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 Need for the C314V Central Corridor Pipeline Extension Project.	: : : : :	Case No. 16-253-GA-BTX

POST-HEARING BRIEF

SUBMITTED ON BEHALF OF THE STAFF OF
THE OHIO POWER SITING BOARD

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On behalf of the Staff of
The Ohio Power Siting Board

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INTRODUCTION

This case presents classic support for why the General Assembly created the Ohio Power Siting Board (Board). Despite the fact that the city of Cincinnati and its environs have enjoyed natural gas service piped into Hamilton County homes and businesses for decades, local interests advance a parochial viewpoint opposing this pipeline project proposed by Duke Energy Ohio, Inc. (Duke or the Applicant). Rising above the fray, as it must, the Board's job is to review any project under the standards enumerated in Section 4906.10 of the Ohio Revised Code (R.C.) and to evaluate the evidence to determine whether the statutory criteria are met and the greater public good is served. The Board's Staff (Staff) believes that an objective review of the evidence supports its recommendation; that is to say that any certificate granted by the Board should direct that the C314V Pipeline Extension be constructed on the Alternate Route proposed by Duke and be made

subject to the conditions developed by Staff (in its Amended Report of Investigation) to mitigate reasonably-anticipated impacts associated with this project. Duke, with two minor exceptions, agrees with the Amended Staff Report and its conditions.[1]

STATEMENT OF THE FACTS AND CASE

On January 20, 2017, as amended and supplemented on February 13, 2017, February 24, 2017, March 3, 2017, May 11, 2017, and April 13, 2018, Duke filed with the Board an application for a certificate of environmental compatibility and public need to construct an approximately 13- or 14-mile, 20-inch natural gas pipeline extension from Duke's WW Feed Station to an existing gas pipeline in the village of Fairfax or the city of Norwood area (project). The gas pipeline project would be located entirely within Hamilton County, Ohio.

Duke presently operates an integrated natural gas system in southwest Ohio that includes infrastructure installed at varying points in time over many decades.[2] By improving its system, Duke seeks to overcome existing operating, reliability, and constraint issues and to create redundancies that will permit it to simultaneously replace

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[1] *In the Matter of the Application of Duke Energy Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for the C314V Central Corridor Pipeline Extension Project*, Case No. 16-253-GA-BTX, Tr. Vol. I at 133-136. Staff witness Pawley, in Staff Ex. 2 (Pawley Direct) at 3, makes one of the corrections Duke seeks.

[2] Duke Ex. 3 (Amended Application) (Jan. 20, 2017) at 2-1.

old infrastructure without disrupting service to its customers.[3] Successfully addressing these issues will benefit their customers.

Duke's long-range planning process implements system improvements in stages. Duke has proposed the C314V Central Corridor Pipeline Extension (Project) as part of a continuation of the C314 pipeline constructed over a decade ago.[4] Constructed in 2003, the C314 pipeline included 10 miles of 24-inch diameter piping to flow natural gas from the north to the WW Feed Station.[5] Duke states a need for the extension based upon operational issues/concerns. In the main, Duke states three overarching reasons why the Project is needed:

(1) balance system gas supply from the northern to southern portions of its service area.[6] Presently, up to 55 percent of its peak design day load must be supplied through the Foster Station in Kentucky. The proposed pipeline would allow for the movement of this needed additional supply into the system, thereby somewhat reducing the critical dependence on the Foster Station and propane-air plants.[7]

(2) support replacement of aging infrastructure while avoiding service outages to its customers.[8] Much of Duke's existing pipeline network was constructed many decades ago.[9]

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3 *Id.*

4 *Id.*

5 *Id.*

6 Duke Ex. 7 (Hebbeler Direct) at 11.

7 *Id.* at 11-12.

8 *Id.* at 13.

9 *Id.*

(3) enable Duke to retire aging propane-air plants in Kentucky and Cincinnati presently used to supply customer needs during system peaks.[10] Duke claims that this technology is outdated, impractical and costly to maintain, and may inhibit growth of other customer services, such as natural gas vehicles, which are propane intolerant.[11]

Significant public outreach efforts and public informational sessions were conducted to educate residents and businesses in the project area and to obtain feedback from local residential, business, and governmental groups. Literally thousands of pages of public letters and inquiry were submitted to the Board almost all protesting the proposed project. Parties of all manner were granted intervention, many of whom participated in the 3 days of adjudicatory hearing held in Columbus, Ohio from April 9, 2019 to April 11, 2019, during which a large record was compiled. In all, 27 witnesses presented testimony, including 12 witnesses who appeared on behalf of the Board's Staff to support their Amended Report of Investigation. It can hardly be argued that all who were interested received anything less than a full and fair opportunity to express their views and have their concerns heard.

The General Assembly created the Board to analyze projects based upon the statutory criteria set forth in R.C. Chapter 4906 and the rules adopted by the Board. By enacting a comprehensive siting process and vesting the Board with broad authority to implement it, the General Assembly assured orderly, objective and consistent policy and

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[10] Duke Ex. 8 (Long Direct) at 2.

[11] *Id.* at 2-7.

decision-making in the siting of major utilities facilities, while affording ample opportunity for public input.

Under R.C. 4906.10, the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, unless it finds and determines, based upon the record before it:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.

(6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the

proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.[12]

Under this statute, the Board must consider each criterion in light of the evidence of record. This brief is submitted on behalf of the Board's Staff who reviewed Duke's application and who have proposed numerous conditions to mitigate impacts associated with the project if it is certificated and ultimately built.

DISCUSSION

A. Basis of Need (R.C. 4906.10(A)(1)).

Staff believes that Duke has properly demonstrated the need for the construction of the proposed pipeline. Rule 4906-5-03, Ohio Administrative Code (O.A.C.), provides the relevant factors for the review of need regarding this proposed pipeline. O.A.C. 4906-5-03 states in pertinent part:

(A) The applicant shall provide a statement explaining the need for the proposed facility, including a listing of the factors upon which it relied to reach that conclusion and references to the most recent long-term forecast report (if applicable).

(1) The applicant shall explain the purpose of the proposed facility.

[12] R.C. 4906.10.

(2) The applicant shall provide specific projections of system conditions, local requirements, or any other pertinent factors that impacted the applicant's opinion on the need for the proposed facility.

(3) The applicant shall provide relevant load flow studies and contingency analyses, if appropriate, identifying the need for system improvement.

(B) The applicant shall explain how the facility fits into regional expansion plans.

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(2) For gas pipelines and associated facilities, the applicant shall provide a brief statement of how the proposed facility and site/route alternatives fit into the applicant's most recent long-term gas forecast report, including the following:

(a) Reference to any description of the proposed facility and site/route alternatives in the most recent long-term gas forecast report of the applicant.

(b) If no description was contained in the most recent long-term gas forecast report, an explanation as to why none was filed in the most recent long-term gas forecast report.

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(E) The applicant shall describe why the proposed facility was selected to meet the projected need. The applicant shall also describe how the facility will serve the public interest, convenience, and necessity.[13]

Staff properly evaluated the basis of need in the Application. Staff inspected the proposed project area on field visits.[14] Staff reviewed: section 3 of the application; the Applicant's Long-Term Forecasts; the Applicant's Gas Master Plan; and the December

[13] O.A.C. 4906-5-03.

[14] Staff Ex. 9 (Conway Direct) at 2.

2015 Management and Performance Audit performed by Exeter Associates, Inc.[15] Staff also evaluated the gas system modeling results.[16] Staff also issued data requests to the Applicant and interviewed the Applicant.[17]

1. Duke explained the purpose of the proposed pipeline (O.A.C. 4906-5-03(A)(1)).

Duke indicated that the purpose of the project is to construct the pipeline project as part of its plan to better balance system supply from north to south, to retire propane-air peaking plants, and to support the inspection, replacement, and upgrade of aging infrastructure.[18] Duke confirmed to Staff the purpose of the proposed facility continues to be relevant in 2019.[19]

2. Duke provided specific projections of system conditions, local requirements, or any other pertinent factors that impacted its opinion on the need for the proposed pipeline (O.A.C. 4906-5-03(A)(2)).

First, Duke explained the need of balancing the system from north to south. Duke explained that its Foster Station is a critical station that typically serves up to 55 percent

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15 *Id.*

16 *Id.* at 7.

17 *Id.* at 2.

18 *Id.* at 4.

19 Staff Ex. 1 (Amended Staff Report) at 25.

of its Ohio customer load and up to 60 percent of the peak design day load in Ohio.[20] A loss of supply from the Foster Station on a high demand day would result in widespread service outages.[21] The Applicant also explained that currently there are pressure limitations around its WW Feed Station lines, and that Line C314 (a pipeline constructed in 2003) has limited capability of supplying gas to the system from the north to Line A and Line WW.[22]

The proposed pipeline addresses the issue of balancing the system from north to south. The Applicant's modeling shows that the Foster Station would serve [50][23] percent of Duke's Ohio customer load after installation of the Central Corridor Pipeline.[24] This is a noticeable reduction from the 55 percent with the current system.[25] Although the Foster Station would still serve a considerable load, Staff agrees with the Applicant that the [5][26] percent reduction is beneficial to Duke's overall system.[27] In fact, Staff believes that any noticeable reduction on the reliance to Foster Station is beneficial to

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20 Staff Ex 9 (Conway Direct) at 3-4.

21 *Id.* at 4.

22 *Id.*

23 Tr. Vol. III at 658 (Witness Conway corrected his testimony number from 45 percent to 50 percent.)

24 Staff Ex. 9 (Conway Direct) at 5.

25 *Id.*

26 Tr. Vol. III at 659 (Witness Conway corrected his testimony that the reduction would be 5 percent, not 10 percent).

27 Staff Ex. 9 (Conway Direct) at 5-6; Tr. Vol. III at 659.

Duke's overall system.[28] The proposed pipeline project would bring increased pressure and volumes of natural gas into the system from the north.[29] The Central Corridor Pipeline would eliminate some of the pressure limitation constraints around its WW Feed Station.[30]

Second, Duke explained the need to retire the propane-air peaking plants. Duke also indicated that its current gas supply system includes propane-air peaking plants[31] that are used to meet demand during peak periods and emergencies.[32] The propane-air plants in Erlanger, Kentucky and Cincinnati, Ohio, and the associated storage facilities, were placed in service in the early 1960s to provide an additional peaking supply and now serve up to 10 percent of the current peak day design load.[33] Duke indicated that these propane-air plants and propane storage facilities are now reaching the end of their useful lives.[34] In addition to the risks outlined on pages 79-81 of the Gas System Master Plan, Staff inspected the East Works propane-air plant and observed several risks to the critical propane-air facilities.[35] If propane-air peaking plants would become unavailable, the loss

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28 Tr. Vol. III at 656-657.

29 Staff Ex. 9 (Conway Direct) at 6.

30 *Id.*

31 Propane and air are mixed to deliver the same energy content as natural gas.

32 Staff Ex. 9 (Conway Direct) at 4.

33 *Id.*

34 *Id.*

35 NOPE Exhibit 19 (Lummus Report) at 79-81; Tr. Vol. III at 618-620

of supply from these plants on a high demand day could result in widespread service outages.[36] Additionally, Duke acknowledged that some of its current customers' operations are intolerant to the propane-air mixture and must curtail their gas use when the propane-air peaking facilities are in operation.[37]

The installation of the proposed pipeline would allow the Applicant to retire the propane-air peaking plants.[38] The retirement of the propane-air peaking plants would allow for customers that are intolerant of the propane-air mixture to no longer need curtailments when the propane-air peaking plants would otherwise have been in operation.[39] When the propane-air peaking plants are in use, natural gas supplies containing the propane-air mixture can travel extensively throughout the Applicant's gas supply system.[40] Retirement or loss of the propane-air peaking plants without a replacement supply source would cause the system to have inadequate supply to serve customers and affect service as many as 50,000 customers on peak winter days.[41] Staff also found that during some maintenance repair activities, the propane-air peaking plants would be unavailable with short timeframes to place the plant in service.[42] There are

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36 Staff Ex. 9 (Conway Direct) at 4.

37 *Id.* at 4-5.

38 *Id.* at 6.

39 *Id.*

40 *Id.*

41 *Id.*

42 Tr. Vol. III at 619.

several system capacity restrictions that make increasing flow from the northern gate stations to replace propane-air peaking not currently possible.[43]

Third, Duke explained the need to support the inspection, replacement, and upgrade of aging infrastructure.[44] Duke has several older natural gas pipelines that were not designed to meet the current pipeline integrity testing requirements.[45] Furthermore, the Applicant needs to inspect, test and upgrade portions of its backbone system that brings gas from both north and south into the central Hamilton County area.[46] The major elements of this backbone include Line A, Line V, and various Line AM natural gas pipelines.[47] Portions of Line A and Line V were constructed in the 1940s, 1950s, or 1960s and need to be upgraded, and Line A has reached maximum capacity.[48] Without upgrades, Line A is not capable of supplying additional natural gas to the area.[49]

The proposed pipeline supports the inspection, replacement, and upgrade of aging infrastructure.[50] Construction of the proposed Central Corridor Pipeline would allow the Applicant to replace this aging infrastructure while maintaining gas service.[51]

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43 Staff Ex. 9 (Conway Direct) at 6.

44 *Id.* at 5.

45 *Id.*

46 *Id.*

47 *Id.*

48 *Id.*

49 *Id.*

50 *Id.* at 7.

3. Duke provided relevant load flow studies and contingency analyses, if appropriate, identifying the need for system improvement. (O.A.C. 4906-5-03(A)(3)).

Staff evaluated the relevant load flow studies and contingency analyses by recognizing that the Applicant used a hydraulic modeling software program called Gas Synergi Version 4.7 to analyze its gas delivery system and specifically develop load flows and contingency analyses.[52] This modeling software is commonly used in the oil and natural gas industry.[53] The software models the behavior of operating gas systems and allows the testing of experimental changes to the system without the time or cost of actually testing a new pipe segment in the ground.[54] The Applicant provided the relevant load flow studies and contingency analyses and Staff reviewed these by asking a data request of the Applicant and interviewing the Applicant on April 28, 2017, May 5, 2017, and January 31, 2019.[55] In these reviews, Staff found that there are several system capacity restrictions and that increasing flow from the northern gate stations to replace propane-air augmentation is not currently possible.[56] Staff concurred with the Applicant's findings and analysis that when the propane-air peaking plants are in use,

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51 *Id.*

52 *Id.* at 7.

53 *Id.*

54 *Id.*

55 *Id.*

56 *Id.*

natural gas supplies containing the propane-air mixture can travel extensively throughout the Applicant's gas supply system.[57] Retirement or loss of the propane-air peaking plants without a replacement supply source would cause the system to have inadequate supply to serve customers and affect service to as many as 50,000 customers on peak winter days.[58]

4. Duke explained how the proposed pipeline fits into regional expansion plans. (O.A.C. 4906-5-03(B)).

The Applicant explained and Staff has found that the proposed project fits into regional expansion plans.[59] The number of customers has increased since the original case filings in 2016. The Applicant also identified several areas of its service territory where it has experienced and anticipates growth.[60] The proposed project can accommodate anticipated growth of the system up to 45,500 thousand cubic feet per hour (MCFH) and allow future replacement/upgrade of aging infrastructure that has been pressure limited.[61] Within the application, the Applicant stated the proposed Central Corridor Pipeline is one of several capital improvement projects recommended for

57 *Id.* at 7-8.

58 *Id.* at 8.

59 *Id.* at 8.

60 *Id.*

61 *Id.*

inclusion in its long-range plan and has been part of the Applicant's long-term forecast for the last 10 years.[62]

5. Duke provided a brief statement of how the proposed facility and site/route alternatives fit into the Applicant's most recent long-term gas forecast report. (O.A.C. 4906-5-03(B)(2)).

Staff acknowledged that a central corridor project intended to address system issues has been contemplated by the Applicant for years.[63] Staff verified that the Applicant provided a brief statement of how the proposed facility and site/route alternatives fit into the Applicant's most recent long-term gas forecast report.[64]

6. Duke considered alternative options for the proposed project.

The Applicant considered and evaluated several options before submitting the application.[65] The Applicant considered making no improvements and simply continuing maintenance of the existing infrastructure.[66] The maintenance costs for its aging propane-air peaking plants and associated equipment would likely increase.[67] Staff

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62 *Id.*

63 Staff Ex. 1 (Amended Staff Report) at 28.

64 *Id.*

65 *Id.*

66 *Id.*

67 *Id.*

confirmed that there have been increased costs.[68] This no-improvement option would not address the increased risk of failure of the propane-air peaking plants due to age, would not address propane intolerant industries, and would not reduce reliance on the Foster Station for system flexibility.[69]

The Applicant also considered replacement of key area pipelines, notably Line A.[70] The Applicant found that there is limited backup gas capacity of the pipeline system, making it impossible to take Line A out of service without disruption to customers during the peak winter season.[71] This option, replacement of key area pipelines (notably Line Z), would not offset the use or need of the propane-air peaking plants.[72]

The Gas System Master Plan outlined seven alternative system improvements that would allow the retirement of the propane-air peaking plants, reduce the reliance on the Foster Station, and allow replacement of aging infrastructure.[73] The Applicant, in the Gas Master Plan, considered three western options, one eastern option beyond the I-275 outerbelt, and three central options within the I-275 outerbelt.[74] The Applicant found that

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68 Tr. Vol. III at 618.

69 Staff Ex. 1 (Amended Staff Report) at 28.

70 *Id.*

71 *Id.*

72 *Id.*

73 *Id.*

74 *Id.*

the western options did not allow for retirement of the propane-air peaking plants or improve reliability in the central core area.[75] Additionally, these western options did not allow pipeline inspection and replacement work to be conducted as needed in the central core area.[76] The Applicant found that the eastern option would bring a significant supply of natural gas from northern suppliers and would allow the retirement of the propane-air plants.[77] However, this option would involve a large diameter, high-pressure pipeline, up to three times longer than any of the other options.[78] With this option, a large diameter, high-pressure pipeline into the central core of the city would still be needed to support the aging central core natural gas infrastructure.[79] The Applicant found that two of the central options were suboptimal.[80] The Applicant concluded that an extension of Line C314 further south through the central corridor from the existing WW Feed Station to the existing Line V was the best option to minimize overall project impacts and meet current and future customer needs.[81]

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75 *Id.*

76 *Id.*

77 *Id.* at 29.

78 *Id.*

79 *Id.*

80 *Id.*

81 *Id.*

7. Staff Recommendation

Staff believes that the Applicant has appropriately evaluated the condition and needs of its gas supply system and has demonstrated the basis of need for the proposed facility. Staff recommends that the Board find that the basis of need for the project has been demonstrated and therefore complies with the requirements specified in R.C. 4906.10(A)(1), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Staff Report of Investigation entitled Recommended Conditions of Certificate.

B. Nature of Probable Environmental Impact (R.C. 4906.10(A)(2)).

The Board must determine the nature of the probable environmental impact of the project before granting a certificate to construct, operate or maintain a major utility facility. Staff submits that this criterion has been met.[82] Staff made several recommendations in the Amended Staff Report and proposed several conditions regarding the nature of environmental impact.

1. Socioeconomic Impacts

Regarding demographics, the Ohio Development Services Agency (ODSA) projects that the population of the Hamilton County will decline through the year 2030, then increase in the decade from 2030 to 2040.[83] Staff additionally reviewed census-tract

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82 Staff Ex. 1 (Amended Staff Report) at 46.

83 *Id.* at 30.

level income data and concluded that the median income in the area around the Preferred and Alternate routes is similar to the median income across the entire study area for the project.[84]

Staff reviewed the data submitted by the Applicant in its application and various supplements and concluded that land-use impacts are similar for the Preferred and Alternate routes, and are largely temporary.[85] The Applicant has proposed construction measures that would limit temporary impacts to the extent practicable.[86] Permanent land use impacts would be mitigated through the easement acquisition process.[87]

Staff concluded that the Alternate Route has more residential structures within 100 feet, while the Preferred Route has more structures within 1,000 feet.[88] No residential structures would be removed for the project.[89] Staff also reviewed information submitted by the Applicant regarding their investigation of local land use and development plans. No potential land use conflicts were identified.[90] The project is expected to support future development in the region by increasing the supply of natural gas.[91] In order to

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84 Staff Ex. 10 (Burgener Direct) at 2-3.

85 *Id.* at 3.

86 *Id.*

87 *Id.*

88 *Id.*

89 *Id.*

90 *Id.*

91 *Id.* at 3-4.

prevent conflicts between the project and future development, Staff recommended Condition 14, which requires the Applicant to initiate a consultation process with local planning authorities.[92]

Condition 11[93] pertains to a cultural resources survey program to be performed prior to construction.[94] This condition ensures ongoing coordination between Staff, the Ohio Historic Preservation Office (OHPO) and the Applicant.[95] The recommended survey work allows for more detailed field work (if necessary) as well as defined parameters should an unexpected cultural discovery be found.[96] This condition allows for additional input from the OHPO and/or local preservation advocates after a final route has been selected, and prior to construction of that route.[97] No historic structures or sites need to be removed or destroyed as a result of the construction of this project.[98]

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92 *Id.* at 4.

93 In the first sentence of condition 11, the word transmission should be removed. The first sentence should now read: "Prior to construction, the Applicant shall finalize a Phase I cultural resources survey program (which may include archeological and architectural components for the gas line, laydown area(s) and any access roads acceptable to Staff and the Ohio Historical Preservation Office (OHPO)." *See,* Staff Ex. 2 (Pawley Direct) at 3.

94 Staff Ex. 2 (Pawley Direct) at 2.

95 *Id.*

96 *Id.* at 2-3.

97 *Id.* at 3.

98 *Id.*

Conditions 12 and 13 pertain to construction impacts to parks and recreational areas.[99] The primary construction impact of installing the pipeline would be temporary, seasonal disturbance on parking areas, bikepaths, and recreational use of grass areas (fields).[100] These impacts will be related to staging the pipeline for installation and include trenching, welding and placement of the pipeline.[101] The impacts can be minimized by constructing the pipeline in phases, so that any work to be performed in park and/or recreational areas where people are playing or congregating be done during that activity's off-season.[102] The facility would be located underground so that, if properly restored above grade, recreational use and parking may remain as it was prior to construction.[103]

In analyzing GIS-mapping, field reviews and information contained in the application, Staff believes that the pipeline construction will likely have the greatest impact to ballfields at the Robert Shuler Sports Complex, due to the large drill site needed to bore the pipeline under I-275, and the golf course along the Preferred Route, more than any other recreational areas.[104] It appears that the Alternate Route, though adjacent to more recreational areas, does not actually bifurcate or directly impact

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99 *Id.*

100 *Id.* at 4.

101 *Id.*

102 *Id.*

103 *Id.*

104 *Id.*

ballfields, etc., rather it is sited near property lines, road right-of-way and edges of recreational areas.[105] It is very important that the Applicant cooperate with local governments that have the best knowledge of schedules and timing of public events occurring in their jurisdictions, as well as assisting the Applicant with off-season construction scheduling.[106]

In regard to aesthetics, Staff concluded that permanent visual impacts would be introduced at the locations of the project's valve stations, regulating stations, and pipeline markers.[107] Staff also recommended Conditions, 15, 16, and 17, that would mitigate the visual impact of the above-ground facilities by requiring green screening and vegetation around regulator and valve stations, requiring that security lighting to be directed downward, and requiring the Applicant to work with property owners on the design and placement of pipeline markers.[108]

For the economics of the project, the Applicant's updated total estimated intangible and capital cost for the Preferred Route was $128.2 million and for the Alternate Route was $111.7 million.[109] The Applicant would remit property taxes annually on the installed utility facilities.[110] The Applicant estimates the total projected

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105 *Id.* at 4-5.

106 *Id.* at 5.

107 Staff Ex. 10 (Burgener Direct) at 4.

108 *Id.*; Staff Ex. 1 (Amended Staff Report) at 62.

109 Staff Ex. 1 (Amended Staff Report) at 35.

110 *Id.* at 36.

first year property tax revenue at $3.3 million for the Preferred Route and $2.9 million for the Alternate Route.[111] Each jurisdiction located along the pipeline would benefit by receiving a portion of this tax revenue.[112] Additionally, the proposed facility would have a positive impact on regional development through increased reliability and availability of natural gas to residential, commercial, and industrial customers.[113]

The Applicant is also self-insured and maintains additional liability insurance for any damages that may occur as a result of its negligence during the construction or operation of the proposed pipeline.[114]

2. Ecological Impacts

The validity of the Ecological Impact section of the Amended Staff Report was largely unchallenged at hearing and the conditions were largely supported, though some intervenor testimony sought to add more conditions. Accordingly, Staff recommends that the Board adopt the Ecological Impacts section and Conditions in the Amended Staff Report.

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111 *Id.*

112 *Id.*

113 *Id.*

114 *Id.*

3. The Pristine Site

The proposed Alternate Route for the Central Corridor Pipeline is within 100 feet of the Pristine, Inc. Superfund Site property boundary.[115] Staff reviewed the proposed Alternate Route location and determined that off-property remedial components such as monitoring wells, extraction wells, piezometers, and underground piping are in close proximity to a section of the route along West Street in Reading.[116] Therefore, the pipeline installers will need to locate and avoid these remedial components.[117] Staff also determined that contact with contaminated soil at the Pristine, Inc. Superfund Site is not an issue because soil contamination was limited to the three-acre site property, and the proposed Alternate Route does not encroach on this property.[118] Finally, Staff determined that the proposed Central Corridor Pipeline will not impact the groundwater contamination plume emanating from the Pristine, Inc. Superfund Site.[119] The depth to the groundwater in the lower aquifer ranges from 60 to 100 feet below ground surface, while the depth of the construction trench for the pipeline is 6 feet.[120]

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115 Staff Ex. 4 (Glum Direct) at 2.

116 *Id.*

117 *Id.*

118 *Id.* at 2-3.

119 *Id.* at 3.

120 *Id.*

Condition 29 was written to ensure the Applicant avoids damage to or interference with remedial components associated with the Pristine, Inc. Superfund Site.[121] According to this condition, the Applicant would need to locate and avoid monitoring wells, extraction wells, piezometers, underground piping, and any other relevant remedial components in coordination with Gutteridge Haskins & Davey Services Inc., the Pristine, Inc. Superfund Site engineering firm.[122]

4. Public Services and Facilities

The principal impact on public services and traffic would be temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary during pipeline installation. The Amended Staff Report describes the traffic considerations:

> The Applicant will coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control. The Applicant would use HDD to cross five of the major roadways and traditional boring on the rest of the major roadways and highways. Construction hours may be adjusted, with work taking place during off-peak time in order to minimize impacts on traffic. Traffic management during the pipe installation phase would be necessary in the immediate vicinity of the project area to ensure safe and efficient maintenance of existing traffic patterns. The Applicant has committed to coordinating with local officials to ensure that construction hours and travel routes are optimized to the extent possible. Excavation equipment and materials would be stored off site at laydown areas to be determined. The Applicant plans the delivery of pipe and removal of materials to be done on a just-in-time basis that is used to increase efficiency and decrease waste by

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121 *Id.*

122 *Id.*; Staff Ex. 1 (Amended Staff Report) at 63-64.

> receiving and removing materials only as they are needed. This practice would thus reduce hazards to motorists and disruptions to traffic.[123]

Regarding roads and bridges, the project area includes of a number of major highways (I-275 and I-71), state routes (22, 42 and 24) and a railroad (Indiana & Ohio Railway (I&O)/Southwest Ohio Regional Transit Authority). The Amended Staff Report describes the considerations for roads and bridges:

> The Applicant would coordinate and acquire the necessary permits from the impacted municipalities and follow those specific guidelines in conjunction with the traffic control plan. The Applicant would continue to coordinate project timelines with the appropriate authorities so that traffic impacts would be minimized. Staff recommends a requirement for the Applicant to develop a Transportation Management Plan that would include a Road Use Agreement. Any damaged roads would be repaired promptly to their previous conditions by the Applicant under the guidance of the appropriate regulatory agency. The Applicant stated that there would be no impacts to any bridges in the area. Any temporary improvements would be removed unless the appropriate agency request that they remain in place.[124]

Working with local authorities and municipalities is critical for this project. Conditions 31 and 32 were written so that the Applicant would work with the proper authorities in order to minimize traffic disruptions and return the roads to their original state.[125] Additionally, conditions 31 and 32 are recommended by Staff, to ensure the Applicant coordinates with local municipalities to acquire the necessary permits.[126] Condition 32 requires a financial assurance instrument in the form of a letter of credit,

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123 Staff Ex. 1 (Amended Staff Report) at 45.

124 *Id.*

125 Staff Ex. 3 (Whitis Direct) at 2.

126 *Id.*

cash or surety bond that sets aside money available to a government entity for the necessary repairs to the roads and bridges.[127] In condition 31, a Transportation Management Plan (TMP) is required. A TMP lays out a set of strategies for managing the work zone impacts of a project.[128] It is ultimately up to the Applicant and the individual agencies to establish and implement TMPs that best serve the mobility and safety needs of the motoring public, construction workers, businesses, and community.[129]

Construction noise would include excavation, pipeline installation, backfilling, traditional boring and HDD, and the construction of valve stations and regulation stations.[130] The total duration of construction of the pipeline is expected to be 12-16 months and construction at any location along the project would typically occur for a duration of less than one month.[131] Construction activities would be limited primarily to daytime hours.[132] After-hours work may occur in non-residential areas and when HDD is used.[133] The Applicant would notify property owners or tenants of the upcoming construction activities for the pipeline in the same manner as required for the public information program, as stated in O.A.C. 4906-3-03(B)(2), including the potential for the

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127 *Id.* at 3.

128 *Id.*

129 *Id.*

130 Staff Ex. 1 (Amended Staff Report) at 45.

131 *Id.*

132 *Id.*

133 *Id.*

after-hours activities.[134] Operation of the proposed natural gas pipeline would produce audible noise only at valve stations and regulation stations.[135] This noise is expected to be less than ambient noise levels at all sensitive noise receptors.[136] Temporary operational noise would include infrequent maintenance noise related to right-of-way clearing and integrity checks.[137]

5. Staff Recommendation

Staff recommends that the Board find that the Applicant has determined the nature of the probable environmental impact for the proposed facility, and therefore complies with the requirements specified in R.C. 4906.10(A)(2), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Staff Report of Investigation entitled Recommended Conditions of Certificate.

C. Minimum Adverse Environmental Impact (R.C. 4906.10(A)(3)).

The Board is required to find that the facility represents the minimum adverse environmental impact considering the technology, nature and economics of available

134 *Id.*

135 *Id.*

136 *Id.*

137 *Id.*

alternatives prior to approving a certificate for a major utility facility. Staff submits that this criterion has been met.

Staff reviewed the Applicant's route selection study and concluded that the Applicant investigated all practicable routes, and used a reasonable process for selecting the Preferred and Alternate routes.[138] After finding that Staff had recommended the Alternate Route in its prior report, the Applicant indicated that it had not evaluated that route with the level of detail necessary to pursue its potential construction.[139] To further investigate the Alternate Route, the Applicant conducted additional environmental assessments, geological testing, surveying, and located utilities.[140] The Applicant also engaged with the affected businesses and municipalities.[141] Following stakeholder meetings and additional investigations, the Applicant modified the Alternate Route at locations where there was potential to reduce impacts to municipalities, businesses, and residents.[142] Staff reviewed whether the Applicant followed a reasonable process for determining the optimal location for the needed facility, within the operational constraints of the project.[143] An evaluation of the basis of need for the facility is addressed above.

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138 Staff Ex. 1 (Amended Staff Report) at 47.

139 *Id.*

140 *Id.*

141 *Id.*

142 *Id.*

143 *Id.*

For pipeline route selection, "it is almost impossible to develop a universal decision-making system with a standard set of decision parameters."[144] Criteria are sensitive to different contexts, including project needs, physical characteristics of the project area, political climates, and regulatory regimes. Many criteria are subjective and dependent on the backgrounds and perspectives of various stakeholders. As such, there is "little opportunity . . . to explore/document best practices."[145] The process is "considered a highly knowledge-intensive domain . . . because it is multidisciplinary" and relies on tacit knowledge from various experts.[146] Pipeline developers may establish routing criteria by consulting published research, industry standards, regulations, firsthand knowledge and experience, and input from stakeholders or a group of experts.[147] Despite the contextual nature of the route selection process, some common industry practices have developed. A typical route selection process has three steps:[148]

(1) Define a study area that encompasses the entire region where the pipeline may be located;

(2) Consider all possible alignments within the study area; and

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144 H.M. Osman and T.E. El-Diraby, "Knowledge-Enabled Decision Support System for Routing Urban Utilities," *Journal of Construction Engineering and Management*, March 2011: p. 198.

145 *Id.*

146 *Id.* at 200.

147 Andy Mitchell, *The Esri Guide to GIS Analysis, Volume 3: Modeling Suitability, Movement, and Interaction*, Esri Press, 2012: p. 7.

148 Jason Luettinger and Thayne Clark, "Geographic Information System-based Pipeline Route Selection Process," *Journal of Water Resources Planning and Management*, May/June 2005: p. 194.

(3) Create a justifiable method for eliminating alternatives.

The Applicant completed these steps and explained the methods and inputs used for each step in its route selection study.

In defining the study area, developers often take into consideration hard constraints such as operational requirements and prominent physical features.[149] In its route selection study, the Applicant described the study area as being bound on the north and south by the project origin and terminus, and on the east and west by prominent physical features such as highways, highly-developed areas, and forested areas. After initial public comment, the Applicant further evaluated routes outside of its study area, to the east, and determined that routes in this area would cause more overall impact than the routes evaluated within the study area.[150] The Applicant defined the study area using reasonable criteria to encompass all practical routes, considering the needs and context of this project.[151]

The Applicant created a constraint map to assist in placing possible route alignments. The Applicant first evaluated use of existing utility and transportation corridors, as this is generally a preferred practice.[152] The Applicant found that some of the existing utility and transportation corridors within the study area, particularly the

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149 *Id.* at 194-195.

150 Staff Ex. 1 (Amended Staff Report) at 48.

151 *Id.*

152 18 C.F.R. 380.15

railroad, are constrained by surrounding development and do not have adequate right-of-way to maintain recommended separation distances from the existing infrastructure.[153] The Applicant consulted with appropriate industry professionals and technical guidelines when making this determination.[154] With these limitations in mind, the Applicant placed initial routes by using its constraint map to avoid sensitive areas and take advantage of existing infrastructure corridors, when possible.[155] The Applicant placed routes within industrial areas and outside of residential areas to the extent possible, though some residential areas were unavoidable.[156] The Applicant also applied the following technical constraints:

- A minimum of 15 feet between the pipeline centerline and existing structures;
- Along interstates, placement at least 10 feet outside of ODOT right-of-way;
- Along other roads, placement outside of the road right-of-way;
- Road crossings should be as perpendicular as possible; and
- Slopes over 25 percent should be avoided, where possible.[157]

153 Staff Ex. 1 (Amended Staff Report) at 48.

154 *Id.*

155 *Id.*

156 *Id.*

157 *Id.*

These initial routing constraints represent reasonable limitations for pipeline routing, considering the needs of the project, the physical characteristics of the area, and the applicable technical guidelines and standards.[158]

The Applicant adjusted the initial routes by conducting a windshield survey of the area and a constructability review of the routes, with an engineering consultant.[159] As a result, the Applicant reduced the potential alignments from 100 route segments and over 75,000 possible route combinations to 28 route candidates within five general corridors.[160] The Applicant evaluated and scored the route candidates based on its scoring criteria.[161] The Applicant provided a thorough description of all scoring criteria and the methodology used to assign normalized scores to the observed values.[162] The criteria covered a range of ecological, social, and technical considerations.[163] After receiving public input at the third informational meeting, the Applicant applied a weighting factor to the social/land use criteria, and found that it did not affect the results.[164] From the scoring and certain qualitative factors, including constructability and avoidance of routing through private backyards, the Applicant chose three routes to

158 *Id.*

159 *Id.*

160 *Id.*

161 *Id.*

162 *Id.* at 48-49.

163 *Id.* at 49.

164 *Id.*

present at the initial public informational meetings.[165] Each route was within a different corridor, providing the public with three distinct options to evaluate.[166] Based on feedback from the public, the Applicant made several modifications to the proposed routes, and rejected one of the routes. The Applicant presented the two remaining, modified routes in the application and the Applicant published additional public notifications and held two additional informational meetings.

The Applicant conducted a typical route selection study, adapted to the context of the project.[167] The Applicant developed and described reasonable route evaluation criteria that covered a range of impacts and incorporated public feedback.[168] The route selection process led to the selection of Preferred and Alternate routes that provide two distinct alternatives for the Board's consideration, while minimizing potential impacts, based on the criteria used to evaluate the routes.[169]

While both routes are viable, they each have unique issues, and no route is without impact.[170] Staff has analyzed each route independently of one another and concluded that the Alternate Route presents fewer impacts to the project area than the Preferred Route. Staff's analysis is as follows:

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165 *Id.*

166 *Id.*

167 *Id.*

168 *Id.*

169 *Id.*

170 *Id.*

> The Alternate Route is approximately 1 mile shorter than the Preferred Route, crosses 252 fewer properties, and would cost approximately $16.5 million less to construct. The Alternate Route crosses 17 fewer streams and contains approximately four times less linear footage of stream within the construction work area than the Preferred Route. The Alternate Route would open-cut five fewer perennial streams than the Preferred Route, presenting fewer impacts due to sedimentation from soil and riparian vegetation disturbance and impacting less aquatic wildlife habitat. Although the Preferred Route would cross six fewer wetlands than the Alternate Route, it would impact 0.2 acre more total wetland. Compared to the Preferred Route, the Alternate Route has the potential to impact 114 fewer OHI structures within 1000 feet of the proposed centerline. The Preferred Route would require the construction of a new regulation station at the southern end of the proposed pipeline, while the Alternate Route would require only the expansion of the existing Norwood Station. Finally, although the Preferred Route would impact 67 fewer residences within 100 feet of the centerline than the Alternate Route, the Alternate Route would impact 967 fewer residences within 1,000 feet of the centerline than the Preferred Route.[171]

Overall, the project would result in both temporary and permanent impacts to the project area.[172] The Alternate Route presents fewer potential economic, ecological, and cultural resource impacts.[173] The Alternate Route is shorter in length, would cost significantly less to construct, and presents a lower potential for disruption of residences during construction, as the Alternate Route crosses fewer properties and contains significantly

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171 *Id.*

172 *Id.*

173 *Id.*

fewer residences within 1,000 feet.[174] Therefore, Staff concludes that the Alternate Route represents the minimum adverse environmental impact when compared to the Preferred Route.[175] Thus, Staff recommends that the Alternate Route be accepted by the Board.

Staff further recommends that the Board find that the Alternate Route represents the minimum adverse environmental impact, and therefore complies with the requirements specified in R.C. 4906.10(A)(3), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Staff Report of Investigation entitled Recommended Conditions of Certificate.

D. Electric Grid (R.C. 4906.10(A)(4)).

The Board must determine that proposed electric facilities are consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facilities will serve the interests of electric system economy and reliability. Since Duke's application is for construction of a gas pipeline, Staff recommends that the Board find that the requirements specified in R.C. 4906.10(A)(4) are not applicable to the certification of the proposed project.

E. Air, Water, and Solid Waste (R.C. 4906.10(A)(5)).

The Board must consider the facility's compliance with various chapters of the Ohio Revised Code regulating matters such as air pollution, water pollution, hazardous

174 *Id.*

175 *Id.*

waste, and air navigation. With conditions, Staff submits that this criterion has been met. No issues or evidence challenging compliance with these requirements were raised at the hearing by Duke or any Intervener.

Condition 35 states that the Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner.[176] Impacted areas shall be restored to preconstruction conditions in compliance with the Ohio Environmental Protection Agency (Ohio EPA) General National Pollutant Discharge Elimination System (NPDES) permit(s) obtained for the project and the approved Stormwater Pollution Prevention Plan (SWPPP) created for this project.[177] This condition assures the Board that cleanup and site-restoration occur after construction activities.[178]

Condition 36 states that all construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.[179] This condition assures the Board that timely cleanup, site-restoration, and proper disposal of contaminated soil occur after construction activities.[180] Condition 37 states that at least seven days before the preconstruction conference, the Applicant shall submit to

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176 Staff Ex. 9 (Conway Direct) at 9.

177 *Id.*

178 *Id.* at 10.

179 *Id.*

180 *Id.*

Staff, for review, a copy of all NPDES permits including its approved SWPPP, approved Spill Prevention, Control, and Countermeasure procedures, and its erosion and sediment control plan.[181] The Applicant must address any soil issues through proper design and adherence to Ohio EPA best management practices related to erosion and sedimentation control.[182] This condition assures the Board that the Applicant has the relevant environmental permits and plans prior to construction.[183] Finally, Condition 38 states that the Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.[184] This condition assures the Board that the Applicant implements appropriate dust suppression and control measures during construction.[185]

With the conditions noted above, Staff submits that the facility's compliance with various chapters of the Ohio Revised Code regulating matters such as air pollution, water pollution, hazardous waste, and air navigation has been met. No issues or evidence challenging compliance with these requirements were raised at the hearing by Duke or any Intervener.

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181 *Id.*

182 *Id.*

183 *Id.*

184 *Id.* at 11.

185 *Id.*

F. Public Interest, Convenience and Necessity (R.C. 4906.10(A)(6)).

1. Pipeline Safety

Natural gas pipelines – like cars – are so necessary for modern day life that we assume the risks they bring. Luckily, both have now been a part of the American experience for so long that such risks have been minimized through regulation and technology. Pipelines constructed with modern materials and methods and operated in accordance with existing pipeline safety regulations will result in a high degree of safety.

Staff and Duke are taking measures to assure that these regulations are met. One or more of Staff's PHMSA trained field investigators will be assigned to perform a safety inspection for the C314V Central Corridor Pipeline.[186] This safety inspection will include a review of materials used, welding procedures, employee qualifications, construction practices in the field, and pressure testing of the completed piping.[187] Duke is require to have an integrity management plan for a documented and systematic approach to ensure the long-term integrity of pipeline systems.[188] Duke is required to have an emergency response plan, which is reviewed by Staff, to minimize the hazard resulting from a pipeline emergency, and to inform the appropriate fire, police, and other public officials of relevant details about the plan.[189] Duke is also proposing to install

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186 Staff Ex. 12 (Chace Direct) at 3-5.

187 *Id.* at 4.

188 *Id.* at 11-12.

189 *Id.* at 10-11.

above ground valve stations on the pipeline that will allow them to isolate the pipeline in case of an emergency.[190]

Despite the enormous safety of the C314V Central Corridor Pipeline, Staff has requested that the Commission make the pipeline even safer.[191] Staff has requested that the Commission add conditions requiring the C314V Central Corridor Pipeline to be constructed in accordance with code requirements for transmission lines in instances where transmission requirements are more stringent than distribution requirements.[192] Staff has also proposed that underground warning tape be placed above the pipeline during burial to caution excavators of the buried pipeline below.[193]

In sum, the safety of the C314V Central Corridor Pipeline cannot be reasonably challenged – and, it was not challenged with opposing expert testimony at hearing.

2. Public Interaction and Participation

While several Interveners raise concerns with the public interaction and participation in this case, public interaction and participation was amply provided. The Applicant hosted four public informational meetings for this project.[194] The first two meetings were held in Cincinnati on March 22 and 23, 2016, near the north and south

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190 *Id.* at 11.

191 *Id.* at 10.

192 *Id.* at 10.

193 *Id.* at 10.

194 Staff Ex. 1 (Amended Staff Report) at 55.

ends of the proposed route corridors, respectively.[195] The third meeting was held in Blue Ash on June 15, 2016 and the fourth meeting was held in Blue Ash on January 26, 2017 after the Executive Director of the OPSB notified the Applicant that it must hold another informational meeting due to the substantial changes made to the proposed project since the third meeting.[196] During each meeting, attendees were provided the opportunity to speak with representatives of the Applicant about the proposed project and to provide feedback, and the Applicant incorporated two overview presentations into the format of the fourth meeting. [197] Staff attended the meetings to learn about the project and to answer questions from the public regarding the OPSB application process.[198]

In addition to the four public informational meetings described above, the Applicant has met with local officials, businesses, community groups, and the media in the communities affected by the proposed pipeline.[199] The Applicant maintains a project website and members of the public may contact the Applicant by email or by phone, and the Applicant logs all contacts in a customer comment database.[200] The Applicant has

195 *Id.*

196 *Id.*

197 *Id.*

198 *Id.*

199 *Id.* at 56.

200 *Id.*

committed to continue to communicate project updates with the public and to respond to questions and concerns.[201]

Staff recommended a condition, Condition 4, that the Applicant be required develop a public information program that informs affected property owners, tenants, and local government officials of the nature of the project, specific contact information of personnel familiar with the project, the proposed timeframe for project construction, and a schedule for restoration activities.[202] Staff further recommended a condition, Condition 5, that the Applicant be required to develop a complaint resolution procedure to address potential public grievances resulting from project construction and operation.[203]

As of February 26, 2019, 1,534 document records have been filed in the public comments of the case record for this proceeding.[204] The public comments received by the OPSB are overwhelmingly opposed to the proposed pipeline, with commenters citing concerns with issues including but not limited to, pipeline safety, the need for the pipeline, potential impacts to property value, and route selection.[205] Among the public comments are those from government officials from the affected areas expressing opposition to the project on behalf of their constituents.[206] Intervention was granted to

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201 *Id.*

202 *Id.* at 60.

203 *Id.* at 60-61.

204 *Id.* at 56.

205 *Id.* at 57.

206 *Id.*

Coprop Inc.; RLB Inc.; Kenwood Mall, LLC; 10149 LLC BRE DDR Crocodile Sycamore Square LLC; Interstate Gas Supply, Inc.; The Jewish Hospital – Mercy Health; Columbia Township; City of Deer Park; City of Reading; Village of Golf Manor; Board of County Commissioners of Hamilton County; Amberley Village; Sycamore Township; City of Blue Ash; Village of Evendale; City of Cincinnati; Pleasant Ridge Community Council; City of Madeira; and NOPE – Neighbors Opposed to Pipeline Extension, LLC.[207]

The Board conducted a local public hearing in Blue Ash, Ohio on June 15, 2017. During the hearing, 68 witnesses offered sworn testimony regarding the proposed facility. A transcript of the proceedings is available in the case record.[208] A second local public hearing was held on March 21, 2019 in Blue Ash, Ohio.[209] The adjudicatory hearing occurred on April 9-11, 2019. A court reporter transcribed both proceedings, and the OPSB made the hearing transcript available in the case record.

3. Staff Recommendation

The Applicant has submitted detailed information on relevant items of public interest, convenience, and necessity, including noise, aesthetics, environmental concerns, social and economic impacts, long-term natural gas supply, and health and safety

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207 *Id.*

208 *Id.*

209 *Id.*

considerations.[210] Staff has reviewed this information and believes that the information is sufficient to support the fulfilment of the statutory criteria. Staff is aware of the high level of public interest in this project.[211] The comments received from members of the public and local officials served to inform Staff throughout the course of its investigation.[212] Many of the potential impacts and concerns raised in these comments, including those regarding pipeline safety, basis of need, and route selection are addressed in various sections of this Staff Report, minimized by the Applicant, and further mitigated by the Recommended Conditions of Certificate.[213]

G. Agricultural Districts (R.C. 4906.10(A)(7)).

The Board must determine the facility's impact on the agricultural viability of any land in an existing agricultural district within the Preferred and Alternate routes of the proposed utility facility. The Preferred and Alternate routes do not cross any agricultural land or agricultural district parcels. Therefore, no agricultural district impacts are expected. Staff recommends that the Board find that the requirements specified in R.C. 4906.10(A)(7) are not applicable to the certification of the proposed project.

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210 *Id.*

211 *Id.*

212 *Id.*

213 *Id.*

H. Water Conservation Practice (Revised Code 4906.10(A)(8)).

The proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives. Because the facility would not require the use of water for operation, water conservation practice as specified under R.C. 4906.10(A)(8) is not applicable to the project. Staff recommends that the Board find that the requirements specified in R.C. 4906.10(A)(8) are not applicable to the certification of the proposed project.

CONCLUSION

Staff believes that Duke has stated and supported its case for certification and construction of the C314V Central Corridor Pipeline Extension Project. Staff recommends that any certificate issued by the Board for construction and operation of the Project incorporate and require strict compliance with all conditions identified in the Amended Staff Report of Investigation as either amended or further supplemented through testimony in the record.

Respectfully submitted,

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On behalf of the Staff of
The Ohio Power Siting Board

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Post-Hearing Brief, submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail, upon the following parties of record, this 13th day of May, 2019.

/s/ *Steven L. Beeler*
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Summary: Brief Post-Hearing Brief electronically filed by Ms. Yvette L Yip on behalf of the Ohio Power Siting Board