

**BEFORE  
THE OHIO POWER SITING BOARD**

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

---

**JOINT MOTION FOR CONTINUANCE OF THE ADJUDICATORY HEARING AND  
REQUEST FOR EXPEDITED RULING**

---

Pursuant to Rules 4906-2-07, 4906-2-09(B)(6) and 4906-2-27(C) of the Ohio Administrative Code, the City of Cincinnati, the Board of County Commissioners of Hamilton County, Amberley Village, the City of Blue Ash, the City of Deer Park, the City of Madeira, the City of Reading, Columbia Township, Sycamore Township, the Village of Evendale, and the Village of Golf Manor (collectively, “Impacted Communities”) respectfully request a continuance of the adjudicatory hearing – continuing the scheduled hearing date from July 12, 2017, at 10:00 am to October 2, 2017, at 10:00 am – with other deadlines associated with the hearing date similarly continued.

As set forth more fully in the attached memorandum, the continuance is requested because the Impacted Communities need additional time to 1) review and respond to the recently issued sixty-four page Staff Report; 2) collectively assess the suitability of the Preferred and Alternative Routes and their potential effect on the Impacted Communities; 3) conduct additional discovery; 4) retain and consult with expert witnesses (to the extent necessary); and 5) engage all parties in discussions intended to resolve the disputed issues in this proceeding. For these reasons, this Joint Motion for Continuance should be granted.

Moreover, although many parties support this Motion, Duke has indicated that it does not. Given impending deadlines in this proceeding – statement of issues by June 23, Duke’s testimony by June 28, and Intervenor testimony by July 5 – the Impacted Communities seek an expedited ruling on this Motion by June 20, 2017.

Respectfully Submitted,

/s/ James F. Lang

James F. Lang (0059668)  
Steven D. Lesser (0020242)  
Mark T. Keaney (0095318)  
CALFEE, HALTER & GRISWOLD LLP  
The Calfee Building  
1405 East Sixth Street  
Cleveland, OH 44114  
(216) 622-8200  
(216) 241-0816 (fax)  
jlang@calfee.com  
slesser@calfee.com  
mkeaney@calfee.com

*Attorneys for the City of Cincinnati and the  
Board of County Commissioners of Hamilton  
County*

Joseph T. Deters, Prosecuting Attorney  
Hamilton County, OH

/s/ Roger E. Friedmann

Roger E. Friedmann (0009874)  
Michael J. Friedmann (0090999)  
Jay R. Wampler (0095219)  
Assistant Prosecuting Attorneys  
Suite 400  
230 E. Ninth Street  
Cincinnati, OH 45202  
(513) 946-3025  
(513) 946-3018 (fax)  
roger.friedmann@hcpros.org  
michael.friedmann@hcpros.org  
jay.wampler@hcpros.org

*Attorneys for the Board of County  
Commissioners of Hamilton County*

/s/ Timothy M. Burke

Timothy M. Burke (0009189)  
Micah E. Kamrass (0092756)  
MANLEY BURKE, LPA  
225 W. Court Street  
Cincinnati, OH 45202  
(513) 721-5525  
(513) 721-4268 (fax)  
tburke@manleyburke.com  
mkamrass@manleyburke.com

*Attorneys for Village of Evendale*

/s/ Bryan E. Pacheco

Bryan E. Pacheco (0068189)  
Mark G. Arnzen, Jr. (0081394)  
DINSMORE & SHOHL LLP  
255 East Fifth Street  
Cincinnati, OH 45202  
(513) 977-8200  
(513) 977-8141 (fax)  
bryan.pacheco@dinsmore.com  
mark.arnzen@dinsmore.com

*Attorneys for the City of Blue Ash and  
Columbia Township*

/s/ R. Douglas Miller

R. Douglas Miller (0033343)  
Law Director, Sycamore Township  
Robert T. Butler (0020242)  
Donnellon, Donnellon & Miller LPA  
9079 Montgomery Road  
Cincinnati, OH 45242  
(513) 891-7087  
(513) 891-7125 (fax)  
miller@donnellonlaw.com

*Attorneys for Sycamore Township*

/s/ Brian W. Fox

Brian W. Fox (0086851)  
GRAYDON HEAD & RITCHEY LLP  
321 Walnut Street  
Suite 1800  
Cincinnati, OH 45202  
(513) 629-2706  
(513) 651-3868 (fax)  
bfox@graydon.law

*Attorney for the City of Madeira*

/s/ David T. Stevenson

David T. Stevenson (0030014)  
Law Director  
City of Reading  
1000 Market Street  
Reading, OH 45215  
Dave.Stevenson@hccpros.org

*Attorney for the City of Reading*

/s/ Kevin K. Frank

Kevin K. Frank (0077211)  
WOOD & LAMPING LLP  
600 Vine Street  
Suite 2500  
Cincinnati, OH 45202  
(513) 852-6004  
kkfrank@woodlamping.com

*Attorney for Amberley Village*

/s/ Terrence M. Donnellon

Terrence M. Donnellon (0017869)  
Solicitor, The Village of Golf Manor, OH  
Robert T. Butler (0046610)  
DONNELLON, DONNELLON & MILLER  
LPA  
9079 Montgomery Road  
Cincinnati, OH 45242  
(513) 891-7087  
(513) 891-7125 (fax)  
tmd@donnellonlaw.com

*Attorneys for the Village of Golf Manor*

/s/ Andrew J. Helmes

Andrew J. Helmes (0068203)  
Law Director  
City of Deer Park  
7777 Blue Ash Road  
Deer Park, OH 45236  
(513) 794-8860  
ahelmes@deerpark-oh.gov

*Attorney for the City of Deer Park*

## MEMORANDUM IN SUPPORT

On January 20, 2017, as amended and supplemented on February 13, 2017, February 24, 2017, and March 3, 2017, Duke Energy Ohio, Inc. (“Duke”) filed with the Ohio Power Siting Board (“Board”) an amended application for a certificate of environmental capability and public need for certificate to construct an approximately 14-mile, 20-inch natural gas pipeline extension (“Proposed Project”). In an Entry on April 13, 2017, the Administrative Law Judge noted that given the “the significant interest in this application and the number of individuals that have submitted comments,” local hearings on the Proposed Project would commence on June 15, 2017 and that the adjudicatory hearing would be scheduled for July 12, 2017.<sup>1</sup>

Following the Entry, on May 31, 2017, Staff issued a Staff Report of Investigation (“Staff Report”) concerning the Proposed Project wherein it made numerous findings and recommendations for consideration by the Board. Given the size, scope, and potential impact of the Proposed Project, the Impacted Communities request additional time to 1) review and respond to the recently issued Staff Report; 2) collectively assess the suitability of the Preferred and Alternative Routes and their potential effect on the Impacted Communities; 3) conduct additional discovery; 4) retain and consult with expert witnesses (to the extent necessary); and 5) engage all parties in discussions intended to resolve the disputed issues in this proceeding.

As the Administrative Law Judge recognized, there is significant public interest in the Proposed Project, which is not surprising given its sheer size, scope, and potential impact on densely populated communities. In the sixty-four page Staff Report, which was filed on May 31, 2017, Staff provides extraordinarily detailed findings and recommendations about the Proposed Project. Many of Staff’s recommendations and findings will have a profound, lasting effect on the Impacted Communities. As such, the Impacted Communities need additional time – beyond

---

<sup>1</sup> Entry, ¶¶ 11, 12.

July 12, 2017 – to prepare and formulate a substantive response to these findings and recommendations. Moreover, given the length and complexity of the issues contained in the Staff Report, the Impacted Communities need to collectively assess the suitability of the Preferred Route versus the Alternate Route (and *vice-versa*). This is especially true considering that Staff have recommended that the Board approve the Alternate Route, while Duke has recommended the Preferred Route. Each of these Routes will have a different impact on the Impacted Communities. To enable the Impacted Communities to fully understand and comment on these Routes, additional time is needed.

Additional time is also warranted given that critical data and other information pertinent to the Proposed Project is still being analyzed by the Impacted Communities. Furthermore, the Impacted Communities still need to conduct additional discovery on important issues related to the Proposed Project, as well as Staff's Report. Similarly, the Impacted Communities will likely need additional time to retain experts and/or consultants to aid their understanding of the Proposed Project (including Staff's Report), particularly the suitability of the Preferred and Alternate Routes. Continuing the hearing date will enable the parties to further develop the material issues in this proceeding, which will eventually create a more thorough record for the Board's consideration.

Finally, additional time would afford *all* parties (not just the Impacted Communities) an opportunity to collaboratively work together with Duke to engage in meaningful discussions intended to address the disputed issues in this proceeding, which is especially important in a proceeding that has garnered significant public interest/concern.

WHEREFORE, the Impacted Communities respectfully request that the adjudicatory proceeding scheduled for July 12, 2017 at 10:00 am be continued to October 2, 2017 at 10:00 am, with associated deadlines for filing statements of issues and testimony similarly continued.

Respectfully Submitted,

/s/ James F. Lang

James F. Lang (0059668)  
Steven D. Lesser (0020242)  
Mark T. Keaney (0095318)  
CALFEE, HALTER & GRISWOLD LLP  
The Calfee Building  
1405 East Sixth Street  
Cleveland, OH 44114  
(216) 622-8200  
(216) 241-0816 (fax)  
jlang@calfee.com  
slesser@calfee.com  
mkeaney@calfee.com

*Attorneys for the City of Cincinnati and the  
Board of County Commissioners of Hamilton  
County*

/s/ Timothy M. Burke

Timothy M. Burke (0009189)  
Micah E. Kamrass (0092756)  
MANLEY BURKE, LPA  
225 W. Court Street  
Cincinnati, OH 45202  
(513) 721-5525  
(513) 721-4268 (fax)  
tburke@manleyburke.com  
mkamrass@manleyburke.com

*Attorneys for Village of Evendale*

/s/ R. Douglas Miller

R. Douglas Miller (0033343)  
Law Director, Sycamore Township  
Robert T. Butler (0020242)  
Donnellon, Donnellon & Miller LPA  
9079 Montgomery Road  
Cincinnati, OH 45242  
(513) 891-7087  
(513) 891-7125 (fax)  
miller@donnellonlaw.com

*Attorneys for Sycamore Township*

Joseph T. Deters, Prosecuting Attorney  
Hamilton County, OH

/s/ Roger E. Friedmann

Roger E. Friedmann (0009874)  
Michael J. Friedmann (0090999)  
Jay R. Wampler (0095219)  
Assistant Prosecuting Attorneys  
Suite 400  
230 E. Ninth Street  
Cincinnati, OH 45202  
(513) 946-3025  
(513) 946-3018 (fax)  
roger.friedmann@hcpros.org  
michael.friedmann@hcpros.org  
jay.wampler@hcpros.org

*Attorneys for the Board of County  
Commissioners of Hamilton County*

/s/ Bryan E. Pacheco

Bryan E. Pacheco (0068189)  
Mark G. Arnzen, Jr. (0081394)  
DINSMORE & SHOHL LLP  
255 East Fifth Street  
Cincinnati, OH 45202  
(513) 977-8200  
(513) 977-8141 (fax)  
bryan.pacheco@dinsmore.com  
mark.arnzen@dinsmore.com

*Attorneys for the City of Blue Ash and  
Columbia Township*

/s/ Kevin K. Frank

Kevin K. Frank (0077211)  
WOOD & LAMPING LLP  
600 Vine Street  
Suite 2500  
Cincinnati, OH 45202  
(513) 852-6004  
kkfrank@woodlamping.com

*Attorney for Amberley Village*

/s/ Brian W. Fox

Brian W. Fox (0086851)  
GRAYDON HEAD & RITCHEY LLP  
321 Walnut Street  
Suite 1800  
Cincinnati, OH 45202  
(513) 629-2706  
(513) 651-3868 (fax)  
bfox@graydon.law

*Attorney for the City of Madeira*

/s/ Terrence M. Donnellon

Terrence M. Donnellon (0017869)  
Solicitor, The Village of Golf Manor, OH  
Robert T. Butler (0046610)  
DONNELLON, DONNELLON & MILLER  
LPA  
9079 Montgomery Road  
Cincinnati, OH 45242  
(513) 891-7087  
(513) 891-7125 (fax)  
tmd@donnellonlaw.com

*Attorneys for the Village of Golf Manor*

/s/ David T. Stevenson

David T. Stevenson (0030014)  
Law Director  
City of Reading  
1000 Market Street  
Reading, OH 45215  
Dave.Stevenson@hcpros.org

*Attorney for the City of Reading*

/s/ Andrew J. Helmes

Andrew J. Helmes (0068203)  
Law Director  
City of Deer Park  
7777 Blue Ash Road  
Deer Park, OH 45236  
(513) 794-8860  
ahelmes@deerpark-oh.gov

*Attorney for the City of Deer Park*

**CERTIFICATE OF SERVICE**

I certify that this Joint Motion was filed electronically through the Docketing Information System of the Ohio Power Siting Board on this 13th day of June, 2017. The Board's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Mark T. Keaney  
*One of the Attorneys for the City of Cincinnati and the  
Board of County Commissioners of Hamilton County*



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

**Commission of Ohio Docketing Information System on**

**6/13/2017 8:11:59 AM**

**in**

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

Summary: Motion Joint Motion for Continuance of the Adjudicatory Hearing and Request for Expedited Ruling electronically filed by Mr. Mark T Keaney on behalf of City of Cincinnati and Amberley Village and The City of Blue Ash and The Board of County Commissioners of Hamilton County and The City of Deer Park and The City of Madeira and The City of Reading and Columbia Township and Sycamore Township and The Village of Evendale and The Village of Golf Manor