

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
NRG OHIO PIPELINE COMPANY LLC  
FOR APPROVAL OF A LETTER OF  
NOTIFICATION FOR THE AVON LAKE  
GAS ADDITION PROJECT IN LORAIN  
COUNTY, OHIO.

CASE No. 14-1717-GA-BLN

### ENTRY

Entered in the Journal on November 19, 2020

#### I. SUMMARY

{¶ 1} The Ohio Power Siting Board cancels the certificate granted to NRG Ohio Pipeline Company LLC as the authority to construct, operate, and maintain the proposed project expired on June 4, 2020, prior to any construction taking place.

#### II. DISCUSSION

{¶ 2} NRG Ohio Pipeline Company LLC (NRG Pipeline or Company) is a person as defined in R.C. 4906.01.

{¶ 3} R.C. 4906.04 provides that no person shall commence to construct a major utility facility in the state without first having obtained a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 4} R.C. 4906.03(F) requires the Board to adopt rules to provide for an accelerated review of an application for a construction certificate for a gas pipeline that is not more than five miles in length or is primarily needed to meet the requirements of a specific customer or specific customers. The statute specifies that the Board must adopt rules that provide for the automatic certification of such pipelines when the application is not suspended by the Board, administrative law judge, or chairperson or executive director of the Board for good cause shown, within 90 days of submission of the application. If an application is suspended, the Board shall approve, disapprove, or modify and approve the application not later than 90 days after the date of the suspension.

{¶ 5} On December 19, 2014, NRG Pipeline filed a letter of notification application, pursuant to R.C. 4906.03(F), for the purpose of constructing the Avon Lake Gas Addition Project (project), which consists of a proposed natural gas pipeline designed at 24 inches in diameter and approximately 20 miles in length, along with a metering station and regulating station, in Lorain County, Ohio. In the application, NRG Pipeline explained that its sole customer is the Avon Lake power plant and the primary purpose of the project is to provide natural gas as a fuel source for the plant.

{¶ 6} On January 9, 2015, and April 13, 2015, petitions to intervene in this proceeding were filed by various property owners in Lorain County, Ohio (collectively, LCPO).

{¶ 7} By Entry dated March 9, 2015, the Board found that there was good cause to suspend NRG Pipeline's letter of notification application and the 90-day automatic certification process, pursuant to R.C. 4906.03(F), in order for the Board and Staff to conduct a thorough review of the application. Additionally, the Board determined that a local public hearing and an adjudicatory hearing should be held in this matter.

{¶ 8} The adjudicatory hearing commenced on April 23, 2015, and concluded on April 24, 2015.

{¶ 9} On June 4, 2015, the Board issued an Opinion, Order, and Certificate granting NRG Pipeline authority to construct the project, subject to a number of specified conditions.

{¶ 10} On October 5, 2016, NRG Pipeline filed a motion to extend the duration of its certificate from two years to three years. By Entry dated March 2, 2017, the Board granted NRG Pipeline's motion and found that the certificate should be extended to June 4, 2018.

{¶ 11} On March 5, 2018, NRG Pipeline filed a motion to extend the duration of its certificate through June 4, 2020. By Entry dated May 17, 2018, the Board granted NRG Pipeline's motion and found that the certificate should be extended to June 4, 2020.

{¶ 12} Condition 3 of the June 4, 2015, Opinion, Order, and Certificate states, in part, that NRG Pipeline shall conduct a preconstruction conference with Staff, the Company, and representatives of the prime contractor and all subcontractors prior to the start of any construction activities. No preconstruction conference was held prior to the expiration of the certificate authority on June 4, 2020. Therefore, the Board cancels the authority to construct under the certificate first issued to NRG Pipeline in the June 4, 2015, Opinion, Order, and Certificate in this matter.

### III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That NRG Pipeline's certificate authority is canceled as discussed in Paragraph 12. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

BOARD MEMBERS:

*Approving:*

Matt McClellan, Designee for Lydia Mihalik, Director  
Ohio Development Services Agency

Mary Mertz, Director  
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Stephanie McCloud, Director  
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director  
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Peland, Director  
Ohio Department of Agriculture

Greg Murphy, Public Member

JRJ/kck

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**Case No(s). 14-1717-GA-BLN**

Summary: Entry cancelling the certificate granted to NRG Ohio Pipeline Company LLC as the authority to construct, operate, and maintain the proposed project expired on June 4, 2020, prior to any construction taking place. electronically filed by Ms. Mary E Fischer on behalf of Ohio Power Siting Board