

**BEFORE THE
OHIO UTILITY COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for a Certificate of)	
Environmental Compatibility and Public Need)	Case No. 16-0253-GA-BTX
For the V314V Central Corridor Pipeline)	
Extension Project.)	

PETITION FOR LEAVE TO INTERVENE OF 10149 LLC.

Pursuant to Ohio Revised Code (R.C.) Section 4903.221 and Ohio Administrative Code (“OAC”) Rule 4906-2-12(A)(2), 10149 LLC is an Ohio LLC in good standing, respectfully petitions the Ohio Power Sitting Board (“Board” or “OPSB”) for leave to intervene in the above captioned proceeding. As set forth in the attached Memorandum in Support, 10149 LLC has a real and substantial interest in the proceeding. 10149 LLC’s interests are not adequately represented by any other party to this matter, and its participation will contribute to a just and expeditious resolution of the issues presented. 10149 LLC’s participation will not unduly delay this proceeding or cause undue prejudice to any party.

For these reasons, as more fully set forth in the attached Memorandum in Support, 10149 LLC respectfully requests that the Board grant its Petition for Leave to Intervene.

Respectfully Submitted on behalf of
10149 LLC

s/ Kent Bucciere
R. L. Kent Bucciere (0067776)
Counsel for Petitioner 10149 LLC
The Bucciere Firm
10149 Kenwood Rd.
Blue Ash, Ohio 45242
Kent.Bucciere@gmail.com

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MEMORANDUM IN SUPPORT

10149 LLC owns and leases real property, approximately 7 acres including leaseholds of improved grounds on Kenwood Rd. For a period of approximately 52 years, this property has operated as a licensed, dedicated full-time child daycare facility. The property has served thousands of the community residents and is uniquely situated and configured to support the community needs, 12.75 hours a day, 5 days a week.

Any disruption to the property, adjoining streets, and major thoroughfares during construction would jeopardize property access including that of First Responders, parents & staff to the property during the hours of operation and would significantly impact traffic flow on Kenwood Rd., during the arrival and dismissal of hundreds of community families.

On September 13, 2016, Duke Energy Ohio, Inc. (Duke) filed an application to construct C314V Central Corridor Pipeline Extension, a 13 mile, 20-inch diameter pipeline. The Pipeline will pass through densely populated areas in more than 11 separate jurisdictions within Hamilton County. On January 20, 2017, Duke filed an Amended Application which was further supplemented on February 13, 2017, February 24, 2017, and March 3, 2017. As proposed, the Pipeline route will follow the west border of the property owned by 10149 LLC.

For the purpose of considering a request for leave to intervene in a Commission proceeding, the Commission's rules provide that:

Upon timely motion, any person shall be entitled to intervene in a proceeding upon a showing that: (1) A statute of this state or of the United States confers a right to intervene. (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest unless the person's interest is adequately represented by existing parties. OAC 4901-1-11(A).

10149 LLC has a real, direct and substantial interest in the proceeding, disposition of the proceeding absent 10149 LLC's intervention would impair or impede 10149 LLC's ability to protect its interest. 10149 LLC's interest is not adequately represented by the existing parties.

RC 4903.221(B) and AOC Rule 4906-2-12 set forth the Board's rule regarding intervention. In deciding whether to permit a parties intervention, OAC Rule 4906-2-12(B)(1) states that the Board or administrative law judge may consider:

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

10149 LLC meets the Board's criteria for intervention. First, 10149 LLC has a significant interest in Duke's pending application. 10149 LLC's property serves hundreds of community families on a daily basis. The Pipeline would likely have a significant negative impact upon the property, First Responder access, staff and parent and Kenwood Rd., traffic flow. The Pipeline construction would hinder, if not obstruct, 10149 LLC's ability to serve the community. 10149

LLC's interests are unique and no other party adequately represents 10149 LLC's interests.

10149 LLC's intervention would lead to the just and expeditious resolution of the issues involved in the proceeding and would not unduly delay the proceeding or unjustly prejudice an existing party.

For these reasons, no existing party in this proceeding is able to represent 10149 LLC's interests. 10149 LLC's intervention will not unduly prolong or delay the proceedings. Further, 10149 LLC's intervention will significantly contribute to the full development of the record and its resolution by informing the Board and the other parties of the Pipeline's impact upon the community.

For these reasons, 10149 LLC respectfully request that its petition for Leave to Intervene be granted.

Respectfully Submitted on behalf of
10149 LLC

s/ Kent Bucciere
R. L. Kent Bucciere (0067776)
Counsel for Petitioner 10149 LLC
The Bucciere Firm
10149 Kenwood Rd.
Blue Ash, Ohio 45242
Kent.Bucciere@gmail.com

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 this 1st day of May, 2017 via electronic mail.

s/ Kent Bucciere
R.L. Kent Bucciere

jeanne.kingery@duke-energy.com
tmd@donnellonlaw.com
miller@donnellonlaw.com
roger.friedmann@hcpros.org
michael.friedmann@hcpros.org
jay.wampler@hcpros.org
jlang@calfee.com
slessor@calfee.com
mkeaney@calfee.com
kkfrank@woodlamping.com
bryan.pacheco@dinsmore.com
mark.arnzen@dinsmore.com
tburke@manleyburke.com
mkamrass@manleyburke.com
citymanager@cincinnati-oh.gov
glaux@kplaw.com
jyskamp@fairshake-els.org
ecollins@fairshake-els.org
joliker@igsenergy.com
Richard.tranter@dinsmore.com
Kevin.detroy@dinsmore.com

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

Anthony and Joan Boiano
9528 Bluewing Terrace
Bleu Ash, Ohio 45241

Thomas A. and Patricia H. Kreitinger
6150 St. Regis Drive
Cincinnati, Ohio 45236

s/ Kent Bucciere
R.L. Kent Bucciere

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Summary: Petition for Leave to Intervene and Memorandum in Support electronically filed by Mr. R.L. Kent Bucciare on behalf of 10149 LLC.