

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. 16-0253-GA-BTX
Need for the C314V Central Corridor)
Pipeline Extension Project.)

EXPERT TESTIMONY OF

HOWARD MILLER

**ON BEHALF OF
THE CITY OF CINCINNATI &
THE BOARD OF COUNTY COMMISSIONERS
OF HAMILTON COUNTY**

APRIL 2, 2019

1 **Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.**

2 A. My name is Howard Miller. I am an Environmental Safety Specialist in the Office of
3 Environment and Sustainability for the City of Cincinnati. My business address is 801
4 Plum Street, Suite 130, Cincinnati, Ohio 45202.

5 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND, PROFESSIONAL**
6 **QUALIFICATIONS, AND EMPLOYMENT EXPERIENCE.**

7 As an Environmental Safety Specialist, I am responsible for identifying and addressing
8 environmental, health, and safety concerns within the City of Cincinnati. Prior to my
9 employment as an Environmental Safety Specialist for the City of Cincinnati, I was
10 employed at several private environmental consulting firms including 3D/International,
11 Inc., Civil & Environmental Consultants, Inc., Dames & Moore, Inc., URS Corporation,
12 VPTG, Inc., and AECOM. I left private consulting as a senior project manager with
13 approximately twenty years of experience that included significant project work in the
14 natural gas transmission industry and in linear utility corridor siting for pipelines,
15 powerlines, and associated facilities. Relevant and applicable prior clients served included
16 Columbia Gas Transmission, Texas Gas, Williams Energy Group, Transco, Gatherco,
17 Marathon, PSEG, Dominion Transmission, American Electric Power, Midwestern Gas
18 Transmission Pipeline, Louisville Gas & Electric, Northern Natural Gas Pipeline,
19 American Central Gas Company, Dayton Power & Light, and AK Steel. I have managed
20 the assessment, investigation, and/or remediation, with associated regulatory reporting, for
21 approximately 75 natural gas transmission facilities in Arkansas, Indiana, Kentucky,
22 Louisiana, Mississippi, Ohio, Tennessee, Georgia, and West Virginia. Project tasks
23 included the preparation of work plans, scope implementation, data evaluation, risk
24 assessments, agency communications, and reporting under a wide range of regulatory

1 contexts. I have evaluated environmental resources and potential for environmental
2 impacts for utility corridor and facility siting studies and permit applications under FERC
3 and state utility siting board equivalent related context. I have formally evaluated over 30
4 proposed facility site locations and over 300 linear miles of utility corridor (as well as
5 preliminarily evaluated the potential suitability of numerous other site locations and linear
6 miles) in Ohio, Indiana, Iowa, Kentucky, Louisiana, Michigan, New York, Pennsylvania,
7 and Texas. Prior to my employment described above, I attended James Madison University
8 (BS Geology) and University of Toledo (MS Geology). I am a licensed professional
9 geologist in Illinois, Kentucky, and Indiana. I am a Certified Professional Geologist with
10 AIPG and a Certified Hazardous Materials Manager with IHMM. Finally, other than this
11 case, I have not offered testimony in any other prior cases.

12 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

13 A. My testimony addresses Duke Energy Ohio, Inc.'s ("Duke") application for approval to
14 construct the C314V Central Corridor Pipeline Extension Project (the "Project"). While
15 the City and County generally are opposed to the project, my testimony supports Staff's
16 conditions set forth in the Amended Staff Report of Investigation filed on March 5, 2019
17 ("Staff Report") and recommends strengthening the Project with additional conditions.

18 **Q. WHAT IS DUKE PROPOSING IN THIS CASE?**

19 A. Duke seeks to construct, own, operate, and maintain a natural gas pipeline running
20 through multiple, high-density communities in Hamilton County, Ohio. As proposed by
21 Duke, the Project will be a 20-inch diameter pipeline designed for a Maximum Allowable
22 Operating Pressure ("MAOP") of 500 pounds per square inch gauge ("psig") with an
23 operating pressure of 400 psig. The Project will traverse approximately 13 to 14 miles of

land from the southern terminus of the existing 24-inch diameter Line C314 pipeline at the WW Feed Station to a point along the existing 20-inch diameter Line V pipeline in the Norwood or Fairfax region, depending on which route is ultimately selected. Both of the southern end-points are located in the City.

Q. WHERE DOES DUKE WANT TO INSTALL THE CENTRAL CORRIDOR PIPELINE?

A. Duke's amended application proposes two possible routes – i.e., the Preferred Route and the Alternate Route – both of which are located entirely within Hamilton County.

Q. WHERE IS THE PREFERRED ROUTE LOCATED?

A. The Preferred Route extends approximately 14 miles, beginning at the proposed Highpoint Park Station and extending west to Conrey Road. The Preferred Route then turns south on Conrey Road before passing under I-275, after which it heads southwest parallel to I-71 until reaching Pfeiffer Road. The Preferred Route then continues west on Pfeiffer Road before turning south as it runs parallel to Kenwood Road and Blue Ash Road. After passing under I-71, the Preferred Route continues along the eastern and southern edges of Kenwood Country Club before following Red Bank Road south until it ends at the proposed Fairfax Station at the tie-in to Line V in the area.

Q. WHERE IS THE ALTERNATE ROUTE LOCATED?

A. The Alternate Route travels approximately 13 miles, beginning in the same location as the Preferred Route. However, the Alternate Route diverges from the Preferred Route as it heads southwest under I-275 and then west to Reed Hartman Highway until it reaches Glendale-Milford Road. Heading west on Glendale-Milford Road, the Alternate Route turns in a general southerly direction almost parallel to Reading Road. After crossing under

1 the Ronald Reagan Highway, the Alternate Route ends at the Norwood Station at the tie-
2 in to Line V in the area.

3 **Q. WHAT POSITION HAS STAFF TAKEN ON THE PROJECT?**

4 A. Staff recommends in the Staff Report that the Alternate Route represents the minimum
5 adverse environmental impact, provided the certificate issued by the Board includes the
6 conditions set out at pages 60-65 of the Staff Report (the “Staff Conditions”).

7 **Q. WHAT ARE THE STAFF CONDITIONS?**

8 A. Staff recommended a total of thirty-eight conditions to be placed on the certificate.
9 Staff organizes these conditions into five categories: general; socioeconomic;
10 ecological; public services, facilities and safety conditions; and air, water, solid waste
11 and aviation.

12 **Q. WHAT IS YOUR OPINION REGARDING THE STAFF CONDITIONS?**

13 A. I believe the Staff Conditions are reasonable. If the Board decides to issue a certificate
14 for the Project, I recommend that all of the Staff Conditions be made part of the
15 certificate. The certificate also should include strengthening the Staff Conditions and
16 other conditions to protect the City, the County and their residents.

17 **Q. WHAT ADDITIONAL CONDITIONS DO YOU RECOMMEND?**

18 A. I have five recommendations.

19 First, I recommend that the Staff Conditions include clearer and stronger language to hold
20 Duke Energy accountable for the more conservative safety and property owner friendly
21 construction, operations, and maintenance specifications in their application. The
22 foundation for this should begin with strengthening Staff Condition No. 1. As an example

1 of safety specifications, their application calls for all Class 4 construction,¹ but the Staff
2 Condition No. 33(b) appears to allow for Class 3 or 4 construction as applicable. Class 4
3 should be required for the entirety of the pipeline. As an example of property owner friendly
4 specifications, the application calls for residential area daily work times of 8 am to 4 pm,
5 Monday through Friday,² but Staff Condition No. 30 appears to allow for a broader 7 am to
6 7 pm. 8 am to 4 pm should be required.

7 Second, I recommend that Staff Conditions overall be more inclusive with the City, County,
8 and other affected jurisdictions and associated local agencies in terms of project
9 implementation, notifications, and other communications. For example, Staff Conditions 3,
10 4, 5 and 19 require Duke Energy to provide Staff with plans and drawings prior to the
11 preconstruction conference, and Staff Conditions 21, 22 and 24 require Duke Energy to
12 provide Staff with plans and permits prior to construction. Duke should be required to
13 provide this information to the County, City and other local communities that request it, and
14 their representatives should be able to attend the preconstruction conference.

15 Third, I recommend that Staff Condition No. 10 specify a more deliberate plan of action for
16 Duke Energy to decommission its propane peaking facilities and include increased City,
17 County, and resident transparency in the planning and implementation. As a key need
18 specified in the application, the propane peaking facility decommissioning is critical overall
19 to the City's and the County's future energy management and infrastructure design.

¹ Amended Application, p. 7-1 ("Duke Energy Ohio plans to design and build the entire pipeline to design specifications and requirements for Class 4 locations").

² Amended Application, p. 7-6.

1 Fourth, I recommend that the Staff Conditions specify a deliberate plan of action for Duke
2 Energy to inspect, service, and replace, as needed, the Line A upgrades and include
3 increased City, County, and resident transparency in the planning and implementation. As
4 a key need specified in the application, these Line A upgrades will directly affect the City,
5 the County and their residents.

6 Lastly, although balance is a key need specified in their application, Duke Energy has
7 recognized that the Project as currently proposed will do little to address the north-south
8 balance of supply and, thus, additional “upgrades and enhancements” to the system will be
9 necessary.³ Further as reported in their 2017 Long Term Forecast Report, Duke Energy
10 already has preliminary plans for these upgrades and enhancements to their system.⁴ I
11 recommend that the Commission direct Duke Energy to confer and collaborate early and
12 often with local governments as part of its planning process for those additional upgrades
13 and enhancements.

14 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

15 **A.** Yes. I reserve the right to supplement my testimony.

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4838-5044-9297, v. 1

³ See Direct Testimony of Gary J. Hebbeler, p. 16 (Mar. 26, 2019; Amended Application, p. 4-27 (“moving to the 20-inch, approximately 400 PSIG option will require upgrades of existing lines in the future throughout the central Hamilton County area”); 2017 Long Term Forecast Report for Gas Demand, Gas Supply and Facility Projections, Case No. 17-1317-GA-FOR, p. 4-4 (June 1, 2017) (“2017 LTFR Report”).

⁴ 2017 LTFR Report, Form FG3-1, pp. 5-2 through 5-15.

CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio/Power Siting Board on this 2nd day of April, 2019. The e-filing system will electronically serve notice of the filing of this document on all parties of record.

/s/ James F. Lang

One of the Attorneys for City of Cleveland and
Board of County Commissioners of Hamilton
County

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

Summary: Testimony of Howard Miller electronically filed by Mr. James F Lang on behalf of City of Cincinnati and Board of County Commissioners of Hamilton County