

**BEFORE THE
OHIO POWER SITING BOARD**

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

**KENWOOD MALL, LLC'S 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, Kenwood Mall, LLC ("Kenwood Mall") respectfully requests a continuance of the adjudicatory hearing from July 12, 2017 at 10:00 am to November 16, 2017, at 10:00 am, as well as corresponding continuances of all related dates following the adjudicatory hearing.

As discussed in the attached Memorandum of Support, Kenwood Mall agrees with the reasons cited 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"). Kenwood Mall also agrees with the Motion for Continuance filed by Neighbors Opposed to Pipeline Extension, LLC ("NOPE") that an additional 45 days beyond the October 2, 2017 date requested by the Impacted Communities will be necessary to complete discovery and prepare for the adjudicatory hearing.

Finally, Kenwood Mall respectfully requests an expedited decision on this and all other currently pending continuance motions.

Respectfully submitted,

/s/ Richard B. Tranter

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MEMORANDUM OF 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 (“OPSB” or the “Board”) an Amended Application for a Certificate of Environmental Compatibility and Public Need to construct an approximately 14-mile, 20-inch natural gas pipeline (the “Project”). In an Entry on April 13, 2017, the ALJ scheduled a public hearing for June 15, 2017 and the adjudicatory hearing for July 12, 2017.

On May 31, 2017, OPSB Staff issued a Staff Report of Investigation (the “Staff Report”) concerning the Project wherein it made numerous findings and recommendations for consideration by the Board.

In light of the sheer volume of information relevant to a full and fair adjudication of Duke’s application, the continuance requested by Kenwood Mall is entirely justified. Written discovery in the case is well underway; however, no depositions have yet been scheduled. Furthermore, experts may be required to evaluate the highly technical information presented in Duke’s application and the Staff Report, and time should be afforded for such efforts.

Additionally, statements made during the public hearing on June 15, 2017 raise significant issues that must be considered. In particular, questions regarding the intended purpose of the pipeline (intrastate versus interstate gas transmission) and the jurisdiction of the Board to decide

Duke's application have been brought to the fore, and additional time will be required to obtain suitable answers.

Finally, additional time would afford all parties an opportunity to work collaboratively toward a mutually acceptable resolution of the disputed issues in this case.

In sum, Kenwood Mall requests additional time to: i) review and evaluate the Staff Report; ii) conduct additional discovery; iii) retain and consult with expert witnesses, as necessary; and iv) engage all parties in discussions intended to resolve the disputed issues in this proceeding. For the foregoing reasons, Kenwood Mall respectfully requests that the adjudicatory hearing be continued to November 16, 2017, at 10:00 am.

Respectfully submitted,

/s/ Richard B. Tranter

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Kenwood Mall, LLC's Motion for Continuance of the Adjudicatory Hearing and Request for Expedited Decision 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 Ohio Power Siting Board on this 20th day of June, 2017. The docketing division's e-filing system will electronically serve notice of the filing of this document on the following parties:

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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:

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/s/ Richard B. Tranter
Richard B. Tranter

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/20/2017 6:05:13 AM

in

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

Summary: Motion for Continuance of the Adjudicatory Hearing and for Expedited Ruling
electronically filed by Mr. Richard B Tranter on behalf of Kenwood Mall, LLC