

BEFORE THE  
OHIO POWER SITING BOARD

|  |   |   |
|--|---|---|
| In the Matter of:                          | : | CASE NO. 16-0253-GA-BTX                       |
|  | : |   |
| The Duke Energy Ohio Application for a     | : |   |
| Certificate of Environmental Compatibility | : | <b><u>AMBERLEY VILLAGE'S RESPONSES TO</u></b> |
| and Public Need for the C314V Central      | : | <b><u>DUKE ENERGY'S FIRST SET OF</u></b>      |
| Corridor Pipeline Extension Project        | : | <b><u>INTERROGATORIES AND REQUESTS</u></b>    |
|  | : | <b><u>FOR PRODUCTION OF DOCUMENTS</u></b>     |

Amberley Village, Ohio ("Village"), by and through counsel, hereby responds to Duke Energy's ("Duke") First Set of Interrogatories and Requests for Production of Documents, as follows:

**PRELIMINARY STATEMENT**

These responses are made on the basis of information presently available to the Village upon reasonable investigation. The Village reserves the right to modify its responses with such relevant information as it may subsequently discover. These responses are made without waiving, but expressly preserving:

(A) All objections as to competency, relevancy, materiality, and admissibility as evidence for any purpose in any subsequent proceeding in, or the trial of, this or any other action;

(B) The right to object on any appropriate ground to the use of these responses, the subject matter thereof, and any documents produced in accordance herewith and the subject matter thereof in any subsequent proceeding in, or the trial of, this or any other action;

(C) The right to object on any appropriate ground at any time to a demand for further responses to these or any other discovery procedures involving or relating to the subject matter of any or all of these responses and any or all documents produced in accordance herewith;

(D) The right at any time to revise, correct, add to, supplement or clarify any of the responses contained herein; and,

(E) All objections to privilege and work product.

## **II. INTERROGATORIES**

1. Identify each person who answered or furnished information or documents, or assisted in answering or in furnishing any information or documents, used in answering any of these Interrogatories and/or Requests for Production of Documents, and identify each Interrogatory and/or Document Request for which such person participated in the response.

**RESPONSE:** *Amberley Village counsel, Kevin Frank; Village Manager Scot Lahrmer; Village Mayor Tom Muething. Mr. Lahrmer and Mr. Muething can be reached at the Village Municipal Building, 7149 Ridge Road, Cincinnati, OH 45237; (513) 513-8675.*

2. Identify each person whom Amberley Village intends to call to testify at the hearings in the above-captioned matters. To the extent Amberley Village claims that it has not made a final determination as to which witnesses it intends to call to testify on its behalf, please supplement this response as soon as such a determination is made.

**RESPONSE:** *None.*

3. For each person identified in response to Interrogatory No. 2 above, please state (1) the subject matter upon which the witness is expected to testify; (2) the facts to which each witness is expected to testify; (3) the opinions to be rendered by each witness; (4) a summary of the witness's qualifications to provide the testimony; and (5) a summary of each witness's testimony. To the extent Amberley Village claims that it has not made a

final determination as to witnesses it intends to call to testify, please supplement this response as soon as such a determination is made.

**RESPONSE:** *Not applicable. None.*

4. Please identify each expert whom Amberley Village has retained or is in the process of retaining to testify in the above-captioned proceedings. If the response indicates that a decision has not been made, please supplement the response as soon as the decision is made.

**RESPONSE:** *None.*

5. For each expert identified in response to Interrogatory No. 4 above, please state (1) the subject matter upon which the witness is expected to testify; (2) the facts to which each expert is expected to testify; (3) the opinions to be rendered by each expert; (4) a summary of the expert's qualifications to provide the testimony; and (5) a summary of each expert's testimony.

**RESPONSE:** *Not applicable. None.*

6. For each witness identified in response to Interrogatory Nos. 2 or 4 above, please identify all proceedings in all jurisdictions in which the witness has offered evidence, including but not limited to, pre-filed testimony, sworn statements, and live testimony. For each response, please provide the following:

- (a) the jurisdiction in which the testimony or statement was pre-filed, offered, given, or admitted into the record;
- (b) the administrative agency and/or court in which the testimony or statement was pre-filed, offered, admitted, or given;
- (c) the date(s) the testimony or statement was pre-filed, offered, admitted, or given;
- (d) the identifying number for the case or proceeding in which the testimony or statement was pre-filed, offered, admitted, or given;
- (e) whether the witness was cross-examined; and
- (f) the custodian of the transcripts and pre-filed testimony or statements for each proceeding.

**RESPONSE:** *Not applicable. None.*

7. For each expert identified in Interrogatory No. 4, above, please identify all documents provided by Amberley Village to the expert. To the extent that Amberley Village contends that any such documents are privileged, please provide a privilege log for same.

**RESPONSE:** *Not applicable. None.*

8. Identify all documents or other evidence that Amberley Village may seek to introduce as exhibits or for purposes of witness examination in any proceeding related to the above-captioned matter. To the extent that Amberley Village contends that any such documents are privileged, please provide a privilege log for same.

**RESPONSE:** *None, other than comments made at prior public hearings in this matter by Mayor Muething or Village Council members, and a letter submitted by Mayor Muething to the OPSB, which are all of record in this matter.*

9. Please state whether you agree to supplement your responses to these Interrogatories and Document Requests.

**RESPONSE:** *Yes, although it is expected that it will not be necessary.*

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

Duke Energy Ohio requests that Amberley Village produce true and accurate copies of the following documents:

1. Any and all documents identified or referenced in response to any of the foregoing Interrogatories.

**RESPONSE:** *Not applicable/None.*

2. Any and all documents that contain any information used, reviewed, or referenced in preparing Amberley Village's responses to any of the foregoing Interrogatories.

**RESPONSE:** *None.*

3. Any and all documents that Amberley Village may introduce as exhibits or use for purposes of witness examination at any hearing related to the above-captioned matter.

**RESPONSE:** *None.*

4. Any and all documents relating to the testimony of any of Amberley Village's witnesses and/or expert witnesses including, but not limited to, any and all *curricula vitae*, reports, papers, statements, notes, other documents, and any correspondence, communications, or other documents exchanged between Amberley Village and the expert.

**RESPONSE:** *None, except for the written letter to the OPSB submitted by Mayor Muething on or around June 20, 2017 that should be of record in this matter.*

5. Any and all contracts for services between Amberley Village and any expert retained or consulted to provide opinions, testimony, evidence, or analysis in relation to the above-captioned proceedings.

**RESPONSE:** *None.*

6. Please provide copies of any transcripts of depositions of each witness identified in Interrogatory No. 2. If a transcript is not available, please provide the name, address, and telephone number of the court reporting service used for purposes of each deposition.

**RESPONSE:** *None.*

7. Provide copies of any transcripts of depositions of each witness identified in Interrogatory No. 4. If a transcript is not available, please provide the name, address, and telephone number of the court reporting service used for purposes of each deposition.

**RESPONSE:** *None.*

Respectfully submitted,  
and as to all objections,

/s/ Kevin C. McDonough  
Kevin C. McDonough  
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Email: [kcmcdonough@woodlamping.com](mailto:kcmcdonough@woodlamping.com)  
Counsel for Amberley Village,  
and Scot Lahrmer, Village Manager

## **CERTIFICATE OF SERVICE**

I hereby certify a true and accurate copy of the foregoing document was sent by electronic mail this 7<sup>th</sup> day of March, 2019 to the following:

|  |  |
|--|--|
| Amy.spiller@duke-energy.com            | miller@donnellonlaw.com  |
| Jeanne.kingery@duke-energy.com         | tmd@donnellonlaw.com   |
| Kristen.cocanougher@duke-energy.com    | bryan.pacheco@dinsmore.com   |
| Dianne.kuhnell@duke-energy.com         | mark.arnzen@dinsmore.com   |
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| jeff.aluotto@hamilton-co.org           |  |

I hereby certify a true and accurate copy of the foregoing document was sent by regular U.S. Mail this 7<sup>th</sup> day of March, 2019 to the following:

Anthony and Joan Boiano  
9528 Bluewing Terrace  
Blue Ash, OH 45241

Thomas A. and Patricia H. Kreitinger  
6150 St. Regis Dr.  
Cincinnati, OH 45236

/s/ Kevin C. McDonough



**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: Response Amberley Village's Responses to Duke Energy's First Set of Interrogatories and Requests for production of Documents electronically filed by Mr. Kevin C. McDonough on behalf of Amberley Village and Lahrmer, Scot