

**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.	)	

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**PETITION FOR LEAVE TO INTERVENE OF RLB INC.**

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Pursuant to Ohio Revised Code (R.C.) Section 4903.221 and Ohio Administrative Code (“OAC”) Rule 4906-2-12(A)(2), RLB Inc., an Ohio Corporation 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, RLB Inc. has a real, unique and substantial interest in the proceeding. RLB Inc.’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. RLB Inc.’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, RLB Inc. respectfully requests that the Board grant its Petition for Leave to Intervene.

Respectfully Submitted on behalf of  
RLB Inc.

s/ Kent Bucciare  
R. L. Kent Bucciare (0067776)  
Counsel for Petitioner RLB Inc.  
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**MEMORANDUM IN SUPPORT**

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RLB Inc. owns and operates an all-day child daycare development center situated on approximately 7 acres including leasehold improvements located on Kenwood Rd. For a period of approximately 52 years, this property has operated as a licensed, dedicated, full-time child daycare development facility. RLB Inc. has and continues to serve thousands of the community residents for 12.75 hours a day, 5 days a week to meet the needs of the community. RLB Inc's., enrollment consists of children 6 weeks of age through school-age.

RLB Inc., has a licensed capacity of 334 children. Approximately 75% or 251 of the enrolled children are either non-ambulatory or have a limited ambulatory ability due to age. No other petitioner is charged with such a unique responsibility or possesses such a unique interest.

Any disruption to the property, adjoining streets, and major thoroughfares during construction would jeopardize property access including that of First Responders, parents and staff 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 leased by RLB Inc.

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).

RLB Inc. has a real, direct and substantial interest in the proceeding. Disposition of the proceeding, absent RLB Inc.'s intervention, would impair or impede RLB Inc.'s ability to protect its interest. RLB Inc.'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.

RLB Inc. meets the Board's criteria for intervention. RLB Inc. has a significant interest in Duke's pending application. RLB Inc.'s property serves hundreds of community families and

their young children on a daily basis. The Pipeline would likely have a significant negative impact upon the year-round child daycare development facility including but not limited to First Responder access, staff, parents and Kenwood Rd. traffic flow. The Pipeline construction would hinder, if not obstruct, RLB Inc.'s ability to serve the community. RLB Inc.'s interests are unique and no other party adequately represents RLB Inc.'s interests. RLB Inc.'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 to this proceeding is able to represent RLB Inc.'s unique interests. RLB Inc.'s intervention will not unduly prolong or delay the proceedings. Further, RLB Inc.'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, RLB Inc. respectfully request that its petition for Leave to Intervene be granted.

Respectfully Submitted on behalf of  
RLB Inc.

s/ Kent Bucciery  
R. L. Kent Bucciery (0067776)  
Counsel for Petitioner RLB Inc.  
The Bucciery Firm  
10149 Kenwood Rd.  
Blue Ash, Ohio 45242  
Kent.Bucciery@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 23<sup>rd</sup> day of May 2017 via electronic mail.

s/ Kent Bucciere

R.L. Kent Bucciere

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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  
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Thomas A. and Patricia H. Kreitinger  
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s/ Kent Bucciere

R.L. Kent Bucciere

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

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

Summary: Petition FOR LEAVE TO INVERVENE electronically filed by Mr. R.L. Kent  
Bucciare on behalf of RLB Inc.