

BEFORE

THE OHIO POWER SITING BOARD

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

ENTRY

The administrative law judge finds:

- (1) On July 19, 2013, Vectren Energy Delivery of Ohio, Inc. (VEDO) filed a preapplication notification letter regarding its intent to file an application for a certificate of environmental compatibility and public need for the purpose of rerouting a three-mile segment of its Z-167 gas pipeline at the Dayton International Airport in portions of the City of Vandalia and Butler Township, Ohio. On that same date, VEDO also filed a motion for waiver of Rule 4906-5-04(A), Ohio Administrative Code (O.A.C.).
- (2) Rule 4906-5-04(A), O.A.C., requires that all certificate applications for gas and electric power transmission facilities include fully developed information on two sites/routes. The rule provides that each proposed site/route must be designated as a preferred or an alternate site/route and each must be a viable alternative on which the applicant could construct the proposed facility. The rule further provides that the two routes will be deemed alternatives if not more than 20 percent of the routes are in common.
- (3) In support of its waiver request, VEDO states that, while the preferred and alternate routes have 74 percent in common, VEDO is constrained by considerations such as causing as little environmental disturbance as possible, avoiding cultural resources, routing the pipeline as far away from residences as possible, and respecting the use of farmland that might otherwise be disturbed. VEDO adds that the alternate route, as indicated by the results of its site selection study, is the second best route in terms of having the least adverse effects than the other alternatives considered in the study. Finally, VEDO notes

that another factor contributing to the desirability of common portions of the preferred and alternate routes is the City of Dayton's agreement to permit VEDO to use its land adjoining the airport for the rerouting project, which would minimize the inconvenience to the public.

- (4) On August 5, 2013, Staff filed a memorandum indicating that it does not object to VEDO's request for a waiver of Rule 4906-5-04(A), O.A.C. Staff notes, however, that it reserves the right to require information from VEDO in areas covered by the waiver request, as Staff determines necessary during the course of its investigation. Staff further reserves its right to investigate and contest all other issues presented in the application to be filed by VEDO.
- (5) Rule 4906-1-03, O.A.C., provides that the Board or administrative law judge (ALJ) may, for good cause shown, waive any requirement, standard, or rule set forth in Chapters 4906-1 to 4906-17, O.A.C., except where precluded by statute. Upon review of VEDO's motion, and Staff's memorandum indicating that Staff has no objections to VEDO's request for a waiver of Rule 4906-5-04(A), O.A.C., the ALJ finds that VEDO's motion is reasonable and should be granted. In granting VEDO's motion, the ALJ notes that VEDO is not relieved of its responsibility to provide Staff with information in the areas subject to the waiver, if, in the determination of Staff, the information becomes necessary during the course of its investigation of the application.

It is, therefore,

ORDERED, That VEDO's motion for waiver, as filed on July 19, 2013, be granted. It is, further,

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

OHIO POWER SITING BOARD

s/Sarah Parrot

By: Sarah J. Parrot
Administrative Law Judge

JRJ/sc

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in

Case No(s). 13-1651-GA-BTX

Summary: Administrative Law Judge Entry grants VEDO's motion for waiver filed 07/19/2013. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio