

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Construction Notice of)
Dominion East Ohio Gas Company for the) Case No. 12-1796-GA-BNR
Warrensville Center Road Project.)

ENTRY

The administrative law judge finds:

- (1) On June 11, 2012, Dominion East Ohio Gas Company (Dominion), in accordance with Rule 4906-11-02, Ohio Administrative Code (O.A.C.), filed a construction notice for the Warrensville Center Road Project.
- (2) Rules 4906-5-02(B)(1) and (3), O.A.C., govern the timeframes for the filing, review, and approval of construction notices. Specifically, a construction notice is to be filed not less than 42 days before commencement of construction and, if the Board does not act upon the filing within 42 days, the notice is deemed automatically approved. However, the applicant may request expedited processing, in which case, it must file the application not less than 21 days prior to commencement of construction and, if the Board does not act upon the notice within 21 days, it is deemed automatically approved. The rule also provides that, for good cause shown, the administrative law judge may waive the 42- or 21-day time period.
- (3) On June 11, 2012, Dominion filed a motion for waiver of the 21-day requirement set forth in Rules 4906-5-02(B)(1) and (3), O.A.C., so that it may begin taking the existing line out of service by the week of June 25, 2012, in preparation for the replacement project. In support of its motion, Dominion states that the purpose of the project is to replace an existing 26-inch segment of bare steel pipe in the roadway of Warrensville Center Road, in the city of South Euclid (City), with a 30-inch high-pressure, steel-coated distribution gas line. Dominion explains that the City is making major improvements in the Warrensville Center Road to accommodate a new shopping area developed by First Interstate Properties, Ltd. (First Interstate). According to Dominion, several months ago, the City and First Interstate requested that Dominion complete its pipeline replacement work by July 31, 2012, to avoid delaying

the City's road project. Dominion states that, because the engineering, design work, and other activities with the project had to be completed, it could not bring this case to the Board any sooner. Therefore, in order to meet the extremely tight timeframe, avoid digging up the road after the City has completed its improvement project, and avoid adverse economic consequences, Dominion is requesting a waiver of the 21-day time period. Dominion clarifies that it is not requesting that it be permitted to begin actual construction of the pipeline project, but that it be permitted to do the preliminary work for the construction, i.e., placing the stopples in the existing pipeline to prevent gas from flowing. The actual construction of the pipeline would occur 22 days from the filing of the case and after July 3, 2012, according to Dominion.

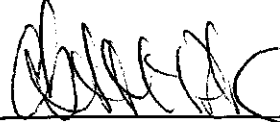
- (4) On June 13, 2012, Staff filed its response to Dominion's request for waiver stating that, while Staff does not object to the request, to the extent the waiver is granted, it should not limit Staff's ability to seek the information that it requires during the course of its investigation. Furthermore, Staff also observes that the actual construction of Dominion's project will not occur until 22 days from the filing of the notice, or July 3, 2012.
- (5) Under the circumstances in this case, the administrative law judge finds that an expedited ruling is necessary. Upon consideration of Dominion's motion for waiver and Staff's response, the administrative law judge finds that Dominion's motion is reasonable and in the public interest and should be granted. Therefore, the processing of Dominion's application will be expedited and the automatic approval date for this application will be July 2, 2012.

It is, therefore,

ORDERED, That Dominion's motion be granted and the automatic approval date for this application be July 2, 2012. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

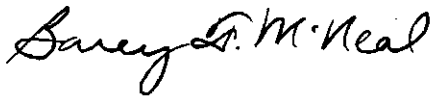


By: Christine M.T. Pirik
Administrative Law Judge

 vrm

Entered in the Journal

JUN 15 2012



Barcy F. McNeal
Secretary