

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of <b>Vectren</b>	)	
<b>Energy Delivery of Ohio, Inc.</b> for a Certificate	)	
of Environmental Compatibility and Public Need	)	Case No. 13-1651-GA-BTX
for its Dayton Airport Z-167 Pipeline Rerouting	)	
Project	)	

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**MOTION FOR WAIVER**

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Applicant, Vectren Energy Delivery of Ohio, Inc. (“Vectren” or “Applicant”), pursuant to Ohio Administrative Code (“OAC”) Rule 4906-01-03 and Rule 4906-7-12, respectfully moves the Ohio Power Siting Board (“Board”) to grant it a waiver from the requirement that the alternate route have not more than twenty percent (20%) in common with the preferred route as set forth in OAC Rule 4906-5-04(A). The reasons for this waiver request are given in the Memorandum in Support below.

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**MEMORANDUM IN SUPPORT**

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**Background**

Vectren proposes to reroute a three-mile 12-inch pipeline segment of its Z-167 pipeline that runs underneath the main runway and crosses six taxiways as well as other parts of the Dayton International Airport. The rerouted pipeline segment would consist of a new 6.55 mile 12-inch pipeline segment that would be located around the periphery of the airport so as to avoid the high consequence area. It will connect into the existing transmission pipeline at Corporate Center Drive south of the airport, route around the airport to the west, avoiding high density areas of the City of Vandalia, and reconnect to the natural gas transmission line north of the

airport along Lightner Road (this road may also be known as North County Line Road). The rerouted segment will be located in Montgomery County, Butler Township and City of Vandalia. Vectren plans to file an application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the proposed replacement in September 2013.

**OAC Rule 4906-5-04(A): Waiver of the Twenty Percent in Common Right-of-Way Provision**

In accordance with OAC Rule 4906-15-03(A) Vectren performed a Site Selection Study (“Study”) and, based upon the results of the Study, it developed two routes for the project: the Preferred and Alternate Routes. The Preferred Route is 6.55 miles long with a substantial part located around the boundary of the Dayton International Airport primarily on land owned by the City of Dayton. The Alternate Route is 6.02 miles long and shares approximately 74% commonality with the Preferred Route.

The Study involved the collection and evaluation of environmental, cultural, land-use, and engineering data in order to evaluate potentially suitable routes for the proposed rerouting of the pipeline. Its objective was to select a route that minimized the impact to these areas of concern (which are a part of the Board’s certification application requirements), while increasing the public safety and maintaining economic and technical feasibility. Nine different routes were considered.

The Study demonstrated that the Preferred Route rated the highest and resulted in the least impact to environmentally sensitive areas, current land use, and cultural resources. As a result, Vectren selected the Preferred Route as the proposed route for the rerouting of the current 3 mile line at the Dayton International Airport

The Study rated the Alternate Route as the second best route, even though it is shorter and slightly less costly than the Primary Route. Although the Alternate Route overlaps the

Primary Route by 74%, Vectren by no means sought to choose a “convenient” route. Rather, the data and the objective Study led to the selection of the chosen Alternate Route. The Study scored this route more than 25% better than the next ranking route. The remaining seven alternative routes were less desirable due to greater environmental, sensitive land-use or cultural impacts than the alternate route proposed.

Contributing to the desirability of common portions of the Primary Route and Alternate Route is the City of Dayton’s agreement to permit Vectren to use its land, which adjoins the airport, for the rerouting project. Among other things, the inconvenience to the public would be minimized by Vectren’s obtaining easements on as much of the City’s land as possible. Both the Preferred Route and the Alternate Route would use the City’s land. The remaining land for which easements would be sought for the routes is positioned to minimize as much as possible the inconvenience to the landowners who are mostly farmers. The routes are sited close to the boundaries of their lands so as not to interfere with their agricultural use of the land. As much as possible, the routes are also located adjacent to existing roads.

Where there are persuasive reasons for waiving the 20% overlap requirement, the Board has done so in the past. There have been seven waivers that the Board has granted since 1999 for overlaps 50% or greater.

- In *AEP Ohio Transmission Company*, Case No. 11-4505-EL-BTX, by Entry of December 21, 2011, the Administrative Law Judge (“ALJ”) granted a waiver where the alternate route shared 83% of the right-of-way.
- In *American Transmission Systems Inc.*, Case No. 11-4884-EL-BTX, by Entry of November 5, 2012, a waiver was granted for an 80% shared overlap.

- In *Dominion East Ohio Gas Company*, Case No. 08-829-GA-BTX, by Entry of February 5, 2009, the ALJ granted a waiver of 50% overlap.
- In *Columbia Gas of Ohio, Northern Columbus Loop, Phases IV and V* (“*Columbia 1*”), Case No. 04-1620-GA-BTX, by Entry of February 4, 2005, the ALJ granted a shared overlap of 80%.
- In *Columbia Gas of Ohio, Northern Columbus Loop, Phase IV* (“*Columbia 2*”), Case No. 04-1621-GA-BTX, by Entry dated February 4, 2005, the Board’s ALJ granted a shared overlap of approximately 67%.
- In *American Transmission Systems, Inc. Beaver-Greenfield*, Case No. 01-207-EL-BTX, by Entry dated June 7, 2001, the Board’s ALJ granted a waiver where the alternate route shared 81% of the right-of-way with the preferred route.
- In the consolidated cases of *Ohio Edison Company*, Case No. 99-540-EL-BGN and *Northeast Ohio Natural Gas Company*, 99-541-GA-BTX (“*Northeast Ohio*”) by Entry dated June 11, 1999, the Board’s ALJ granted a waiver where the preferred and alternate routes for the natural gas transmission line shared 58% of a common right-of-way.

Three of these cases involved natural gas companies.

Vectren believes that in deciding whether to waive a greater-than 20% overlap of the Preferred and Alternate Routes, the Board should consider and weigh heavily the amount of mileage involved. The Board should take into account the fact that the fewer the total miles in a project, the greater the likelihood, as in this case, that even a few miles of commonality would result in a higher the percentage of overlap.

In *Columbia 1*, the amount of pipeline overlap was 4.5 miles of the 6.8 mile alternative route and in *Columbia 2* the overlapped mileage was 15 miles of the 19.1 miles of the alternative route. In *Northeast Ohio* the overlap mileage was 6.66 miles of the 11.42 alternative route. Vectren is requesting a waiver of less mileage than any of the three natural gas company waivers approved by the Board in these natural gas company cases.

It is true that in *Columbia 1 and Columbia 2*, the company already had existing right-of-way, but this factor should not be determinative. Weighing in Vectren's favor is the fact that the actual length of the pipeline segment in common is very small, 4.42 miles as compared with the 15 miles of overlap in *Columbia 2*. Moreover, in Vectren's instance, a significant amount of the overlap is on City property (34% or 1.5 miles). Furthermore, Vectren is constrained by factors such as causing as little environmental disturbance as possible, avoiding cultural resources, routing the pipeline as far away from residences as possible, and respect for the use of farmland that might otherwise be disturbed if a route were selected that would transverse the middle of the parcel.

## **Conclusion**

The requested waiver is not a case of first impression. Moreover, as shown above, there are compelling reasons to grant the waiver, not the least of which is the fact that the Alternate Route, as shown by the Study, is the second best in terms of having least adverse effects than the other alternatives in the Study.

WHEREFORE, Applicant respectfully requests that the Board waive the requirements set forth above and grant such other and further relief to which it may be entitled.

Respectfully submitted on behalf of  
VECTREN ENERGY DELIVERY OF OHIO, INC.

A handwritten signature in cursive script, reading "Sally W. Bloomfield".

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Summary: Motion of Vectren Energy Delivery of Ohio, Inc. for Waiver electronically filed by  
Teresa Orahod on behalf of Sally Bloomfield