

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Duke Energy)
Ohio, Inc., for a Letter of Notification for the) Case No. 19-49-EL-BGN
Garver T-Loop)

PETITION FOR LEAVE TO INTERVENE OF NTE OHIO, LLC

Pursuant to Ohio Administrative Code (“OAC”) Rule 4906-2-12(A)(2) NTE Ohio, LLC (“NTE”) respectfully petitions the Ohio Power Siting Board (“Board” or “OPSB”) for leave to intervene in the above-captioned proceeding. As set forth in the attached Memorandum in Support, NTE has a real and substantial interest in this proceeding. Its interests are not adequately represented by any other party to this matter, and its participation will contribute to a just and expeditious resolution of the issues presented. Further, NTE’s participation will not unduly delay this proceeding or cause undue prejudice to any party.

For these reasons, as more fully set forth in Memorandum in Support, NTE respectfully requests the Board grant its Petition for Leave to Intervene.

Respectfully submitted on behalf of
NTE OHIO, LLC



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MEMORANDUM IN SUPPORT

The OPSB issued a Certificate of Environmental Compatibility and Public Need authorizing NTE to construct and operate the Middletown Energy Center (“MEC”) a 475 megawatt natural-gas-fired electric generating facility in the City of Middletown, Butler County, Ohio. MEC became commercially operational in May 2018.

On January 31, 2019, Duke Energy Ohio, Inc. (“Duke Energy”) filed an accelerated application for a certificate of environmental compatibility and public need to replace an existing lattice tower and six wood poles with steel poles, and install 11 new steel poles to extend and route three transmission lines into the proposed 138-kV substation yard at its Garver Substation, which is located on the southern portion of MEC.

OAC Rule 4906-2-12 sets forth the Board’s rule regarding intervention. In deciding whether to permit intervention, OAC Rule 4906-2-12(B)(1) states that the Board or administrative law judge may consider:

- (1) The nature and extent of the person's interest.
- (2) The extent to which the person's interest is represented by existing parties.
- (3) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding.
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

NTE meets these criteria for intervention. First, NTE has a significant interest in this proceeding. Duke Energy contacted NTE in early January to discuss a new easement across a portion of the MEC site, which is necessary for Duke Energy's proposed facility. NTE has been working with Duke Energy in relation to its various projects and had communicated to Duke Energy that it has plans to utilize this area of its property that are incompatible with Duke Energy's proposed easement. All of these uses relate directly to NTE's provision of electricity for public use.

Specifically, NTE plans to utilize this area of its property for any of the following purposes: (1) location of a black start facility/power plant; (2) for outage support (either during NTE's major planned maintenance and/or during an unplanned outage of similar scope); or (3) location for the expansion of the MEC, with a combustion turbine generator peaking power plant facility. None of the above uses can occur if the proposed transmission line easement is in place. NTE intends to submit comments to the Board with more details surrounding these uses by February 15, 2019.

No other party in this proceeding represents NTE's interest. Further, NTE's intervention will significantly contribute to the full development of the record.

For these reasons, NTE respectfully requests that its Petition for Leave to Intervene be granted.

Respectfully submitted on behalf of
NTE OHIO, LLC



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petition for Leave to Intervene was served upon the parties of record listed below this 11th day of February 2019 *via* electronic mail.



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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/11/2019 2:45:52 PM

in

Case No(s). 19-0049-EL-BLN

Summary: Petition for Leave to Intervene of NTE Ohio, LLC electronically filed by Teresa Orahoo on behalf of Dylan F. Borchers