

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. 16-253-GA-BTX
Need for the C314V Central Corridor)
Pipeline Extension Project.)

**DUKE ENERGY OHIO, INC.’S MEMORANDUM CONTRA
JOINT MOTION FOR CONTINUANCE OF THE ADJUDICATORY
HEARING AND REQUEST FOR EXPEDITED RULING**

I. Introduction

On January 20, 2017, as amended and supplemented on February 13, 2017, February 24, 2017, and March 3, 2017, Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) filed an amended application (Application) with this honorable Ohio Power Siting Board (Board), seeking an order permitting the Company to install a natural gas pipeline (Project) in the Hamilton County area.

On April 13, 2017, the Administrative Law Judge set two hearings: a public hearing to be held on June 15, 2017, and an adjudicatory hearing to commence on July 12, 2017. Subsequently, on May 31, 2017, the Staff of the Commission (Staff) filed its Staff Report of Investigation (Report) recommending approval of the alternate route.

On June 13, 2017, the City of Cincinnati, the Board of County Commissioners of Hamilton County, Amberley Village, the City of Blue Ash, the City of Deer Park, the City of Madeira, the City of Reading, Columbia Township, Sycamore Township, the Village of Evendale, and the Village of Golf Manor (Communities) filed a Joint Motion for Continuance of

the Adjudicatory Hearing and Request for Expedited Ruling (Joint Motion), requesting that the adjudicatory hearing be delayed until October 2, 2017.

On June 14, 2017, NOPE – Neighbors Opposed to Pipeline Extension, LLC (NOPE),¹ filed a Motion for Continuance of the Adjudicatory Hearing (NOPE Motion), requesting that the adjudicatory hearing be delayed until November 16, 2017.

As Duke Energy Ohio demonstrates herein, both motions should be denied.

II. The Movants' Desire for More Time Is Caused by Their Own Delay

Both Movants claim that they need more time to review and assess the preferred and alternate routes, conduct additional discovery, and retain and consult with expert witnesses.² This assertion should be seen as the mere delaying tactic that it is. The Movants' efforts to review and assess the two routes could have – and should have – begun when the Company first announced its initial open houses, in March 2016. Not a single discovery question was propounded on the Company by any of the Communities or by NOPE until April 20, 2017 (by the City of Cincinnati and Hamilton County), or May 26, 2017 (by NOPE). And both the Communities and NOPE have had more than a year to retain and consult with any experts they may deem necessary.

Both Movants also reference a desire to spend more time reviewing the Staff Report. It must be recognized that the time allowed by the Administrative Law Judges in this case is already far longer than usual in power siting cases. With the Staff Report having been timely filed on May 31, 2017, and the adjudicatory hearing scheduled to begin on July 12, 2017, the current schedule allows a generous, 42-day period for preparation for hearing. The following

¹ NOPE and the Communities may collectively be referred to as the Movants.

² Joint Motion at pp. 1, 4, 5; NOPE Motion at 3, 3-4.

table shows the number of calendar days between the issuance of the Staff Report and the scheduled start of the adjudicatory hearing, in recent full-application cases³ before the Board:

Case Number	Number of Days
16-2444-EL-BGN	31
16-2443-EL-BGN	23
16-1982-EL-BTX	32
16-1858-EL-BTX	29
16-1557-EL-BTX	27
16-701-EL-BTX	22
16-534-EL-BTX, <i>et al.</i>	29
16-437-EL-BTX, <i>et al.</i>	29
15-1737-EL-BTX	24
15-1716-EL-BGN, <i>et al.</i>	30
15-329-EL-BTX	34

The Movants have had more than a year to evaluate the routes under consideration in this proceeding. Their own delay has resulted in this new desire to delay the Board’s process, even in light of the extra time already allowed by the Administrative Law Judges.

III. The Requested Delay Is an Unnecessary Risk

As has been stated by Duke Energy Ohio in countless places in this proceeding, among the goals of the proposed pipeline are the need to retire aging and outdated propane-air peaking plants and the need to replace other aging infrastructure. The continued passage of time makes these needs increasingly important. Although the Company continues to maintain the referenced peaking facilities and other infrastructure, as the facilities and pipelines in question continue to age, the risk associated therewith continues to increase.

When Duke Energy Ohio initially announced the project under consideration, the construction schedule was estimated to result in an operational pipeline by the fall of 2018. Currently, the Company is estimating that the pipeline will be operational by the fall of 2019. If

³ The table sets forth the time allowed, per administrative law judge entry, in every full-application case filed since the beginning of 2015 that, as of this date, had proceeded at least as far as a scheduling order.

the pending motions to delay the adjudicatory hearing were to be granted, the pipeline would not be operational in time for the 2019-2020 heating season. Thus, as compared with the Company's original plan, the requested delay would result in two additional heating seasons that must rely on infrastructure slated for retirement or replacement. This is an unnecessary risk, and one that must be recognized.

IV. At Most, the Board Should Grant the Movants Only Minimal Additional Time

If, contrary to the Company's position, the Board determines that additional time is appropriate, such a continuance should be as brief as possible, in order to avoid an excessive impact on the Company's need to upgrade its distribution system. The Company would suggest a delay of no more than two weeks, at most.

V. Conclusion

For all of the reasons discussed above, the Company respectfully requests that the Board deny the Joint Motion and the NOPE Motion and order the parties to be prepared for hearing on July 12, 2017, as currently scheduled.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Duke Energy Ohio, Inc.'s Memorandum Contra Joint Motion for Continuance of the Adjudicatory Hearing and Request for Expedited Ruling* was delivered by U.S. mail (postage prepaid), personal, or electronic mail, on this 19th day of June, 2017, to the parties listed below.

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