

**BEFORE
THE OHIO POWER SITING BOARD**

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

**NOPE - NEIGHBORS OPPOSED TO PIPELINE EXTENSION, LLC’S
MOTION FOR CONTINUANCE OF THE ADJUDICATORY HEARING AND
REQUEST FOR AN EXPEDITING RULING AND MEMORANDUM IN
SUPPORT**

Proposed Intervenor NOPE - Neighbors Opposed to Pipeline Extension, LLC (“NOPE”) submits this Motion for Continuance of the Adjudicatory Hearing pursuant to Rules 4906-2-07, 4906-2-09(B)(6) and 4906-2-27(C) of the Ohio Administrative Code. As discussed more fully below, NOPE fully supports the reasons given in the Joint Motion for Continuance filed by 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 (“Impacted Communities”). NOPE is filing their own Motion to respectfully request an additional 45 days from the Impacted Communities proposed continued hearing date, continuing the adjudicatory hearing from July 12, 2017 to November 16, 2017 so that NOPE and all other interested parties can fully prepare for the adjudicatory hearing.

Due to the upcoming deadlines related to the adjudicatory hearing, NOPE additionally respectfully requests an expedited ruling on this Motion by or on June 19, 2017.

Respectfully submitted,

/s/ James Yskamp

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MEMORANDUM IN SUPPORT

NOPE respectfully requests that the Board grant a Motion for Continuance of the Adjudicatory Hearing originally scheduled for July 12, 2017. On September 13, 2016 NOPE filed a Petition for Leave to Intervene and Memorandum in Support in this matter, which outlined their significant interests in the proceedings. On March 3, 2017, Duke Energy Ohio, Inc. (“Duke”) submitted their amended application for a certificate of environmental capability and public need to the Ohio Power Siting Board (“Board”) in order to construct an approximate 14-mile, 20-inch natural gas pipeline extension (“Proposed Project”). Due to the acknowledged “significant interest in this application,” the Administrative Law Judge concluded that a public hearing would be held on June 15, 2017 and the adjudicatory hearing would be scheduled for July 12, 2017.

NOPE served its first set of discovery requests on Duke on May 26, 2017. On May 31, 2017, a sixty-four-page Staff Report of Investigation (“Staff Report”) regarding

the Proposed Project was filed with the Board. The Staff Report contains additional information and positions concerning, among other things, the alleged need for Proposed Project and its environmental impact on the local communities.

On June 13, 2017, a number of Impacted Communities filed a Joint Motion for Continuance of the Adjudicatory Hearing and Request for Expediting Ruling. NOPE fully supports the Motion for Continuance by the Impacted Communities, but files their own Motion for Continuance to request an additional 45 days for all parties to fully prepare for the adjudicatory hearing. NOPE requests that a Motion for Continuance be granted so that all parties can adequately review, seek discovery on, and respond to the findings and recommendations made in the Staff Report; receive previously requested discovery responses from Duke, and conduct additional discovery in regards to the information received; retain and consult with expert witnesses; and to better prepare all parties to collaboratively resolve the issues in this proceeding.

Duke's Proposed Project will impact many densely populated communities, including those of NOPE's members, and has garnered major public interest and public concern. After Staff released their Report, more details, potential impacts, and recommendations about the Project became evident to NOPE and its members. The specific findings and recommendations in the Staff Report are lengthy, in dispute, and will require additional time to fully assess. The Staff Report provided parties and the public with additional information regarding the impact of the Preferred and Alternative Routes, as well as the Staff's recommendation that the Board approve the Alternative Route rather than the Preferred Route. NOPE proposes that more time be given to better

assess these different Routes and their potential impact on the densely populated communities.

In addition, in order to fully prepare for the adjudication, NOPE needs to engage in additional discovery on a number of assertions and findings in the Application and Staff Report, including those concerning the basis of the need, the public interest, convenience, and necessity, and safety issues and environmental impacts of the Proposed Project. NOPE has been diligent in engaging in discovery, including serving Requests for Admission, Interrogatories, and Requests for Production of Documents, but has not yet received initial responses. Moreover, because of Staff's recommendation to approve the Alternate Route instead of the Preferred Route, NOPE wishes to fully evaluate the differences and impacts of said Routes. NOPE also requests a continuance so that there is adequate time to gather experts on the issues posed by Proposed Project, as well as the Staff Report.

The Board should grant NOPE's Motion for Continuance to ensure that each party is prepared should the matter proceed to an adjudicatory hearing. As noted, this Project warrants a significant amount of public interest and concern due to the densely populated communities it will affect, including many of NOPE's members. Each party should be given an adequate amount of time to truly understand, assess, and respond to the issues presented in the Application and the Staff Report.

WHEREFORE, NOPE respectfully requests that the adjudicatory proceeding scheduled for July 12, 2017 at 10:00 am be continued to November 16, 2017 at 10:00 am, with associated deadlines for filing statements of issues and testimony similarly continued.

Respectfully submitted,

/s/ James Yskamp

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2017 the foregoing Motion and Memorandum was filed through the Docketing Information System, and a copy will be served upon the parties of record by electronic mail via the electronic filing system.

By: /s/ James Yskamp
James Yskamp (0093095)

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: Motion for Continuance of the Adjudicatory Hearing and Request for an Expediting Ruling and Memorandum in Support electronically filed by James Yskamp on behalf of NOPE - Neighbors Opposed to Pipeline Extension, LLC