

BEFORE

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) Case No. 94-1620-GA-BTX
Authorizing the Construction of the)
Columbus Northwest High Pressure)
Extension Phases 2 and 3, Franklin)
and Union Counties, Ohio.)

OPINION, ORDER AND CERTIFICATE

The Ohio Power Siting Board (Board), having reviewed the application for a certificate, appointed an Administrative Law Judge (ALJ) to conduct the hearings, reviewed the exhibits introduced into evidence at the public hearings held in this matter, and being otherwise fully advised, hereby waives the issuance of an ALJ's report and issues this opinion, order and certificate, as required by Chapter 4906, Revised Code.

APPEARANCES:

Kenneth W. Christman, 200 Civic Center Drive, P.O. Box 117, Columbus, Ohio 43216-0117, on behalf of Columbia Gas of Ohio.

Barth E. Royer, Bell, Royer & Sanders, 33 S. Grant Avenue, Columbus, Ohio 43215, on behalf of the Board of Trustees of Washington Township.

Betty D. Montgomery, Attorney General, by Jodi J. Bair and Anne L. Hammerstein, Assistant Attorneys General, Public Utilities Section, 180 East Broad Street, Columbus, Ohio 43215-3793 and Melanie S. Fahey, Assistant Attorney General, Environmental Enforcement Section, 30 E. Broad Street, Columbus, Ohio 43215-3428, on behalf of the staff of the Ohio Power Siting Board.

SUMMARY OF THE PROCEEDINGS:

Introduction

On October 11, 1994, as amended on March 3, 1995, Columbia Gas of Ohio (Columbia, applicant or company) filed an application for a Certificate of Environmental Compatibility and Public Need authorizing the construction of phases 2 and 3 of a multi-phase natural gas line construction program, the Columbus Northwest High Pressure Extension. Columbia's application was certified as complete by the Board on May 16, 1995 with an effective date of June 23, 1995.

On July 3, 1995, the Board of Trustees of Washington Township (Washington Township) filed a notice of intervention. By ALJ's Entry issued July 19, 1995, Washington Township's intervention was recognized.

On July 13, 1995, D. Melarango, on behalf of the American-Italian Golf Association, dba Riveria Country Club filed a letter initially opposing the application.

The first phase of the construction project was certified by the Board in Case No. 91-63-GA-BTX by Opinion and Order issued August 5, 1991. The phases of the project associated with this case, Phases 2 and 3, will consist of 16-inch pipe commencing at the intersection of Tuttle and Hirth Roads and ending near the intersection of McKitrick and Hyland Croy Roads, Franklin and Union counties, Ohio. Pursuant to Rule 4906-5-03(B), O.A.C., the application contains information concerning preferred and alternate rights-of-way for the proposed facility. Construction of Phase 2 is scheduled to begin in the fall of 1995. Phase 2 will commence at the intersection of Tuttle and Hirth Roads to U.S. Route 33 and Eiterman Road, along the preferred route or to the U.S. 33 and Avery Road area, along the alternate route. Phase 3 will extend from the termination point of Phase 2 to the intersection of McKitrick and Hyland Croy Roads. Construction of Phase 3 is scheduled for the fall of 1996.

All proceedings before the Board are conducted pursuant to Chapter 4906, Revised Code, and Chapter 4906, Ohio Administrative Code (O.A.C.). The Board assigned an ALJ to conduct the local public hearing in this matter on September 11, 1995, at the offices of the Public Utilities Commission in Columbus, Ohio. Columbia personnel and members of the Board's staff attended the public hearing. No members of the public attended the public hearing held September 11, 1995. The adjudicatory hearing was also held at the offices of the Public Utilities Commission of Ohio on September 12, 1995. At this hearing, the ALJ admitted into evidence the following previously filed documents: Columbia's amended application for a certificate (Company Ex. 1), Columbia's certificate of service upon public officials (Company Ex. 2), proof of publication (Company Ex. 3), Columbia's Response to staff's Combined Interrogatories and Requests for Production of Documents (Company Ex. 4), and the Letter from Applicant to Board of Trustees of Washington Township (Company Ex. 5). Also, admitted into evidence were the staff investigation report (Staff Ex. 1), as well as, the Joint Stipulation and Recommendation (stipulation) (Joint Ex. 1) submitted by the company, the staff, and the Washington Township Board of Trustees. No member of the public attended the adjudicatory hearing.

Proposed Facility

Columbia proposes to continue construction of a 16-inch diameter, grade B or x-42 steel-welded natural gas pipeline in 50-foot rights-of-way in Franklin and Union counties, Ohio. The facility will be designed for a maximum operating pressure of 180 psig and constructed with a cathodic protection system. The section of pipeline covered by this application is approximately 8 miles in length along the preferred route, and approximately 7 miles in length along the alternate route. The extension pipeline is being constructed to increase gas supply into portions of northern Franklin County and southern Delaware County. Columbia is currently supplying natural gas to the area, particularly Plain City and Dublin, from the Rome-Hillard Town Boarder Station, which is currently operating at capacity during periods of peak flow. Development and expansion in the area is expected to continue. Furthermore, portions of the distribution system serving the northern Franklin County and southern Delaware County distribution area operated near or at maximum allowable operating pressure during the 1993-1994 winter heating season. The peak day requirements during the 1993-1994 winter heating season were 14,500 Mcf and requirements for the 1995-1996 winter heating season are estimated at 17,000 Mcf, equaling the full capacity of the supply lines in the area. Completion of Phases 2 and 3 will raise the capacity to the distribution area by 23,000 Mcf to 40,000 Mcf per day and is expected to obviate the need for additional capacity for at least ten years.

Joint Stipulations

Pursuant to Section 4906.10(A), Revised Code, the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following:

- 1) The basis of the need for the facility;
- 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 case of an electric transmission line, that such facility is consistent with regional plans for expansion of the electric power grid

of the electric serving this state and interconnected utility systems; and that such facilities 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 under those chapters and under Sections 1501.33, 1501.34, and 4561.32 of the Revised Code;
- 6) That the facility will serve the public interest, convenience and necessity;
- 7) the probable impact of the facility on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929, Revised Code, that is located within the site and alternative site of the proposed major facility;
- 8) That the facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of various alternatives.

The application filed by the Company addresses each of the criteria set forth above, as does the Staff's Report of Investigation.

Based upon a review of the application, site visits, and discussion with the company, the staff has entered into a stipulation with the company which states, among other things;

- A. Adequate data on the project has been provided to determine that the Columbus Northwest High Pressure Extension, Phases 2 and 3 are necessary to meet the growing demands of the service area as required pursuant to Section 4906.10(A)(1), Revised Code;
- B. Adequate data on the project has been provided to determine the nature of the probable environmental impact as required pursuant to Section 4906.10(A)(2), Revised Code;
- C. Adequate data on the project has been provided to determine that the project 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 pursuant to Section 4906.10(A)(3), Revised Code;

- D. Adequate data on the project has been provided to determine that the facility complies with Sections 4906.10(A)(5), Revised Code, and will comply with Chapters 3704, 3734, and 6111, Revised Code, and all regulations and standards adopted under those Chapters and Section 4561.32, Revised Code.
- E. Adequate data on the project has been provided to determine that the facility will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6) and will comply with the safety standards set by the Occupation Safety and Health Administration, the Public Utilities Commission of Ohio, the Federal Minimum Pipeline Safety Standards, and equipment specifications.
- F. Adequate data on the project has been provided to determine what impact the facility will have on the viability as agricultural land of any land in an existing agricultural district established pursuant to Chapter 929, Revised Code, that is located within the affected areas of the proposed major utility facility as required by Section 4906.10(A)(7), Revised Code;
- G. That the certificate be issued pursuant to the following conditions:
 - 1. That the facility be installed following the applicant's preferred route, as depicted on Map 5-03 of the amended application.
 - 2. That the applicant shall utilize the preferred equipment described in the amended application on pages 02-15 and 02-16.
 - 3. Columbia utilizes the mitigative measures described in the application, unless modified by applicable Federal and State permits.
 - 4. Columbia establishes and maintains a permanent riparian buffer zone,

consisting of native woody and herbaceous vegetation, next to each perennial stream, intermittent stream, and drainage ditch crossed by the certified route across the entire width of the right-of-way.

5. Prior to construction, an erosion control plan be completed in cooperation with the Natural Resources Conservation Services of Franklin and Union Counties, respectively, to control erosion and sedimentation. A copy of any document produced shall be submitted to the Board staff within seven days of completion.
6. That during construction of the facility, Columbia shall immediately restabilize stream beds and banks after in-channel work is completed, interrupted, or stopped.
7. That during construction of the facility, the applicant shall seed all disturbed soil, excluding active agricultural land within seven days of final grading with a seed mixture acceptable to the Franklin and Union Counties Natural Resources Conservation Services, unless such seeding is prevented by weather conditions, in which case such seeding shall occur as soon thereafter as possible in view of existing weather conditions. Denuded areas shall be seeded and stabilized within seven days if they will be undisturbed for more than 45 days, unless such seeding is prevented by weather conditions, in which case such seeding shall occur as soon thereafter as possible in view of existing weather conditions. Reseeding shall be done within several days of emergence of seedlings as necessary until vegetation in all areas has been established.

8. Columbia shall properly install, prior to any earth-disturbing activities, erosion and sedimentation control measures on the construction right-of-way, access roads, and staging areas, including all topsoil and spoil piles, for the certified route. All such erosion control measures shall be inspected weekly and/or after each rainfall event of 0.5 inches or more, promptly repaired, and maintained until permanent vegetative cover has been established on disturbed soils.
9. Prior to construction, Columbia shall obtain all applicable permits and authorizations as required by Federal and State entities at any location where such permit or authorization is required. A copy of each permit or authorization, including the terms and conditions, shall be provided to the Board staff within 7 days of receipt or within 7 days of the issuance of the certificate, whichever occurs later.
10. Columbia shall avoid, if possible, or minimize to the extent practicable any damage to field tile draining systems or other subsurface drainage systems resulting from construction and operation of the facility. Damaged systems shall be repaired to preconstruction conditions prior to the final backfill.
 - a) Applicant shall require its pipeline construction contractor to utilize a spotter during all times when trenching operations are underway, to assist in assuring that all drainage tiles are identified.
 - b) Applicant will provide to the staff and counsel for the Board of Trustees of Washington Township, within 30 days after the completion of construction of each phase of the

pipeline project, a copy of the engineering drawings depicting the location and depth at which drainage tiles were found during the course of construction.

11. Columbia shall not dispose of excess subsoil, excavated rock, and any bedding material following the installation of the pipeline by spreading the excess material on agricultural fields.
12. That, for all temporary access roads not requiring a U.S. Army Corps of Engineers permit, Columbia shall remove, upon completion of the facility, such access roads, including any material placed within the roadbed, constructed on land not owned in fee by the applicant or obtained by permanent easement by Columbia, unless otherwise requested by the property owner. All affected areas shall be restored to preconstruction conditions to the extent possible, unless otherwise requested by the property owner.
13. That, for all temporary access roads requiring a U.S. Army Corps of Engineers permit, Columbia shall remove, upon completion of the facility, such access roads, including any material placed within the roadbed, constructed on land not owned in fee by Columbia or obtained by permanent easement by the applicant. All affected areas shall be restored to preconstruction conditions to the extent possible.
14. Columbia shall remove, upon completion of the facility, all culverts and rip rap placed in any surface waters, including wetlands, on land not owned in fee by the applicant. All affected areas shall be restored to preconstruction conditions to the extent possible.

15. Columbia shall provide to the Board staff the following information for each of the two phases of the project as such information becomes known:
 - a) the date on which construction began;
 - b) the date on which construction was completed;
 - c) the date on which the facility began commercial operation.
16. That, as soon as possible and before construction begins, the company shall submit to the Board staff one complete set of engineering drawings of the facility for which the certificate is issued, so that the staff can determine that the final project design is in compliance with the terms and conditions of the certificate. Unless the plans have been submitted to the staff more than 30 days prior to the commencement of construction of a portion of the facility, applicant shall not commence construction of that portion of the facility until applicant has received written confirmation from the staff that upon review of the plans submitted, the final project design for that portion of the facility complies with the terms and conditions of the certificate.
17. That the certificate shall become invalid if construction of the proposed facility has not commenced within five years of the date of journalization of the certificate.
18. That, in the event that blasting becomes necessary during the course of construction of this project, Columbia will:

- a) conduct a detailed survey of all water wells located within 1,000 feet of any proposed blasting area;
- b) take all necessary and appropriate precautions to prevent damage to any such water wells as a result of any such blasting; and
- c) obtain the opinion of an independent hydrologist from Burgess & Niple, Ltd., Engineers and Architects, prior to the commencement of any such blasting, that Columbia's plans for such blasting incorporate all necessary and appropriate precautions to prevent damage to any such water wells in the vicinity.

H. Columbia, the staff, and Washington Township jointly recommend that Columbia's application for a certificate be granted.

CONCLUSION:

Although not binding upon the Board, stipulations are given careful scrutiny and consideration, particularly where no party is objecting to the stipulation. Based upon the record in this proceeding, the Board finds that the joint stipulation is reasonable, and that the proposed project using the preferred route fulfills the criteria established in Section 4906.10(A), Revised Code. Accordingly, the Board shall adopt the stipulation in its entirety.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- 1) Columbia Gas of Ohio, Inc. is a wholly owned subsidiary of Columbia Gas System, Inc. (CGS). CGS is a utility holding company incorporated under the laws of the state of Delaware. The applicant along with other subsidiaries of CGS form an integrated network engaged in the production, transmission, and distribution of natural gas.
- 2) Columbia is a natural gas company and a public utility, pursuant to Sections 4905.03 and 4905.02, Revised Code, and therefore, subject to the Board's jurisdiction under Chapter 4906, Revised Code.

- 3) On October 11, 1994, as amended on March 3, 1995, Columbia filed an application for a Certificate of Environmental Compatibility and Public Need for the Columbus Northwest High Pressure Extension, Phases 2 and 3.
- 4) On May 16, 1995, Columbia's application was certified as complete, pursuant to Rule 4906-1-14(A)(1), O.A.C. and accepted for filing effective June 23, 1995.
- 5) On June 6, 1995, the company duly served and published notice of the filing of the application.
- 6) A public hearing was held on the application on September 11, 1995, and an adjudicatory hearing held on September 12, 1995, at the offices of the Public Utilities Commission of Ohio, 189 E. Broad Street Columbus, Ohio 43215.
- 7) The stipulation entered into by the parties to this proceeding is reasonable and should be adopted in its entirety.

ORDER:

It is, therefore,

ORDERED, That the stipulation submitted in this proceeding is approved in its entirety. It is, further,

ORDERED, That the Certificate of Environmental Compatibility and Public Need for the Columbus Northwest High Pressure Extension, Phases 2 and 3, is hereby issued to allow the construction, operation, and maintenance of such facility along the applicant's preferred route. It is, further,

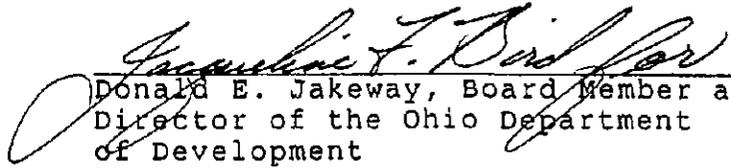
ORDERED, That the certificate shall contain the conditions set forth above, as stipulated to by the parties. It is, further,

ORDERED, That a copy of this Opinion, Order, and Certificate be served upon all persons of record.

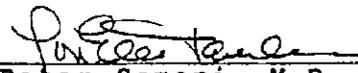
THE OHIO POWER SITING BOARD



Craig A. Glazer, Chairman
Public Utilities Commission of Ohio

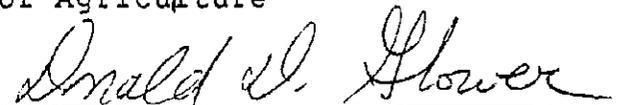

 Donald E. Jakeway, Board Member and
 Director of the Ohio Department
 of Development


~~Frances S. Buchholz~~, Board Member
 and Director of the Ohio Department
 of Natural Resources
 Donald C. Anderson


 Peter Somani, M.D., Board
 Member and Director of the Ohio
 Department of Health

Donald R. Schregardus, Board Member
 and Director of the Ohio
 Environmental Protection Agency


 Fred L. Dailey, Board Member and
 Director of the Ohio Department
 of Agriculture


 Donald D. Glower, Ph.D., Board
 Member and Public Member

GNS/pdc

Entered in the Journal

OCT 2 1995

A True Copy


 Gary D. Vigorito
 Secretary

CASE NUMBER 94-1620-GA-BTX
CASE DESCRIPTION COLUMBIA GAS OF OHIO, INC.
DOCUMENT SIGNED ON October 21, 1995
DATE OF SERVICE 10-3-95

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

COLUMBIA GAS OF OHIO, INC.
P.O. BOX 117
200 CIVIC CENTER DRIVE
COLUMBUS, OH 43216-0117

KENNETH W CHRISTMAN
COLUMBIA GAS OF OHIO INC
200 CIVIC CENTER DRIVE
P.O. BOX 117
COLUMBUS, OH 43216

DAVID C. KEENAN
COLUMBIA GAS OF OHIO, INC.
200 CIVIC CENTER DRIVE
P.O. BOX 117
COLUMBUS, OH 43216-0117

AMY L. KONCELIK
LEGAL INTERN
COLUMBIA GAS OF OHIO, INC.
200 CIVIC CENTER DR.
COLUMBUS, OH 43216-0117

INTERVENOR

BOARD OF WASHINGTON TOWNSHIP TRUST
JAN ANTONOPOLIS, VICE CHAIR
5985 CARA ROAD
AMLIN, OH 43002-8717

BARTH E. ROYER
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

STEPHEN R. MCCLARY
DEPARTMENT OF TRADE & DEVELOPMENT
1250 FAIRWOOD AVE.
COLUMBUS, OH 43206-3372

NONE

----- INTERESTED PARTIES -----

BARBARA M. CLARKE
CITY OF DUBLIN
5800 SHIER RINGS ROAD
DUBLIN, OH 43016-1236

NONE

DAVE MELARAGNO, PRESIDENT
AMERICAN-ITALIAN GOLF ASSN.
8205 AVERY ROAD
DUBLIN, OH 43017

NONE