proceeding,

upon information and belief, none of those jurisdictions would adequately represent the interests of PRCC, its executive officers, and its subcommittee members.

C. PRCC Will Contribute to a Just and Expeditions Resolution of the Issues Before the Board.

As a neighborhood community council comprised of approximately 6 members and 50 subcommittee members, all of whom own or rent property and reside within Hamilton County, PRCC 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, including Pleasant Ridge and the surrounding neighborhoods. In addition, because Pleasant Ridge is not an incorporated municipality, PRCC is not eligible to intervene as a governmental party pursuant to OAC § 4906-2-12(A)(1). Thus, intervention by way of filing a Petition for Leave is the only way that PRCC can participate in any meaningful way in this important proceeding.

D. Granting PRCC Leave to Intervene Will Neither Delay the Proceeding Nor Prejudice any Existing Party.

By granting PRCC leave to intervene, the Board will facilitate its orderly and comprehensive review of Duke Energy's Application. Failure to include PRCC at this critical juncture of the proceedings may lead to delays in the future. Granting PRCC leave to intervene will not prejudice any existing parties, including Duke Energy, the PUCO, the City of Madeira, NOPE, Anthony and Joan Boiano, or Thomas and Patricia Kreitingner.

E. Even If the Board Treats PRCC's Petition as Untimely Filed, Extraordinary Circumstances Exist Justifying PRCC's Intervention.

Even if the Board treats PRCC's Petition for Leave to Intervene as untimely filed, extraordinary circumstances exist that warrant PRCC's intervention in this proceeding. It is undisputed that Duke's proposed Project is a matter of great public interest and concern to the citizens and residents of Pleasant Ridge and the surrounding neighborhoods and communities. In

determining which stakeholders have a seat at the table in this important proceeding, the Board should err on the side of caution and choose to enhance, not decrease, public participation and civic engagement in this matter. Accordingly, the Board should grant PRCC's Petition for Leave to Intervene.

IV. CONCLUSION

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

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Leave to Intervene was filed with the Board on the 24th day of March, 2017, with copies sent to the following parties and attorneys of record via regular U.S. mail.

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