

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 September 20, 2013, Vectren Energy Delivery of Ohio, Inc. (VEDO) filed with the Board 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.
- (2) Pursuant to Ohio Adm.Code 4906-5-05(A), within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify the applicant of the acceptance or rejection of the application as complete.
- (3) On October 29, 2013, VEDO filed a motion for a waiver of Ohio Adm.Code 4906-5-05(A), seeking an extension of the period within which the Chairman of the Board is required to issue a letter indicating whether the application is complete. In support of its motion, VEDO noted its intention to file an amended application, including a proposal to change the preferred route in response to input from local government officials.
- (4) By Entry issued on November 14, 2013, the administrative law judge (ALJ) granted VEDO's motion for a waiver of Ohio Adm.Code 4906-5-05(A), extending the 60-day period until November 25, 2013.
- (5) On November 15, 2013, VEDO filed an amended application.
- (6) By letter dated November 25, 2013, the Chairman of the Board notified VEDO that its application, as amended, had been certified as complete and directed VEDO to serve appropriate

government officials and public agencies with copies of the complete, certified application.

- (7) On November 25, 2013, VEDO filed a certificate of service of its accepted and complete application in accordance with the requirements of Ohio Adm.Code 4906-5-06. On December 20, 2013, VEDO submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-5-11. The effective date of the filing of the application shall be December 12, 2013.
- (8) R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt.
- (9) Accordingly, a local public hearing in this matter will be held on February 10, 2014, at 6:00 p.m., at Vandalia Recreation Center, 1111 Stonequarry Road, Dayton, Ohio 45414. The adjudicatory hearing will commence on February 24, 2014, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (10) Additionally, the ALJ finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or by January 27, 2014, whichever is later.
- (11) VEDO should issue public notices of the application and the hearings, in accordance with Ohio Adm.Code 4906-5-08. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-5-08, VEDO shall include a statement that the public hearing in this case shall consist of two parts:
 - (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on February 10, 2014, at 6:00 p.m., at Vandalia Recreation Center, 1111 Stonequarry Road, Dayton, Ohio 45414.

- (b) An adjudicatory hearing, commencing on February 24, 2014, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (12) Further, regarding the initial public notice required under Ohio Adm.Code 4906-5-08(C)(1), VEDO shall include the following statement as part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or by January 27, 2014, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite Case No. 13-1651-GA-BTX.

- (13) Ohio Adm.Code 4906-7-01 provides that the ALJ shall regulate the course of the hearing, including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following process should be implemented:
 - (a) Pursuant to Ohio Adm.Code 4906-5-05(D), Staff shall file its report of investigation on or before January 20, 2014.
 - (b) On or before January 27, 2014, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
 - (c) All expert and factual testimony to be offered by the applicant shall be filed by February 13, 2014.
 - (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by February 19, 2014.

- (e) The parties are encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide electronic copies to the ALJ.

It is, therefore,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in finding (9). It is, further,

ORDERED, That notices of the application and hearing be published by VEDO in accordance with findings (11) and (12). It is, further,

ORDERED, That Staff file its report of investigation pursuant to finding (13). It is, further,

ORDERED, That all parties file their issue(s) lists and expert and factual testimony in accordance with finding (13). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons 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 ordered the hearings in this matter be scheduled at the times and places designated in finding (9), ordered notices of the application and hearing be published by VEDO in accordance with findings (11) and (12), ordered Staff to file its report of investigation pursuant to finding (13), and ordered all parties to file their issue(s) lists and expert and factual testimony in accordance with finding (13). - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio