

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.)	

**VILLAGE OF EVENDALE’S OBJECTIONS AND RESPONSE TO
DUKE ENERGY OHIO’S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO THE VILLAGE OF EVENDALE**

Now comes intervenor, Village of Evendale (hereinafter “Evendale”) by and through counsel, and hereby respond to the following Interrogatories and Request for Production of documents as follows

I. General Objections

1. Evendale objects to Duke Energy’s First Set of Interrogatories and Request for Production of Documents to the extent that they seek the disclosure of confidential business and/or proprietary information.
2. Evendale objects to Duke Energy’s First Set of Interrogatories and Request for Production of Documents to the extent that they are overly broad and to the extent that they purport to impose obligations to Evendale not contemplated by the Ohio Rules of Civil Procedure, any rules applicable thereto, and/or other applicable law.
3. Evendale objects to Duke Energy’s First Set of Interrogatories and Request for Production of Documents to the extent that they are vague and ambiguous.
4. Evendale objects to Duke Energy’s First Set of Interrogatories and Request for Production of Documents to the extent that they seek discovery of information which is protected by the attorney/client privilege, the attorney work product privileged or other applicable privilege.
5. Evendale objects to Duke Energy’s First Set of Interrogatories and Request for Production of Documents to the extent they call for responses from persons or entities

other than Evendale or call for information not in the possession, custody, or control of Evendale.

6. Evendale objects to Duke Energy's First Set of Interrogatories and Request for Production of Documents to the extent that they are irrelevant, not reasonably calculated to lead to admissible evidence, and/or are overly broad and unduly burdensome.

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:

James Jeffers, P.E.
Service Director/Engineer
Village of Evendale
10500 Reading Road, Evendale, OH 45241

2. Identify each person whom Evendale intends to call to testify at the hearings in the above-captioned matters. To the extent Evendale 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:

James Jeffers, P.E.
Service Director/Engineer
Village of Evendale
10500 Reading Road, Evendale, OH 45241

Richard Finan.

Mayor
Village of Evendale
10500 Reading Road, Evendale, OH 45241

Additional witnesses will be provided when and if they are determined.

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 Evendale 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:

1. Mr. Jeffers and Mayor Finan will both testify to the effect of the proposed pipeline on the Evendale residences and businesses.
2. Evendale geography and demographics, and the impact of the proposed pipeline on Evendale residents and businesses.
3. The detrimental effect the proposed pipeline will have on both residences and businesses of Evendale.
4. Both have first-hand knowledge of Evendale in their roles as Service/Director and Mayor of the Village of Evendale.

Evendale will supplement this response if and when it determines to provide additional witnesses.

4. Please identify each expert whom Evendale 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:

James Jeffers, P.E.
Service Director/Engineer
Village of Evendale
10500 Reading Road, Evendale, OH 45241

Richard Finan.
Mayor
Village of Evendale
10500 Reading Road, Evendale, OH 45241

Mr. Jeffers and Mayor Finan are presented as experts on matters of the Village of Evendale, not for any particular pipeline matter.

Any additional witnesses will be provided when and if they are determined

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:

See Response to Question 3.

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:

Objection – the question is overly broad for the situation. Mr. Jeffers and Mayor Finan have not offered any testimony addresses gas pipeline installations of this nature, other than at the previous public hearings in this matter.

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

RESPONSE:

All documents made publicly available in this matter including, but not limited to, the application and related maps and documents, as well as the staff report.

8. Identify all documents or other evidence that Evendale 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 Evendale contends that any such documents are privileged, please provide a privilege log for same.

RESPONSE:

All documents provided by Duke Energy Ohio, Inc. in this matter and also the documents previously provided by Mr. Jeffers and Mayor Finan in the public hearings for this matter.

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

RESPONSE:

In the event additional information or testimony becomes available, Evendale will supplement these responses.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Duke Energy Ohio requests that Evendale 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:

All documents identified or referenced are already in the possession of Duke Energy Ohio, Inc.

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

RESPONSE:

See response to Question 1.

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

RESPONSE:

See response to Question 1.

4. Any and all documents relating to the testimony of any of Evendale'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 Evendale and the expert.

RESPONSE:

Pursuant to the discovery rules, any document, reports, papers, notes or other documents are those already in possession of Duke Energy Ohio, Inc. The request for all communications or other documents exchanged between Evendale and Mr. Jeffers or Mayor Finan is overly broad.

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

RESPONSE:

N/A.

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:

N/A.

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:

N/A.

Respectfully submitted and as to all
objections,

VILLAGE OF EVENDALE

/s/ Micah E. Kamrass

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Attorneys for Intervenor- Village of
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 11th day of March, 2019, by electronic mail upon the parties listed below.

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The undersigned hereby certifies that a true and accurate copy of the foregoing document was sent by regular US Mail this 11th day of March, 2019 to the following:

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Thomas A and Patricia H. Kreitingner
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Cincinnati, OH 45236

/s/ Micah E. Kamrass

Micah E. Kamrass

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in

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

Summary: Response of Village of Evendale's Objections and Responses to Duke Energy Ohio's First Set of Interrogatories and Requests for Production of Documents electronically filed by Mr. Micah E Kamrass on behalf of Village of Evendale