

BEFORE THE
OHIO POWER SITING BOARD

In the Matter of:	:	CASE NO. 16-0253-GA-BTX
	:	
The Duke Energy Ohio Application for a	:	
Certificate of Environmental Compatibility	:	
and Public Need for the C314V Central	:	<u>AMBERLEY VILLAGE NOTICE OF</u>
Corridor Pipeline Extension Project	:	<u>INTERVENTION</u>
	:	

Amberley Village, Ohio, by and through counsel, hereby provides notice to the parties and the Ohio Power Siting Board that the Village is intervening in this matter pursuant to R.C. §4906.08 and OAC 4906-2-12.

Scot Lahrmer is the Village Manager and chief executive officer of Amberley Village. The Village adopted Resolution 2016-34 (attached) authorizing Mr. Lahrmer to intervene in these proceedings. Part of the proposed facility is to be located within an area under the jurisdiction of Amberley Village and Mr. Lahrmer.

R.C. §4906.08(A)(2) provides that “parties” to this proceeding include each person entitled to receive service of a copy of the application under §4906.06(B). Under §4906.06(B), the Amberley Village Manager, as the chief executive officer of the Village, is entitled to service of the application if the Village is “in the area in which any portion of such facility is to be located.”

The applicant has proposed two routes, a Preferred Route referred to as the “Orange Line,” and an Alternate Route called the “Green Line.” The Preferred Route does not pass near Amberley Village; the Village intends to focus its comments and testimony on the Alternate Route. With regard to the Alternate Route, the Village intends on participating in all facets of the proceedings to the extent the project affects property, residents, and businesses in the Village. In addition, the Village anticipates that through its intervention it may act with other jurisdictions to represent

regional interests common to the Village and other political subdivisions including an evaluation of project need and safety issues.

The Alternate Route is on or immediately inside of the Village's western jurisdictional boundary. The Alternate Route follows existing and active railroad tracks in this area. Where the Alternate Route is on the eastern side of the railroad tracks, it is in the Village.

The applicant's Official Notification of Compliance Filing (March 30, 2017) neglected to identify Amberley Village as a jurisdiction through which the Alternate Route is located and to which notice must be provided. Even as to areas where the pipeline might not be on the Village side of the railroad tracks, the Village is entitled to be a party and intervene in this proceeding pursuant to §4906.08 and 4906.06(B) because the Village is "in the area in which any portion of such facility is to be located." See Case No. 11-1313-EL-BSB, Entry 1/12/12 [the Board permitted property owners that were in "close proximity" to the proposed facility to intervene in the proceeding].

Here, the Alternate Route would substantially impact the Village and its residents, as well as the businesses located in the Village that are situated immediately adjacent to the proposed facility.

In 2016 the Port Authority of Greater Cincinnati invested \$13 Million into the property located at 2100 Section Road to redevelop that site into a new manufacturing facility. The western boundary of that 56-acre site is also the western boundary of the Village; the Alternate Route crosses this property. The construction and operation of the proposed facility substantially impacts the Port Authority property and the redevelopment of that site, which will have a significant impact on health, safety, and welfare of Village residents, workers at that site, the Village's maintenance of streets and public infrastructure, and tax revenue to the Village particularly if the

proposed facility forces the Port Authority or successive owner to alter or reduce development on site to accommodate the proposed pipeline.

In addition to the Port Authority property, there are a number of other businesses within the Village that are immediately adjacent to the Alternate Route. These properties include a bottling facility owned by Pepsi immediately to the north of the Port Authority property (recent investment of over \$9 Million in renovations; 10 acres; 82 employees); to the north of that property is an office building owned by Procter & Gamble (23 acres; unknown number of employees); to the south of the Port Authority property, immediately along the Alternate Route, is a business called Topicz (recent \$4 Million additional investment into facility; 11 acres; 130 employees); further south is Ohio Pulp Mills (2.8 acres; 30 employees), then SJS Packaging (“E-Z Pack”; two acres; 24 employees); located in close proximity to the Alternate Route, but not immediately adjacent, is a business called National Liftgate Parts (20 employees).

These businesses comprise almost the entirety of the business sector in the Village. These businesses are vital to the health, safety, and welfare of the Village, its residents, and people working in the Village. Tax revenue (including income taxes, payroll taxes, and property taxes) are an important source of funds to the Village. The Village provides safety services (police patrols, fire services, maintenance) to these properties. All of these things will be affected in some manner by the proposed pipeline.

The Village chooses to intervene in order to protect its own interests, as well as that of its residents and businesses. The application will have an impact on property owned by the Village, safety services provided by the Village, development and redevelopment of properties in the Village adjacent to the pipeline, and tax revenues to the Village. The Village wants to be able to not just provide testimony to the Board, but also to participate in discovery to access

documentation and analyze the impact of the pipeline on the Village and its constituents, present expert testimony to the Board, and if necessary to cross-examine witnesses during the proceedings.

The interests of Amberley Village are not already represented by existing parties. The impact of the proposed pipeline in or near the Village is unique to the Village. Further, the Village's involvement will contribute to a just and expeditious resolution of the issues involved in the proceeding. The Village does not intend to submit duplicative testimony that is anticipated to be provided by other local government jurisdictions, and in fact intends to coordinate its participation with other jurisdictions in an efficient manner. If anything, the Village's intervention should reduce the number of other parties (such as individual Village residents and property owners) that may seek to participate in the proceedings. The Village's involvement will not unduly delay the proceeding or unjustly prejudice an existing party; there are a large number of local governmental jurisdictions involved in this proceeding, and the Village is one of them.

Respectfully submitted,

/s/ Kevin K. Frank

Kevin K. Frank (0077211)
WOOD & LAMPING LLP
600 Vine Street, Suite 2500
Cincinnati, OH 45202-2491
Tel: (513) 852-6004

Email: kkfrank@woodlamping.com
(willing to accept service by email)
Counsel of Record for Amberley Village, and
Scot Lahrmer, Village Manager

/s/ Scot F. Lahrmer

Village Manager
Amberley Village, Ohio
7149 Ridge Rd.
Cincinnati, OH 45237

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Amberley Village Notice Of Intervention was served on all parties who have electronically subscribed to this case through the Docketing Information System of the Public Utilities Commission of Ohio and the OPSB on this 3rd day of April, 2017. The docketing division's e-filing system will electronically serve notice of the filing of this document on the following parties:

Matt Butler
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus OH 43215

Kristen Ryan
Duke Energy
139 East Fourth Street 1202 Main
Cincinnati OH 45202

Staff, Docketing
Docketing
180 East Broad Street 11th Floor
Columbus OH 43215

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

Jeanne W. Kingery
Duke Energy
155 E Broad St. Suite 2020
Columbus OH 43215

Carys Cochern
Duke Energy
155 East Broad St. 20th Floor
Columbus OH 43215

Vesta R. Miller
Public Utilities Commission of Ohio
180 East Broad Street
Columbus OH 43215

James Yskamp
Fair Shake Environmental Legal Services
159 South Main Street Suite 1030
Akron OH 44308

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

Dianne Kuhnell
Duke Energy Business Services
139 E. Fourth Street
Cincinnati OH 45202

Felicia D. Burdett
PUCO
180 E Broad Street
Columbus OH 43215

Brian W. Fox
Graydon Head & Ritchey LLP
312 Walnut Street Suite 1800
Cincinnati OH 45202
City of Madeira

Paula Boggs Muething
City Solicitor, City of Cincinnati
James F. Lang (0059668)
Steven D. Lesser (0020242)
Mark T. Keaney (0095318)
CALFEE, HALTER & GRISWOLD LLP

Gregory G. Laux
Kohnen & Patton
PNC Center, Suite 800
201 East Fifth Street
Cincinnati, OH 45202
Pleasant Ridge Community Council

The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114
City of Cincinnati

Timothy M. Burke (0009189)
Micah E. Kamrass (0092756)
MANLEY BURKE, LPA
225 W. Court Street
Cincinnati, OH 45202
Village of Evendale

Bryan E. Pacheco (0068189)
Mark G. Arnzen, Jr. (0081394)
DINSMORE & SHOHL LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
City of Blue Ash

R. Douglas Miller
Robert T. Butler
Donnellon, Donnellon & Miller LPA
9079 Montgomery Rd.
Cincinnati, OH 45242
Sycamore Township

The following parties have not been served via the email notice and have been served by regular U.S. Mail on the same date indicated above:

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

Thomas A. and Patricia H. Kreitinger
6150 St. Regis Dr.
Cincinnati, OH 45236

/s/ Kevin K. Frank

Kevin Frank

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

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

Summary: Notice Amberley Village Notice of Intervention electronically filed by Mr. Kevin K. Frank on behalf of Amberley Village