

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION  
OF COLUMBIA GAS OF OHIO, INC. FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION OF THE NORTHERN  
COLUMBUS LOOP – PHASE VII.

CASE NO. 20-1236-GA-BTX

### ENTRY

Entered in the Journal on February 4, 2021

{¶ 1} Columbia Gas of Ohio, Inc. (Columbia or the Applicant) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health (DOH) to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the DOH regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The DOH is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 4} Pursuant to R.C. 3701.13, the DOH has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the DOH issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 5} On November 12, 2020, Columbia filed an application to construct and operate approximately 16 total miles of new gas pipeline in Union and Delaware counties.

{¶ 6} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Chairperson of the Board must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete. By letter dated January 11, 2021, the Board notified Columbia that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's January 11, 2021 letter directed Columbia to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed Columbia to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 7} On January 28, 2021, Columbia filed a certificate of service of its accepted and complete application and proof that it submitted its application fee to the Treasurer of the State of Ohio as required by Ohio Adm.Code 4906-3-07.

{¶ 8} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the administrative law judge (ALJ) shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 9} Therefore, the effective date of the application shall be February 3, 2021. The ALJ finds that a local public hearing in this matter shall be held on April 28, 2021, at 6:00 p.m. The evidentiary hearing shall commence on May 11, 2021, at 10:00 a.m.

{¶ 10} Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by March 5, 2021, whichever is later.

{¶ 11} In accordance with Ohio Adm.Code 4906-3-09, Columbia should issue public notices of the application and hearings. Pursuant to the same rule, in addition to other required information, that notice shall include a statement that the public hearing in this case shall consist of two parts and will not be held in-person:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on April 28, 2021, at 6:00 p.m.
- (b) An evidentiary hearing commencing on May 11, 2021, at 10:00 a.m.
- (c) Due to the continued state of emergency, the local public and evidentiary hearings will both be held using remote access technology that facilitates participation by telephone and/or live video on the internet.

{¶ 12} Due to the continued state of emergency, the local public and evidentiary hearings will both be held using remote access technology that facilitates participation by telephone and/or live video on the internet. With regard to the local public hearing, interested persons who wish to provide testimony regarding the project must pre-register with the Public Utilities Commission of Ohio (Commission) before 12:00 p.m. EST, on April 27, 2021, at <https://opsb.ohio.gov/wps/portal/gov/opsb/events/20-1236-GA-BTX-Local-Public-Hearing> or by calling the Commission at 1-800-686-7826. Testimony will be limited to five minutes in duration.

{¶ 13} Interested individuals who wish to attend the local public hearing remotely and not offer testimony can do so by calling 408-418-9388 and entering access code 179 022

9305. The local public hearing will also be live streamed for viewing at [www.youtube.com/user/PUCOhio](http://www.youtube.com/user/PUCOhio). Additional information is available on the Board's website at <https://opsb.ohio.gov/wps/portal/gov/opsb/cases/20-1236-ga-btx> or by contacting the Commission's Consumer Call Center at 1-800-686-7826.

{¶ 14} Applicant shall issue public notice of the hearings and application in this matter. The notice should be published in newspapers of general circulation in those municipal corporations and counties in which the chief executive officer received service of a copy of the application pursuant to Ohio Adm.Code 4906-3-07. The notice should be published with letters not less than ten-point type, bear the heading "Notice of Proposed Major Utility Facility" in bold type not less than one-fourth inch high or 30-point type, and include the following information: the name and a brief description of the project; a map showing the location and general layout of the proposed facility; a statement, including the assigned docket number, that an application for a certificate to construct, operate, and maintain said facility is pending before the Board; the date and time of the evidentiary and local public hearings; a statement that the hearings will be conducted by telephone and live video on the internet; and a statement that the public will be given an opportunity to comment on the proposed facility.

{¶ 15} The notice shall also state that interested persons who wish to provide testimony regarding the project must pre-register with the Commission before 12:00 p.m. EST, on April 27, 2021, at <https://opsb.ohio.gov/wps/portal/gov/opsb/events/20-1236-GA-BTX-Local-Public-Hearing> or by calling the Commission at 1-800-686-7826. Testimony to be provided will be limited to five minutes in duration.

{¶ 16} Individuals interested in providing public testimony will be required to provide their full name, home address, telephone number, and e-mail address, if available; state that they wish to register for the local public hearing in Case No. 20-1236-GA-BTX; specify whether they plan to join the remote access event by internet or by telephone; and indicate that they intend to offer testimony. All individuals who plan to provide testimony

using video access to the Webex event, as opposed to providing testimony by telephone, must have a computer or smart device with a microphone and speakers, an email address, and reliable internet service.

{¶ 17} For purposes of the local public hearing, the Board will begin hearing testimony at 6:00 p.m. EST on April 28, 2021. Individuals who have registered to testify will be asked to speak beginning shortly after 6:00 p.m., so all those who have registered to testify should be prepared to speak at that time. For individuals who are speaking by telephone, the Board's staff will contact those individuals by telephone when it is time for their testimony and connect them to the public hearing. If access or other issues are experienced during the local public hearing, individuals should immediately use the chat function within Webex or contact the Board's legal department at 1-614-466-6843 for assistance.

{¶ 18} If individuals wish to supplement their testimony with an exhibit for the Board's consideration, a copy of the document, along with a reference to Case No. 20-1236-GA-BTX, should be provided to the Board by April 27, 2021, if possible, but no later than May 5, 2021, by e-mail to [contactOPSB@puco.ohio.gov](mailto:contactOPSB@puco.ohio.gov) or by mail to Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215.

{¶ 19} Public comments can be provided in writing on the Board's website at <https://opsb.ohio.gov/wps/portal/gov/opsb/help-center/contact-us>, by e-mail at [contactOPSB@puco.ohio.gov](mailto:contactOPSB@puco.ohio.gov), or by mail to Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215. Written comments should reference the case number for this matter.

{¶ 20} Access information for the local public hearing will be provided to counsel for the parties at their e-mail address of record.

{¶ 21} For individuals who experience difficulty participating in the local public hearing, an opportunity for public testimony may also be available, for good cause shown, at the beginning of the evidentiary hearing.

{¶ 22} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing. In so doing, the ALJ may require expert or factual testimony to be offered at Board proceedings to be reduced to writing and filed with the Board. Accordingly, the ALJ establishes the following procedural schedule and process:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before April 13, 2021.
- (b) On or before April 30, 2021, each party shall file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by Columbia shall be filed by May 4, 2021. All expert and factual testimony to be offered by the intervenors and Staff shall be filed by May 6, 2021.
- (d) Any stipulation entered into by the parties shall be filed by noon on May 10, 2021, along with the associated testimony supporting the stipulation.

{¶ 23} The ALJ encourages the parties to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJs.

{¶ 24} It is, therefore,

{¶ 25} ORDERED, That the hearings in this matter be scheduled in accordance with Paragraph 9. It is, further,

{¶ 26} ORDERED, That the notice of the application and hearings be published by Columbia in accordance with Paragraphs 11, 14, and 15. It is, further,

{¶ 27} ORDERED, That witness registration occur pursuant to Paragraphs 12, 15, and 16. It is, further,

{¶ 28} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 22. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Nicholas J. Walstra

By: Nicholas J. Walstra  
Administrative Law Judge

SJP/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/4/2021 1:22:56 PM**

**in**

**Case No(s). 20-1236-GA-BTX**

Summary: Administrative Law Judge Entry ordering that the hearings in this matter be scheduled in accordance with Paragraph 9; ordering that the notice of the application and hearings be published by Columbia in accordance with Paragraphs 11, 14, and 15; ordering that witness registration occur pursuant to Paragraphs 12, 15, and 16; and, ordering that the parties observe the filing deadlines set forth in Paragraph 22 electronically filed by Heather A Chilcote on behalf of Nicholas Walstra, Administrative Law Judge, Ohio Power Siting Board