

**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.)
)

**THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY’S
RESPONSE TO MOTION BY DUKE ENERGY OHIO, INC. FOR
REESTABLISHMENT OF PROCEDURAL SCHEDULE AND REQUEST FOR
EXPEDITED TREATMENT AND MEMORANDUM IN SUPPORT**

Duke Energy Ohio, Inc. (“Duke”) filed on April 13, 2018, a seven-part Supplement to its Amended Application (“Supplement”), wherein it made material changes to the Alternate Route, and a Motion for Reestablishment of Procedural Schedule (“Motion”). Duke’s Supplement admits that the Alternate Route was not the “focus” of either its original Application filed September 13, 2016, its Amended Application filed January 20, 2017, or its Supplemental Information to the Amended Application filed May 11, 2017.¹ Thus, Duke implicitly has recognized that it did not comply with O.A.C. 4906-3-05 by providing “fully developed information on two or more sites.” Only the Preferred Route, apparently, was fully developed.

As a result of Staff stating a preference for the Alternate Route and intervening parties then bringing to Duke’s attention that the Alternate Route runs through or adjacent to “potentially contaminated industrial areas, including but not limited to the area surrounding the Pristine, Inc. Superfund site,”² Duke now represents that it has given the Alternate Route the focus it did not receive in 2016 or 2017. The Board of County Commissioners of Hamilton

¹ Duke Energy Ohio, Inc. Amended Application for Certificate of Environmental Compatibility and Public Need (Supplemental Information), Case No. 16-253-GA-BTX, Part 1, p. 1.

² List of Issues of the City of Cincinnati and the Board of County Commissioners of Hamilton County, p. 1 (Aug. 21, 2017).

County (“County”) respectfully requests that when developing a new procedural schedule, the Board should establish deadlines that will 1) allow the public to review and comment on the new information contained in the Supplement; 2) permit the chairman to determine under O.A.C. 4906-3-06 whether this new version of Duke’s Application is complete; 3) afford intervening parties an opportunity to conduct additional discovery; and 4) provide Staff sufficient time to produce a new or supplemental Staff Report, all in advance of a new hearing date.

As more fully described in the Neighbors Opposed to Pipeline Extension, LLC’s Memorandum in Response to the Duke Motion (“NOPE Response”), which the County supports, Duke’s Supplement modified the Alternate Route in several critical ways. For example, Duke concedes that the Supplement includes maps with “substantial alignment changes compared to the previous May 2017 Alternate Route,” as well as other “minor alignment changes.”³ The Board should determine whether this version of the Application is complete under O.A.C. 4906-3-06. And, given that Duke made material changes to the Alternate Route as initially proposed in its Amended Application, intervening parties will need additional time to review and respond to the seven-part Supplement. The County requests additional time to collectively assess the suitability of the newly revised Alternate Route and its potential effects on impacted communities, to conduct additional discovery, and to potentially consult with and retain expert witnesses to fully assess and understand the new modifications to the Alternate Route. Further, given the heightened public interest in this proceeding and the different routes under consideration, a public informational meeting and an additional public hearing is critical for the public to understand and provide feedback on a topic of considerable public interest.

Finally, Duke filed the Supplement almost one year *after* the filing of the Staff Report in this proceeding and almost sixteen months *after* it filed the Amended Application.

³ Duke Energy Ohio, Inc. Amended Application for Certificate of Environmental Compatibility and Public Need (Supplemental Information), Case No. 16-253-GA-BTX, Part 1, p. 1.

Consequently, the Board should establish a procedural schedule that will enable Staff to thoroughly review the newly revised Amended Application and then draft a new or supplemented Staff Report under O.A.C. 4906-3-06(C). This is especially critical given that the Staff Report recommended approval of the Alternate Route as initially proposed in the Amended Application.

WHEREFORE, the County respectfully requests that the Board consider their concerns when developing the new procedural schedule in this proceeding so that all stakeholders have a reasonable opportunity to meaningfully participate in and become informed about a proceeding of intense public interest and concern.

Respectfully Submitted,

Joseph T. Deters, Prosecuting Attorney
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/s/ James F. Lang

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 20th day of April, 2018. The Docketing Information 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 Board of County
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Case No(s). 16-0253-GA-BTX

Summary: Response The Board of County Commissioners of Hamilton County's Response to Motion by Duke Energy Ohio, Inc. for Reestablishment of Procedural Schedule and Request for Expedited Treatment electronically filed by Mr. Mark T Keaney on behalf of The Board of County Commissioners of Hamilton County