

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of The Application of Duke)	
Energy Ohio, Inc. for a Certificate of)	Case No. 16-253-GA-BTX
Environmental Compatibility and)	
Public Need for the C314V Central)	
Corridor Pipeline Extension Project)	

**REPLY BRIEF FILED ON BEHALF OF INTERVENOR THOMAS J. WEIDMAN,
CHAIRMAN OF THE BOARD OF TOWNSHIP TRUSTEES OF SYCAMORE
TOWNSHIP AND SYCAMORE TOWNSHIP, HAMILTON COUNTY, OHIO**

Intervenor Thomas J. Weidman, Chairman of the Board of Township Trustees of Sycamore Township, Hamilton County, Ohio ("Sycamore" or the "Township") submits this Reply Brief on behalf of Sycamore Township, Hamilton County, Ohio.

/s/ R. Douglas Miller
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INTRODUCTION

This Reply Brief is filed on behalf of Sycamore Township (“Sycamore” or the “Township”) in response to the Merit Brief of Duke Energy Ohio, Inc. (“Duke”) and the Post-Hearing Brief submitted on behalf of the Staff (“Staff”) of the Ohio Power Siting Board (“OPSB”). Both the Duke and Staff briefs were submitted in support of the issuance of a Certificate of Environmental Compatibility and Public Need for the C314V Central Corridor Pipeline Extension Project (“Certificate”). Sycamore Township has previously filed its Initial Post-Hearing Brief in opposition to the issuance of a Certificate.

LAW AND ARGUMENT

Neither Duke nor Staff have made a case for the issuance of a Certificate. Duke admits it has the burden of proof in establishing the need for the Certificate. This burden of proof, resting squarely on Duke, has not been met. Duke has not provided adequate information with regard to the proposed pipeline to establish the need, nor has Duke established compliance with the relevant requirements of R.C. 4906.10(A). Staff has acquiesced in the application, in effect taking all of the allegations of Duke in its application at face value without subjecting them to any real test. Further, Staff makes no mention of the various discrepancies in the Duke application, testimony, and exhibits elicited under cross-examination and dismisses the evidence presented by all of the intervenors as a “parochial” point of view. However parochial this point of view may be, it is justified given the lack of information provided by Duke to determine if the proposed pipeline meets the requirements of R.C. 4906.10(A). Without repeating in detail the various points already adequately established in the intervenors’ briefs, Duke has presented no, or inaccurate, information regarding the potential effect of a pipeline

rupture, the pecuniary benefit to the various communities, and no safety or evacuation plans whatsoever. Duke could not even provide information on the impact of the proposed pipeline on any particular property as exact routing details would not be provided until after a Certificate is issued. With a proposed construction area eighty (80) feet wide, as set forth in Duke's brief, and a permanent right-of-way of thirty (30) to fifty (50) feet wide, it is absolutely incumbent to know the exact route location in order to assess the impact. Yet Duke provides nothing. The best admission that can be gleaned from all of Duke's filings is set forth in their brief: "The Company" *expects* to work with local communities and agencies to develop...." (Emphasis added) Given the lack of input sought from the local communities, including Sycamore Township, during this period when they are seeking approval of the local communities and ultimately the OPSB, it is difficult to imagine there would be a greater spirit of cooperation on Duke's part if already given a mandate from the OPSB to build the pipeline.

Both Duke and the Staff reports address the safety aspects of the proposed pipeline, with their emphasis being that the smaller size and relatively lower pressure of the pipeline make it a safer distribution line rather than a transmission line. Their emphasis is on the fact that the proposed pipeline could withstand higher pressures than those proposed. However, what they fail to take into account is the leading cause of pipeline explosions - breach of the pipeline by third parties. Duke lists a number of safety features of the proposed pipeline, i.e. shut-off valves every five miles, a deeper trench, x-rays and inspections, etc. All of these are admirable precautions but only one addresses the instance of a third-party pipeline breach - warning tape in the ground above the proposed pipeline. It is hard to see how such a system is going to be visible to a third party that maybe drilling a single hole in the ground or a heavy equipment operator sitting in the cab of a backhoe. While the proper course of action is to

check before drilling or digging, everyone knows that such a check does not always occur. Given the multitude of options available other than the proposed pipeline, as pointed out in the intervenors' briefs, the increased danger of the proposed pipeline in highly populated areas, such as the Kenwood area of Sycamore Township, is simply unacceptable. As pointed out in Sycamore Township's Initial Brief, should the pipeline ultimately be approved, then the less populated Alternate Route should be chosen as it has the least potential for harm.

CONCLUSION

The lack of evidence presented by Duke for the need of the proposed pipeline and its impact is telling. The intervenors not only demonstrated this lack of information, but also offered reliable alternatives in the form of Dr. Guldmann's testimony and reports. Duke has simply not justified the request for the proposed pipeline when considered in light of all of the requirements of R.C. 4906.10(A).

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all parties who have electronically subscribed to this case through the Docketing Information System of the Public Utilities Commission of Ohio and the OPSB on this 13th day of May, 2019. The docketing division's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Brief Reply Brief of Sycamore Township electronically filed by Mr. R. Douglas Miller on behalf of Sycamore Township, Hamilton County, Ohio and Weidman, Thomas J. Mr.