

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.)	

**DUKE ENERGY OHIO, INC.’S MEMORANDUM CONTRA
KENWOOD’S AND SYCAMORE PLAZA’S MOTIONS FOR CONTINUANCE OF THE
ADJUDICATORY HEARING AND REQUEST FOR EXPEDITED RULING**

I. Introduction

On January 20, 2017, as amended and supplemented on February 13, 2017, February 24, 2017, and March 3, 2017, Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) filed an amended application (Application) with this honorable Ohio Power Siting Board (Board), seeking an order permitting the Company to install a natural gas pipeline (Project) in the Hamilton County area.

On April 13, 2017, the Administrative Law Judge set two hearings: a public hearing to be held on June 15, 2017, and an adjudicatory hearing to commence on July 12, 2017. Subsequently, on May 31, 2017, the Staff of the Commission (Staff) filed its Staff Report of Investigation (Report) recommending approval of the alternate route.

On June 13, 2017, 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 (Communities) filed a Joint Motion for Continuance of

the Adjudicatory Hearing and Request for Expedited Ruling (Joint Motion), requesting that the adjudicatory hearing be delayed until October 2, 2017.

On June 14, 2017, NOPE – Neighbors Opposed to Pipeline Extension, LLC (NOPE), filed a Motion for Continuance of the Adjudicatory Hearing (NOPE Motion), requesting that the adjudicatory hearing be delayed until November 16, 2017.

On June 19, 2017, Duke Energy Ohio filed a memorandum contra the Joint Motion and the NOPE Motion.

On June 20, 2017, two additional motions for continuance were filed: by BRE DDR Crocodile Sycamore Plaza, LLC (Sycamore Plaza), and by Kenwood Mall, LLC (Kenwood) (jointly, June 20 Motions).

As Duke Energy Ohio demonstrates herein, both June 20 Motions should be denied.

Both Sycamore Plaza and Kenwood initially assert that they agree with all arguments made in the Joint Motion and the NOPE Motion, although they support the extreme delay proposed by NOPE.

Duke Energy Ohio renews its opposition to all arguments set forth in the Joint Motion and the NOPE Motion. The Company would note that, after all the time that has passed since this project was announced more than a year ago, neither Sycamore Plaza nor Kenwood has even begun any attempt at discovery. Thus, their concerns that no depositions have been scheduled and that they might need to hire experts should be dismissed out of hand.

Sycamore Plaza and Kenwood also raise the factually unsupported assertion, as claimed in testimony at the public hearing, that the purpose of the project is actually to move natural gas in interstate commerce and that, therefore, consideration of the Application in this case is beyond the jurisdiction of the Board. As Sycamore Plaza and Kenwood are no doubt aware, this

fallacious claim has been discussed by opponents of the project for many months; it has not just “been brought to the fore,” as the movants suggest. Although Sycamore Plaza and Kenwood argue that they need additional time to look into the Company’s “intended purpose [for] the pipeline,” neither one has made any effort to do so. Like the rest of their tactics to delay the adjudicatory hearing, this approach should be disregarded.

It should be noted that delay is, in and of itself, a tactic. For those opposed to allowing the Company to proceed with this necessary work, stalling and delaying permits the status quo to continue. While this is of value to those who are opposed, the delay imposes undue risk and burden on the project and on the service to be provided to customers when the project is complete. These complainants have had ample opportunity for due process and such parties should not be permitted to remain idle and then complain that there has not been sufficient time for discovery, analysis, or argument.

For all of the reasons discussed above and in the Memorandum Contra the NOPE Motion and the Joint Motion, the Company respectfully requests that the Board deny the Sycamore Plaza Motion and the Kenwood Motion and order the parties to be prepared for hearing on July 12, 2017, as currently scheduled.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Jeanne W. Kingery

Amy B. Spiller (0047277)

Deputy General Counsel

Jeanne W. Kingery (0012172) (Counsel of Record)

Associate General Counsel

Duke Energy Business Services LLC

139 E. Fourth Street, 1303-Main

Cincinnati, Ohio 45201

(614) 222-1334 (telephone)

(614) 222-1337 (facsimile)

Amy.Spiller@duke-energy.com

Jeanne.Kingery@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Duke Energy Ohio, Inc.'s Memorandum Contra Kenwood's and Sycamore Plaza's Motions for Continuance of the Adjudicatory Hearing and Request for Expedited Ruling* was delivered by U.S. mail (postage prepaid), personal, or electronic mail, on this 20th day of June, 2017, to the parties listed below.

/s/ Jeanne W. Kingery
Jeanne W. Kingery

Paula Boggs-Muething
Paula.boggsmuething@cincinnati-oh.gov
City Solicitor

Kent Bucciare
The Bucciare Firm
10149 Kenwood Rd
Blue Ash, OH 45242
Kent.bucciare@gmail.com

Counsel for 10149 LLC
Counsel for RLB Inc.
Counsel for Coprop Inc.

William Wright
Section Chief
Robert Eubanks
Assistant Attorney General
Steven Beeler
Assistant Attorney General
Public Utilities Section
180 East Broad St., 6th Floor
Columbus, Ohio 43215
William.wright@ohioattorneygeneral.gov
Robert.eubanks@ohioattorneygeneral.gov
Steven.beeler@ohioattorneygeneral.gov

Counsel for Staff of the Commission

James Yskamp
Emily A. Collins
Fair Shake Environmental Legal
Services
159 S. Main Street, Suite 1030
Akron, OH 44308
jyskamp@fairshake-els.org
ecollins@fairshake-els.org

Counsel for NOPE –
Neighbors Opposed to Pipeline
Extension, LLC

Brian W. Fox
Graydon Head & Ritchey LLP
312 Walnut St. Suite 1800
Cincinnati, OH 45202
bfox@graydon.law

Counsel for Mayor Melisa Adrien,
City of Madeira

Gregory G. Laux
Attorney at Law
3134 Schubert Avenue
Cincinnati, Ohio 45213
glaux2001@gmail.com

Counsel for Pleasant Ridge
Community Council

James F. Lang
Steven D. Lesser
Mark T. Keaney
Calfee, Halter & Griswold LLP
The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114
jlang@calfee.com
slesser@calfee.com
mkeaney@calfee.com

**Counsel for City of Cincinnati and for
the Board of County Commissioners
of Hamilton County, Ohio**

Timothy M. Burke
Micah E. Kamrass
Manley Burke, LPA
225 W. Court Street
Cincinnati, OH 45202
tburke@manleyburke.com
mkamrass@manleyburke.com

Counsel for the Village of Evendale

Bryan E. Pacheco
Mark G. Arnzen, Jr.
Dinsmore & Shohl LLP
255 East Fifth Street, Suite 1900
Cincinnati, OH 45202
Bryan.pacheco@dinsmore.com
Mark.arnzen@dinsmore.com

**Counsel for City Manager David
Waltz and the City of Blue Ash, Ohio
and for Columbia Township and
David Kubicki, President of the Board
of Trustees of Columbia Township**

R. Douglas Miller
Robert T. Butler
Donnellon, Donnellon & Miller LPA
9079 Montgomery Road
Cincinnati, OH 45242
miller@donnellonlaw.com

**Counsel for Thomas J. Weidman,
President, Board of Township
Trustees of Sycamore Township, Ohio
and Sycamore Township**

Kevin K. Frank
Wood & Lamping LLP
600 Vine Street, Suite 2500
Cincinnati, OH 45202-2491
kkfrank@woodlamping.com

**Counsel for Amberley Village and
Scot Lahrmer, Village Manager**

Roger E. Friedmann
Michael J. Friedmann
Jay R. Wampler
Assistant Prosecuting Attorneys
Suite 4000
230 E. Ninth Street
Cincinnati, OH 45202
Roger.friedmann@hcpros.org
Michael.friedmann@hcpros.org
Jay.wampler@hcpros.org

**Counsel for Board of County
Commissioners of Hamilton County,
Ohio**

Terrence M. Donnellon
Solicitor, The Village of Golf Manor,
Ohio
Robert T. Butler
Donnellon, Donnellon & Miller LPA
9079 Montgomery Road
Cincinnati, OH 45242
tmd@donnellonlaw.com

**Counsel for The Village of Golf
Manor, Ohio and Mayor Ron Hirth**

David T. Stevenson
Law Director
City of Reading
1000 Market St.
Reading, OH 45215
dstevenson@cinci.rr.com

Of Counsel – City of Reading

Andrew J. Helmes
Law Director
City of Deer Park
7777 Blue Ash Road
Deer Park, OH 45236
ahelmes@deerpark-oh.gov

**Counsel for Mayor John Donnellon
and the City of Deer Park, Ohio**

Dylan F. Borchers
Devin D. Parram
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
dborchers@bricker.com
dparram@bricker.com

**Counsel for The Jewish Hospital –
Mercy Health**

Joseph Olikier
Counsel of Record
6100 Emerald Parkway
Dublin, OH 43016
joliker@igsenergy.com

Counsel for IGS Energy

Richard B. Tranter
Kevin M. Detroy
Dinsmore & Shohl LLP
255 East Fifth Street, Suite 1900
Cincinnati, OH 45202
Richard.tranter@dinsmore.com
Kevin.detroy@dinsmore.com

**Counsel for BRE DDR Crocodile
Sycamore Square LLC
Counsel for Kenwood Mall, LLC**

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Summary: Memorandum Memorandum Contra Motions to Continue electronically filed by Ms. Emily Olive on behalf of Duke Energy Ohio and Spiller, Amy B. Ms. and Kingery, Jeanne W. Ms.