

## PUCO EXHIBIT FILING

Date of Hearing: February 24, 2014Case No. 13-1651-GA-BTX

PUCO Case Caption: In the Matter of the Application  
of Vectren Energy Delivery of Ohio, Inc. for  
a Certificate of Environmental Compatibility  
and Public Need for its Dayton Airport  
2-167 Pipeline Relocating Project

## List of exhibits being filed:

Vectren Energy  
2-5Joint Exhibit 1Dayton Exhibits 1 & 2Stard Exhibits 1 & 2

PUCO

RECEIVED-DOCKETING DIV  
2014 MAR 11 PM 4:21Reporter's Signature: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

THE BEFORE OHIO POWER SITING BOARD

- - -

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

- - -

PROCEEDINGS

before Sarah J. Parrot, Administrative Law Judge, held  
at the offices of the Public Utilities Commission of  
Ohio, 180 East Broad Street, Hearing Room 11-C,  
Columbus, Ohio, on Monday, February 24, 2014, at  
10:05 a.m.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
FAX - (614) 224-5724



**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 and Public Need for     ) Case No. 13-1651-GA-BTX  
its Dayton Airport Z-167 Pipeline Rerouting Project     )

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**PROOF OF SERVICE OF APPLICATION  
ON LOCAL PUBLIC OFFICIALS AND LIBRARIES**

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Pursuant to Ohio Administrative Code ("OAC") Rule 4906-5-07, the undersigned states that, as required by OAC Rule 4906-5-06, she caused a copy of the accepted, complete Amended Application of Vectren Energy Delivery of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for its Dayton Airport Z-167 Pipeline Rerouting Project to be served on the chief executive officer of the cities of Dayton, Vandalia and Union, Butler Township and Montgomery County, as well as the heads of the public agencies charged with the duty of protecting the environment or land use planning in the area in which any portion of the project is to be located. The service was made today by Federal Express Ground Delivery. In addition, the undersigned served written notice that if the officials served wish to intervene in this proceeding, they must file notice of intervention with the Ohio Power Siting Board ("Board") within 30 days of being served a copy of the Amended Application as required by OAC Rule 4906-7-04(A)(1).

The persons required by OAC Rule 4906-5-06 to be served both a copy of Vectren Energy Delivery of Ohio, Inc.'s Amended Application and a list of affected landowners and tenants in accordance with OAC Rule 4906-5-08(C)(3), include:

Mayor Gary Lietzell  
City Hall  
101 West Third Street, 2<sup>nd</sup> Fl.  
Dayton, Ohio 45401-0022

Steve Sinke  
Deputy Director of Public Works  
City Hall  
101 West Third Street, 2<sup>nd</sup> Fl.  
Dayton, Ohio 45401-0022

Terrence Slaybaugh  
Director of Aviation  
Department of Aviation  
3600 Terminal Dr., Suite 300  
Vandalia, Ohio 45377

Aaron Sorrell,  
Director  
Planning & Community  
Development  
City Hall  
101 West Third Street  
Dayton, Ohio 45401-0022

Mayor Arlene Setzer  
City of Vandalia  
375 E. Stonequarry Rd.  
Vandalia, Ohio 45377

Bob Galvin  
City Engineer  
333 J.E. Bohanan Drive  
Vandalia, Ohio 45377

Mayor Michael O'Callaghan  
Union City Hall  
118 North Main Street  
Union, Ohio 45322

Butler Township Trustees:  
Mike Lang  
Martin Russell  
Doug Orange  
Butler Township Government  
Center  
3510 Sudachi Drive  
Dayton, Ohio 45414

Montgomery County  
Commissioners:  
Dan Foley  
Deborah A. Liberman  
Judy Dodge  
451 West Third Street  
Dayton, OH 45422

Paul Gruner  
Montgomery County Engineer  
451 West Third Street  
Dayton, OH 45422

Erik Collins  
Montgomery County Economic  
Development Manager  
451 West Third Street  
Dayton, OH 45422

A sample of the letter sent to each of them is attached as Exhibit 1a.

Courtesy copies of the Amended Application were sent to:

Ric Queena, Division Chief,  
Ohio Environmental  
Protection Agency  
Division of Surface  
Waters  
PO Box 1049  
Columbus, Ohio 43216-1049

Brian Maka, Public Affairs  
Officer,  
United States Army  
Corps of Engineers  
Huntington District  
502 8th Street  
Huntington, WV 25701-2070

Jennifer Finfera  
Wildlife Biologist,  
United States Fish and Wildlife  
Service  
4625 Morse Road, Suite 106  
Columbus, Ohio 43230

John Carpico  
Aviator 2, Airspace Protection  
Ohio Department of  
Transportation  
Office of Aviation  
2829 W. Dublin-Granville Road  
Columbus, Ohio 43235-2786

Mark J. Epstein, Head  
Resource Protection and  
Review Department,  
Ohio Historic Preservation  
Office  
1982 Velma Avenue  
Columbus, Ohio 43211-1030

A copy of the sample letter sent to those receiving courtesy copies is attached as Exhibit 1b.

Exhibit 2a is a list of landowners and their tenants in the project area who have leased land to the Applicant. Exhibit 2b is a list of adjacent property owners and affected tenants and its submission to the public officials satisfies the requirements in OAC 4906-5-08(C)(3).

Pursuant to OAC 4906-5-06, a letter and copy of Vectren Energy Delivery of Ohio, Inc.'s Amended Application was provided to the following public library:

Vandalia Public Library  
500 S. Dixie Drive  
Vandalia, OH 45377-2544

A copy of the letter sent to the library is attached as Exhibit 3.

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



---

Sally W. Bloomfield (0022038)  
Dane Stinson (0019101)  
Dylan Borchers (0090690)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2368; 227-4854  
Facsimile: (614) 227-2390  
E-Mail: [sbloomfield@bricker.com](mailto:sbloomfield@bricker.com)  
[dstinson@bricker.com](mailto:dstinson@bricker.com)  
[dborchers@bricker.com](mailto:dborchers@bricker.com)

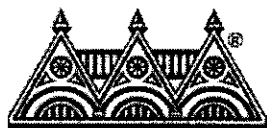
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Proof of Service was served upon the following parties of record via either by hand delivery or by regular U.S. Mail this 25<sup>th</sup> day of November 2013.

  
\_\_\_\_\_

Christopher L. Miller  
Gregory J. Dunn  
Christopher W. Michael  
Ice Miller, LLP  
250 West Street  
Columbus, Ohio 43215  
Christopher.Miller@icemiller.com  
Gregory.Dunn@icemiller.com  
Chris.Michael@icemiller.com

Sarah Parrot  
Administrative Law Judge  
Public Utilities Commission of Ohio  
180 E. Broad Street, 12<sup>th</sup> Floor  
Columbus, OH 43215



**Bricker & Eckler**  
ATTORNEYS AT LAW

COLUMBUS | CLEVELAND  
CINCINNATI-DAYTON  
MARIETTA

**BRICKER & ECKLER LLP**  
100 South Third Street  
Columbus, OH 43215-4291  
MAIN: 614.227.2300  
FAX: 614.227.2390

[www.bricker.com](http://www.bricker.com)  
[info@bricker.com](mailto:info@bricker.com)

**Sally W. Bloomfield**  
614.227.2368  
[sbloomfield@bricker.com](mailto:sbloomfield@bricker.com)

**EXHIBIT 1a**

November 25, 2013

**Via Federal Express - Ground**

«Name»

**Re: Application of Vectren Energy Delivery of Ohio, Inc.  
For a Certificate of Environmental Compatibility and Public Need  
OPSB Case No. 13-1651-GA-BTX**

Dear «Salutation»:

Enclosed please find a copy of the accepted, complete Amended Application for a Certificate of Environmental Compatibility and Public Need filed with the Ohio Power Siting Board ("Board"). The Amended Application requests approval to reroute a three-mile segment of Vectren Energy Delivery of Ohio, Inc.'s ("Vectren") pipeline Z-167 that runs underneath the main runway and crosses six (6) taxiways as well as other parts of the Dayton International Airport. The rerouted Preferred Route segment would consist of a new 12-inch, 7 mile pipeline designed for a maximum allowable operating pressure of 500 psig. It would be located around the periphery of the airport so as to avoid the high consequence area. To meet Board requirements, Vectren also submitted an Alternate Route comprised of a 7.75 mile pipeline of which approximately 5.5 miles are in common with the Preferred Route. Both rerouted segments would be located in portions of the Cities of Dayton, Vandalia and Union and in Butler Township, Montgomery County, Ohio. You are receiving this copy as required by Ohio Administrative Code ("O.A.C.") Rule 4906-5-06.

You may access all the filings in this case at the PUCO website at <http://www.puc.state.oh.us/> and then clicking on "Docketing Information System (DIS)" under the heading "Documents and Rules" on the homepage. Once the Docket Information System screen appears, type the case number for the Vectren Energy Delivery of Ohio, Inc. Application, Case No. 13-1651-GA-BTX, and follow the instructions to retrieve copies of all filings in the case. A copy of the amended application may also be reviewed online at is [www.vectren.com/daytonpipeline](http://www.vectren.com/daytonpipeline).

Please be informed that if you wish to intervene in the proceedings regarding the above-captioned application, O.A.C. Rule 4906-7-04 requires that you file a notice of intervention with the Ohio Power Siting Board within thirty (30) days of being served the attached copy of the application. The address and telephone number of the Ohio Power Siting Board are: 180 East Broad Street, Columbus, Ohio 43215; 866-270-6772. Please include the application name and Case No. 13-1651-GA-BTX.

Pursuant to O.A.C. Rule 4906-5-08(C)(3), the applicant is required to submit to you the name and address of each property owner and/or affected tenant within the planned project area, each contiguous property owner or tenant to the

**Bricker & Eckler**  
ATTORNEYS AT LAW

November 25, 2013

Page 2

planned project area, and each property owner who may be approached by Vectren Energy Delivery of Ohio, Inc. for any additional easement necessary for the construction, operation or maintenance of the new pipeline. The names and addresses of these persons are listed on Attachments 1 and 2 to this letter.

If you have any questions, you may contact Tom Jones at (937) 440-1880 or [tfjones@vectren.com](mailto:tfjones@vectren.com).

Sincerely,

A handwritten signature in cursive script that reads "Sally W. Bloomfield".

Sally W. Bloomfield

Enclosures: Copy of Amended Application

**LIST OF PROPERTY OWNERS AND TENANTS  
WITHIN THE PROPOSED PROJECT AREA**

<b>Owner</b>	<b>Address 1</b>	<b>Address 2</b>
City of Dayton	101 W 3 <sup>RD</sup> Street	Dayton OH 45402-1814
City of Dayton	101 W 3 <sup>RD</sup> Street, Room 514	Dayton OH 45402
Herman G. Hertlein	9105 Peters Pike	Vandalia OH 45377-9306
City of Dayton	PO Box 22	Dayton OH 45401-0022
Richard L. Oaks	1397 Jackson Road	Vandalia OH 45377
John F. & Lucille Hanauer, Trustees	11683 Peters Road	Tipp City OH 45371-9508
Miller Pipeline Corporation	8850 Crawfordsville Road	Indianapolis IN 46234
Charanjit S. & Amarjit K. Kaler	8132 Julian Place	Dayton OH 45458
Horatio Enterprises, LLC	1028 Wild Hickory Ln	Dayton OH 45458
Jerry L. Hart et al	10791 Dog Leg Road	Vandalia OH 45377-9732
Waterwheel Inc.	7773 State Route 48	Englewood OH 45322-9635
Joseph Realty LLC	250 E Fifth St	Cincinnati OH 45202
Hague Corporation	9665 W St Rt 185	Covington OH 45318
Western Ventures LLC	201 Denwood Trl	Clayton OH 45315-1657
Clarence F. Hall	1870 Queen Ct	Fort Myers FL 33917
Charles P. and Mary F. Geiger, Jr.	8345 Peters Pike	Dayton OH 45414
John A. Brown	6520 Montgomery County Line Rd	Englewood OH 45322
City of Dayton	3600 Terminal Drive, Suite 300	Vandalia OH 45377

**LIST OF PROPERTY OWNERS AND TENANTS ADJACENT  
TO PROPOSED PREFERRED AND ALTERNATE ROUTES**

<b>Owner</b>	<b>Address 1</b>	<b>Address 2</b>
City of Dayton	101 W Third St	Dayton OH 45401
City of Dayton	3600 Terminal Drive, Suite 300	Vandalia OH 45377
Paula M. Darby	2000 Jackson Road	Vandalia OH 45377
City of Dayton	P O Box 22	Dayton OH 45401
Butler Twp. Board of Trustees	8524 N Dixie Drive	Dayton OH 45414
JB Lawn & Landscaping Inc.	7350 Peters Pike	Dayton OH 45414
Raymond Kash	3346 W National Road	Dayton OH 45414
Herman G. Hertlein	9105 Peters Pike	Vandalia OH 45377
Stephen L. Deardourff D&C Partnership	6450 Poe Avenue, Suite 311	Dayton OH 45414
Eileen P. Hopkins	423 Bennert Dr	Vandalia OH 45377
Kenneth W. Myers, Trustee	3915 Vanco Ln	Vandalia OH 45377
Eileen P. Hopkins	423 Bennert Dr	Vandalia OH 45377
Transportation Supply Depot Inc.	11031 N Dixie Dr	Vandalia OH 45377
USA Truck Inc.	PO Box 449	Van Buren AR 72956
Elmer & Janet Prikkel	3400 Macy Lane	Tipp City OH 45371
Irene R. Smith	P O Box 295	Vandalia OH 45377
Eli L. & Inge G. Stonoff	11381 Peters Road	Tipp City OH 45371
David L. Smith	PO Box 18	Vandalia OH 45377
Michael & Julie Knisely	3080 N Count Line Road	Vandalia OH 45377
R.H. Oaks Farms, LLC	1397 Jackson Road	Vandalia OH 45377
Marvin E. & Joyce J. Gish	11744 Dog Leg Road	Tipp City OH 45371
Virginia & Harry Worman, Trustees	11434 Dog Leg Road	Tipp City OH 45371
Mark & Dorothy Weiss	11486 Dog Leg Road	Tipp City OH 45371
Thomas & Terri Mescher	11408 Dogleg Road	Tipp City OH 45371
Paul R. Zych	11360 Dogleg Road	Tipp City OH 45371
Jacquelyn Blakesly	11386 Dogleg Road	Tipp City OH 45371
John & Mary Nell Waymire	2579 Old Springfield Road	Tipp City OH 45371
Harry & Sandra Bluhm	11340 Dog Leg Road	Tipp City OH 45371
Dennis & Patricia Train	11320 Dogleg Road	Tipp City OH 45371
Leo E. Sullivan	11300 Dog Leg Road	Tipp City OH 45371
Joshua A. Lephart	11510 Dog Leg Road	Tipp City OH 45371
Richard & Delores Wells	11080 Dog Leg Road	Vandalia OH 45377



**LIST OF PROPERTY OWNERS AND TENANTS ADJACENT  
TO PROPOSED PREFERRED AND ALTERNATE ROUTES**

<b>Owner</b>	<b>Address 1</b>	<b>Address 2</b>
Jeffrey W. Piercey	2212 Old Springfield Road	Vandalia OH 45377
Wellesley-Vandalia LLC	P O Box 337	Dayton OH 45401
Kenneth & Sandra Bratton	2570 Little York Road	Dayton OH 45414
Brian Alan Wenrick, Tr	1414 Commerce Park Dr	Tipp City OH 45371
Waterwheel Farm Inc.	7773 State Route 48	Englewood OH 45322 9635
Oakhill Business and Tax Service	141 N Dixie Dr., Suite D	Vandalia OH 45377
Christian & Lois Hahn	107 Van Buren St	Dayton OH 45402
Dayton Metropolitan Housing Authority	400 Wayne Ave	Dayton OH 45410
Charles & Patti Rusher	13659 Richmond Road	Brookville OH 45309
Melanie & Robert Graves, Trustees	1636 S Dixie Dr	Dayton OH 45414
Blue Chip Brothers Ltd.	PO Box 754	Vandalia OH 45377
AKRG LLC	165 N Dixie Dr	Vandalia OH 45377
Paul A. Clinard	708 Clearbrook Ct	Vandalia OH 45377
City of Vandalia	333 James E Bohanan Dr	Vandalia OH 45377
Wellesley-Vandalia LLC	P O Box 337	Dayton OH 45401
Board of Education	306 S Dixie Dr	Vandalia OH 45377
Margaret & Scott Miles	1047 Bosco Ave	Vandalia OH 45377
Lytha E. Jordan	1053 Bosco Pl	Vandalia OH 45377
Billy K. & Karla J. Boman	1059 Bosco Ave	Vandalia OH 45377
Gary K. Harper	1065 Bosco Ave	Vandalia OH 45377
Genevieve L. Korte	1071 Bosco Ave	Vandalia OH 45377
Donald Ray Allen	1077 Bosco Ave	Vandalia OH 45377
Paul K. Vickers	1083 Bosco Ave	Vandalia OH 45377
Donald & May Withers	324 Damian St	Vandalia OH 45377 1152
Robert & Glenda Stuart	321 Damian St	Vandalia OH 45377 1151
NPS Inc.	PO Box 356	Englewood OH 45322
N & N Investments Inc. c/o Pragna LLC	75 Corporate Center Dr	Vandalia OH 45377
Basic Properties Ltd. Partnership	PO Box 412	Vandalia OH 45377 0412
303 Corporate Center LLC	525 Lee Road	Rochester NY 14606
Herman Hertlein	9105 Peters Pike	Vandalia OH 45377 9306
Pasco Enterprises Inc.	4020 W 73Road St	Anderson IN 46011
LJK Enterprises	2040 Ginghamburg Frederick Road	Tipp City OH 45371

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Charles& Mary Geiger, Jr.	8345 Peters Pike	Dayton OH 45414
Herman G. Hertlein	9060 Peters Pike	Vandalia OH 45377
Charlotte Martinez, Trustee	P O Box 31753	Phoenix AZ 85046
Danny & Teresa Anderson	9244 Dog Leg Road	Dayton OH 45414 1427
William Michael Koehl, Jr.	9261 Dog Leg Road	Dayton OH 45414 1440
Rick & Karen Neal	2800 W National Road	Dayton OH 45414
Express Credit Services Corp.	2950 W National Road	Dayton OH 45414
J. Eric & Donna Sonnenberg	P.O. Box 693	Vandalia OH 45377
Treasure Chest Storage c/o Condominiums at Dog Leg Road LLC	P O Box 5846	Dayton OH 45405
Dennis J. Hughes, Tr	4486 Indian Ripple Road	Dayton OH 45440
Board of Tr Iron Workers Dist	PO Box 398	Dayton OH 45401 0398
Hague Corporation	9665 W St Rt 185	Covington OH 45318
Joseph Realty LLC	250 E Fifth St., Suite 285	Cincinnati OH 45202
Orchard Park Partnership	718 S Dixie Dr	Vandalia OH 45377 2540
Lewis T. & Linda Hellard	2241 Old Springfield Road	Vandalia OH 45377 9347



COLUMBUS | CLEVELAND  
CINCINNATI-DAYTON  
MARIETTA

**BRICKER & ECKLER LLP**  
100 South Third Street  
Columbus, OH 43215-4291  
MAIN: 614.227.2300  
FAX: 614.227.2390

[www.bricker.com](http://www.bricker.com)  
[info@bricker.com](mailto:info@bricker.com)

**Sally W. Bloomfield**  
614.227.2368  
[sbloomfield@bricker.com](mailto:sbloomfield@bricker.com)

**EXHIBIT 1b**

November 25, 2013

**Via Federal Express - Ground**

«Name»

**Re: Application of Vectren Energy Delivery of Ohio, Inc. for a  
Certificate of Environmental Compatibility and Public Need,  
OPSB Case No. 13-1651-GA-BTX**

Dear «Salutation»:

Enclosed please find a copy of the accepted, complete Amended Application for a Certificate of Environmental Compatibility and Public Need filed with the Ohio Power Siting Board ("Board"). The Amended Application requests approval to reroute a three-mile segment of Vectren Energy Delivery of Ohio, Inc.'s ("Vectren") pipeline Z-167 that runs underneath the main runway and crosses six (6) taxiways as well as other parts of the Dayton International Airport. The rerouted Preferred Route segment would consist of a new 12-inch, 7 mile pipeline designed for a maximum allowable operating pressure of 500 psig. It would be located around the periphery of the airport so as to avoid the high consequence area. To meet Board requirements, Vectren also submitted an Alternate Route comprised of a 7.75 mile pipeline of which approximately 5.5 miles are in common with the Preferred Route. Both rerouted segments would be located in portions of the Cities of Dayton, Vandalia and Union and in Butler Township, Montgomery County, Ohio.

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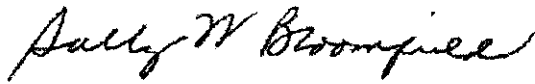
Bricker & Eckler  
ATTORNEYS AT LAW

November 25, 2013

Page 2

If you have any questions, you may contact Tom Jones at (937) 440-1880 or [tfjones@vectren.com](mailto:tfjones@vectren.com).

Sincerely,

A handwritten signature in cursive script that reads "Sally W. Bloomfield".

Sally W. Bloomfield

Enclosure: Copy of Amended Application

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City of Dayton	3600 Terminal Drive, Suite 300	Vandalia OH 45377

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Richard & Delores Wells	11080 Dog Leg Rd	Vandalia OH 45377

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Waterwheel Farm Inc.	7773 State Route 48	Englewood OH 45322 9635
Oakhill Business and Tax Service	141 N Dixie Dr., Suite D	Vandalia OH 45377
Christian & Lois Hahn	107 Van Buren St	Dayton OH 45402
Dayton Metropolitan Housing Authority	400 Wayne Ave	Dayton OH 45410
Charles & Patti Rusher	13659 Richmond Rd	Brookville OH 45309
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Paul A. Clinard	708 Clearbrook Ct	Vandalia OH 45377
City of Vandalia	333 James E Bohanan Dr	Vandalia OH 45377
Wellesley-Vandalia LLC	P O Box 337	Dayton OH 45401
Board of Education	306 S Dixie Dr	Vandalia OH 45377
Margaret & Scott Miles	1047 Bosco Ave	Vandalia OH 45377
Lytha E. Jordan	1053 Bosco Pl	Vandalia OH 45377
Billy K. & Karla J. Boman	1059 Bosco Ave	Vandalia OH 45377
Gary K. Harper	1065 Bosco Ave	Vandalia OH 45377
Genevieve L. Korte	1071 Bosco Ave	Vandalia OH 45377
Donald Ray Allen	1077 Bosco Ave	Vandalia OH 45377
Paul K. Vickers	1083 Bosco Ave	Vandalia OH 45377
Donald & May Withers	324 Damian St	Vandalia OH 45377 1152
Robert & Glenda Stuart	321 Damian St	Vandalia OH 45377 1151
NPS Inc.	PO Box 356	Englewood OH 45322
N & N Investments Inc. c/o Pragna LLC	75 Corporate Center Dr	Vandalia OH 45377
Basic Properties Ltd. Partnership	PO Box 412	Vandalia OH 45377 0412
303 Corporate Center LLC	525 Lee Rd	Rochester NY 14606
Herman Hertlein	9105 Peters Pike	Vandalia OH 45377 9306
Pasco Enterprises Inc.	4020 W 73rd St	Anderson IN 46011
LJK Enterprises	2040 Ginghamburg Frederick Rd	Tipp City OH 45371
Charles & Mary Geiger, Jr.	8345 Peters Pike	Dayton OH 45414
Herman G. Hertlein	9060 Peters Pike	Vandalia OH 45377

**LIST OF PROPERTY OWNERS AND TENANTS ADJACENT  
TO PROPOSED PREFERRED AND ALTERNATE ROUTES**

<b>Owner</b>	<b>Address 1</b>	<b>Address 2</b>
Charlotte Martinez, Trustee	P O Box 31753	Phoenix AZ 85046
Danny & Teresa Anderson	9244 Dog Leg Rd	Dayton OH 45414 1427
William Michael Koehl, Jr.	9261 Dog Leg Rd	Dayton OH 45414 1440
Rick & Karen Neal	2800 W National Rd	Dayton OH 45414
Express Credit Services Corp.	2950 W National Rd	Dayton OH 45414
J. Eric & Donna Sonnenberg	P.O. Box 693	Vandalia OH 45377
Treasure Chest Storage c/o Condominiums at Dog Leg Road LLC	P O Box 5846	Dayton OH 45405
Dennis J. Hughes, Tr	4486 Indian Ripple Rd	Dayton OH 45440
Bd of Tr Iron Workers Dist	PO Box 398	Dayton OH 45401 0398
Hague Corporation	9665 W St Rt 185	Covington OH 45318
Joseph Realty LLC	250 E Fifth St Ste 285	Cincinnati OH 45202
Orchard Park Partnership	718 S Dixie Dr	Vandalia OH 45377 2540
Lewis T. & Linda Hellard	2241 Old Springfield Rd	Vandalia OH 45377 9347





**Bricker & Eckler**  
ATTORNEYS AT LAW  
COLUMBUS | CLEVELAND  
CINCINNATI-DAYTON  
MARIETTA

**BRICKER & ECKLER LLP**  
100 South Third Street  
Columbus, OH 43215-4291  
MAIN: 614.227.2300  
FAX: 614.227.2390

www.bricker.com  
info@bricker.com

Sally W. Bloomfield  
614.227.2368  
sbloomfield@bricker.com

## EXHIBIT 3

November 25, 2013

Via Federal Express - Ground

Vandalia Public Library  
500 S. Dixie Drive  
Vandalia, OH 45377-2544

**Re: Re: Application of Vectren Energy Delivery of Ohio, Inc.  
For a Certificate of Environmental Compatibility and Public Need  
OPSB Case No. 13-1651-GA-BTX**

Dear Librarian:

Enclosed please find a copy of the accepted, complete Amended Application for a Certificate of Environmental Compatibility and Public Need filed with the Ohio Power Siting Board ("Board"). The Amended Application requests approval to reroute a three-mile segment of Vectren Energy Delivery of Ohio, Inc.'s ("Vectren") pipeline Z-167 that runs underneath the main runway and crosses six (6) taxiways as well as other parts of the Dayton International Airport. The rerouted Preferred Route segment would consist of a new 12-inch, 7 mile pipeline designed for a maximum allowable operating pressure of 500 psig. It would be located around the periphery of the airport so as to avoid the high consequence area. To meet Board requirements, Vectren also submitted an Alternate Route comprised of a 7.75 mile pipeline of which approximately 5.5 miles are in common with the Preferred Route. Both rerouted segments would be located in portions of the Cities of Dayton, Vandalia and Union and in Butler Township, Montgomery County, Ohio. You are receiving this copy as required by Ohio Administrative Code Rule 4906-5-06.

You and your patrons may access all the filings in this case at the PUCO website at <http://www.puc.state.oh.us/> and then clicking on "Docketing Information System (DIS)" under the heading "Documents and Rules" on the homepage. Once the Docket Information System screen appears, type the case number for the Northwest Ohio Wind Energy, LLC Application, Case No. 13-1561-GA-BTX, and follow the instructions to retrieve copies of all filings in the case. A copy of the amended application may also be reviewed online at [www.vectren.com/daytonpipeline](http://www.vectren.com/daytonpipeline).

If you have any questions, you may contact Tom Jones at (937) 440-1880 or at [tfjones@vectren.com](mailto:tfjones@vectren.com).

Sincerely,

Sally W. Bloomfield

Enclosures: Amended Application

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/25/2013 12:14:53 PM**

**in**

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

**Summary: Text Vectren Energy Delivery of Ohio, Inc. Proof of Service of Application on Local Public Officials and Libraries electronically filed by Teresa Orahod on behalf of Sally Bloomfield**



**Bricker & Eckler**  
ATTORNEYS AT LAW  
COLUMBUS | CLEVELAND  
CINCINNATI-DAYTON  
MARIETTA

**BRICKER & ECKLER LLP**  
100 South Third Street  
Columbus, OH 43215-4291  
MAIN: 614.227.2300  
FAX: 614.227.2390

www.bricker.com  
info@bricker.com

Sally W. Bloomfield  
614.227.2368  
sbloomfield@bricker.com

January 7, 2014

*Via Electronic Filing*

Barcy McNeal  
Secretary  
Administration/Docketing  
Public Utilities Commission of Ohio  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215-3793

**Re: Vectren Energy Delivery of Ohio, Inc.  
OPSB Case No. 13-1651-GA-BTX**

Dear Ms. McNeal:

Attached for filing in the above-referenced matter, pursuant to Ohio Administrative Code (O.A.C.) Rule 4906-5-09, is the proof of publication attesting to the publication of the first notice. The notice was published in the *Dayton Daily News* on December 24, 2013.

O.A.C. Rule 4906-5-09 requires an applicant to file a proof of publication to the Ohio Power Siting Board within 14 days of publication, or today, January 7, 2014. However, due to a water line break in Columbus, the Commission is unexpectedly closed today. It is unclear from the notice on the Commission's website whether documents filed with the Commission today will be considered as filed today. In a good faith effort to comply with O.A.C. Rule 4906-5-09, the notice is being filed today through the Commission's Docketing Information System.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Sally W. Bloomfield

Attachment

Cc: Parties of Record (w/Attachment)

# Dayton Daily News

## AFFIDAVIT OF PUBLICATION

P.O. Box 643157

Cincinnati, OH 45264-3157

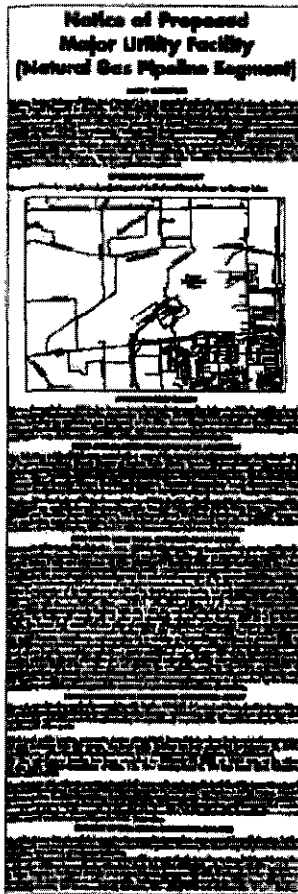
937-225-7367

BRICKER & ECKLER LLP

100 S 3RD ST

COLUMBUS, OH 43215

STATE OF OHIO



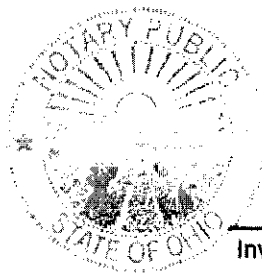
Before me, the undersigned, a Notary public in and for said County, personally came Vicky Flannery who being first duly sworn says he/she is the Legal Advertising Agent of the Dayton Daily News, which he/she says is a newspaper of general circulation in Montgomery, Clark, Warren, Butler, Clinton, Greene, Preble, Miami, Darke, Mercer, Shelby, Fayette, Logan, Hamilton, Clermont, Auglaize, and Champaign Counties, and State of Ohio, and he/she further says that the Legal Advertisement, a copy of which is hereunto attached, has been published in the said Dayton Daily News 0 Lines, 1 Time(s), last day of publication being 12/24/2013, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over (25000) at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

Signed

V. Flannery

Sworn or affirmed to, and subscribed before me, this 12/26/2013. In Testimony Whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

**Notary Public**  
Heather S. Hart



HEATHER S. HART, Notary Public  
In and for the State of Ohio  
My Commission Expires Feb. 22, 2015

Invoice No.	16574380
Ad Cost	\$6,328.00
Paid	\$0.00
Due	\$6,328.00

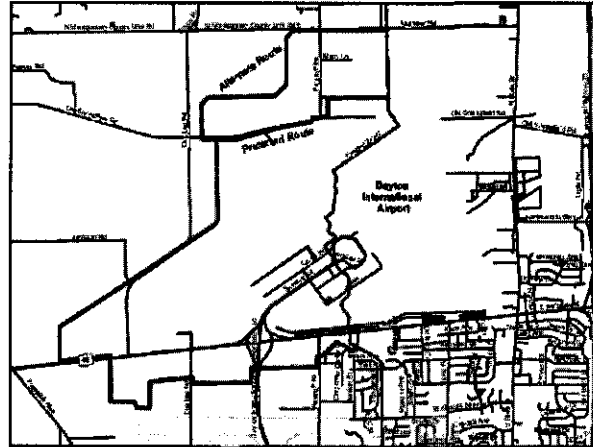
# Notice of Proposed Major Utility Facility (Natural Gas Pipeline Segment)

## FACILITY DESCRIPTION

Vectren Energy Delivery of Ohio, Inc. ("Vectren") has an amended application pending before the Ohio Power Siting Board ("Board") in Case No. 13-1651-GA-BTX. Vectren's Amended Application requests approval to reroute a three-mile segment of Vectren pipeline Z-167 that runs underneath the main runway and crosses six (6) roadways as well as other parts of the Dayton International Airport. The rerouted Preferred Route segment would consist of a new 12-inch, approximately 7 mile pipeline designed for a maximum allowable operating pressure of 500 psig. It would be located around the periphery of the airport so as to avoid the high consequence area. To meet Board requirements, Vectren also submitted an Alternate Route comprised of a 7.75 mile pipeline of which approximately 5.5 miles are in common with the Preferred Route. Both rerouted segments would be located in portions of the Cities of Dayton, Vandalia and Union and in Butler Township, Montgomery County, Ohio. The map below reflects the turbine sites in the application supplement.

## LOCATION AND GENERAL LAYOUT

The general location and planned project layout of the Preferred Route is shown on the map below.



## APPLICATION NOW PENDING

Vectren Energy Delivery of Ohio, Inc. has an Amended Application pending before the Ohio Power Siting Board. The assigned docket number for the Application is Case No. 13-1651-GA-BTX, and copies of all filings in the case, including the application can be located at the Ohio Power Siting Board website at (<http://www.opssb.ohio.gov>) by scrolling down to "Pending Cases" and selecting the case by name or docket number. A copy of the application may also be reviewed online at <http://www.vectren.com/daytonpipeline>.

## PUBLIC OFFICIALS SERVED WITH COPIES OF THE APPLICATION

The following public officials were served with a copy of the Amended Application: Mayor Gary Listell—City of Dayton; Steve Sisk, Deputy Director of Dayton Public Works; Terence Stoybough—Dayton Department of Aviation; Aaron Samel—Dayton Planning & Community Development; Mayor Arlene Setzer—City of Vandalia; Bob Gahrin—City of Vandalia Engineer; Mayor Michael O'Callaghan—City of Union; Mike Long, Martin Russell, Doug Orange—Butler Township Trustees; Don Foley, Deborah A. Liberman—Montgomery County Commissioners; Paul Gruener—Montgomery County Engineer; and Erik Collins—Montgomery County Economic Development Manager.

Copies of the Application of Vectren Energy Delivery of Ohio, Inc.'s for a Certificate of Environmental Compatibility and Need are available for public inspection at the Vandalia Public Library, 500 S. Dixie Drive, Vandalia, OH 45377 and The Ohio Power Siting Board, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. A copy of the application may also be reviewed online as indicated above or at Vectren's local office at 4285 North James H McGee Boulevard, Dayton, Ohio 45417. Office hours are from 8:00 a.m. to 4:00 p.m.

## OHIO POWER SITING BOARD APPLICATION REVIEW CRITERIA

Pursuant to Ohio Revised Code Section 4906.10(A) the Ohio Power Siting 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 the case of an electric transmission line, that the facility is consistent with regional plans for expansion of the electric power grid of the electric system serving this state and interconnected utility systems and that the facility 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 adopted under those chapters and under Sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under Section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under Section 4561.341 of the Revised Code; (6) That the facility will serve the public interest, convenience, and necessity; (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code that is located within the site and alternative site of the proposed major utility facility; rules adopted to evaluate impact under Division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site; and (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

## STATEMENT PURSUANT TO OHIO REVISED CODE SECTION 4906.07

Upon the receipt of an application complying with Section 4906.06 of the Revised Code, the Ohio Power Siting Board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable. The public hearing for this case shall consist of two parts:

- (1) A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person. The local public hearing has been scheduled for February 18, 2014, at 6:00 p.m., at the Vandalia Recreation Center, 1111 Stonequarry Road, Dayton, Ohio 45414; and,
- (2) The adjudicatory hearing has been scheduled for February 24, 2014 at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 11th Floor Hearing Room C, 180 East Broad Street, Columbus, Ohio 43215-3793.

The chairman of the Ohio Power Siting Board shall cause each application filed with the Ohio Power Siting Board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing, submit a written report to the Ohio Power Siting Board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and the report shall contain recommended findings with regard to division (A) of Section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

## STATEMENT OF OHIO REVISED CODE SECTION 4906.08(C)

The Ohio Power Siting Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to thirty (30) days following the publication of this notice required by Ohio Adm. Code Rule 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, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite Case No. 13-1651-GA-BTX.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/7/2014 2:54:50 PM**

**In**

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

**Summary: Proof of Pub of Vectren Energy Delivery of Ohio, Inc. electronically filed by Teresa Orahod on behalf of Sally Bloomfield**



**BRICKER & ECKLER LLP**  
100 South Third Street  
Columbus, OH 43215-4291  
MAIN: 614.227.2300  
FAX: 614.227.2390

www.bricker.com  
info@bricker.com

Sally W. Bloomfield  
614.227.2368  
sbloomfield@bricker.com

January 27, 2014

*Via Electronic Filing*

Barcy McNeal  
Secretary  
Administration/Docketing  
Public Utilities Commission of Ohio  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215-3793

**Re: Vectren Energy Delivery of Ohio, Inc.  
OPSB Case No. 13-1651-GA-BTX**

Dear Ms. McNeal:

Attached for filing in the above-referenced matter, pursuant to Ohio Administrative Code (O.A.C.) Rule 4906-5-09, is the proof of publication attesting to the publication of the second notice. The notice was published in the *Dayton Daily News* on January 24, 2014.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Sally W. Bloomfield

Attachment

Cc: Parties of Record (w/Attachment)

# Dayton Daily News

## AFFIDAVIT OF PUBLICATION

P.O. Box 643157

Cincinnati, OH 45264-3157

937-225-7367

BRICKER & ECKLER LLP

100 S 3RD ST

COLUMBUS, OH 43215

STATE OF OHIO

**Notice of Proposed  
Major Utility Facility  
(Natural Gas  
Pipeline Segment)**

Notice is hereby given that the proposed project described below is subject to the provisions of the Ohio Revised Code, Chapter 4909, which requires the filing of a notice of proposed project with the State of Ohio, Department of Natural Resources, Division of Water, and the State of Ohio, Department of Natural Resources, Division of Wildlife.

The proposed project is a 10.5 mile long natural gas pipeline segment located in Montgomery, Clark, Warren, Butler, Clinton, Greene, Preble, Miami, Darke, Mercer, Shelby, Fayette, Logan, Hamilton, Clermont, Auglaize, and Champaign Counties, and State of Ohio, and he/she further says that the Legal Advertisement, a copy of which is hereunto attached, has been published in the said Dayton Daily News 0 Lines, 1 Time(s), last day of publication being 1/24/2014, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over (25000) at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

**APPROVED FOR FILING**

Notary Public for the State of Ohio, I hereby certify that the foregoing Notice of Proposed Project has been filed with me in accordance with the provisions of the Ohio Revised Code, Chapter 4909, and that the same has been published in the said Dayton Daily News 0 Lines, 1 Time(s), last day of publication being 1/24/2014, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over (25000) at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

**NOTARY PUBLIC**

Notary Public for the State of Ohio, I hereby certify that the foregoing Notice of Proposed Project has been filed with me in accordance with the provisions of the Ohio Revised Code, Chapter 4909, and that the same has been published in the said Dayton Daily News 0 Lines, 1 Time(s), last day of publication being 1/24/2014, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over (25000) at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

Before me, the undersigned, a Notary public in and for said County, personally came Nadia Vagedes who being first duly sworn says he/she is the Legal Advertising Agent of the Dayton Daily News, which he/she says is a newspaper of general circulation in Montgomery, Clark, Warren, Butler, Clinton, Greene, Preble, Miami, Darke, Mercer, Shelby, Fayette, Logan, Hamilton, Clermont, Auglaize, and Champaign Counties, and State of Ohio, and he/she further says that the Legal Advertisement, a copy of which is hereunto attached, has been published in the said Dayton Daily News 0 Lines, 1 Time(s), last day of publication being 1/24/2014, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over (25000) at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

Signed

*Nadia Vagedes*

Sworn or affirmed to, and subscribed before me, this 1/24/2014. In Testimony Whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

**Notary Public**

LORNA M. FUER, Notary Public  
In and for the State of Ohio  
My Commission Expires July 4, 2015

Invoice No.	16606082
Ad Cost	\$3,559.50
Paid	\$0.00
Due	\$3,559.50



## SPORTS

## Archdeacon

continued from C1

have his diploma. He left for pro ball in credit hours short of graduation.

And that has prompted his own version of "Back To School."

"When I left college one of the goals I had was to finish, I believe in completing my goals no matter how long it takes," he said. "I promised myself. Education is really important to me."

Comele Stammen was a full-time teacher in Coldwater until Craig was born in 1994 and these days she's a substitute for grades K-8 in Vernalia.

"I know my mom and dad would be very proud if I graduated from college and it's something I'd be proud of too," he said. "One day when I have a family of my own I can tell my kids, 'Hey, I could have skipped this but I went on and finished. I didn't quit.'"

Although he said he tried a few times over the years to return to UD, he could never work it out with administrators who were reluctant because his baseball schedule required him to leave for spring training in February and he wouldn't return until October.

A change in some best-new-school leaders, their new willingness to work with him and the increased use of online instruction by all UD students helped make his return a reality.

He took two online classes in the fall. When the new semester began last week, he returned to campus to take three classes every Monday, Wednesday and Friday.

When he completes the courses, he will get an entrepreneurship degree and that will put him in select company.

A Fox Sports survey from 2012 found that only 39 major leaguers — 4.3 percent of all big leaguers — had graduated from a four-year university.



Craig Stammen, who played for the Flyers and now pitches for the Washington Nationals, continues doing charitable work while attending classes at UD. He is.

## College means more

With a couple of hours of down time before his last class of the day, Sports Economics session, Stammen talked about being back in college for the first time in almost nine years.

"The first week was pretty strange," he admitted with a smile. "I don't think I realized how much of an age difference there would be between me and a lot of the other kids."

"What I've experienced in these years since I left UD has changed me completely. I try to remember what I was like when I was back here. I realize I was so naive and I didn't understand."

"It's kind of fun now to get in class and not only learn, but to joke around with the kids and ask them all kinds of stuff. Where they live on campus. What they did last night. Once that was me."

"Out of a baseball uniform, he looks like any other student with blue jeans and a ball cap. He wants to keep his presence as low-key as possible — he declined to have a photographer take some shots of him around campus for this story — and he said the other students wouldn't know his background were it not for his profession."

"If nobody told them they wouldn't know," he said. "But my professors have gotten me to tell

them who I am, why I'm there and what my story is. If nothing else, it helps when we're doing group projects and I say I'll be gone in a couple of months."

One of the biggest things he's had to get used to was that almost all the work is now done online. Homework is submitted on a special UD website. That's where you find a class syllabus, assignments and exams, too.

And once he heads to spring training in Viera, Fla., an unincorporated part of Melbourne, in mid-February, he said he'll communicate with professors via email, Skype, Face Time or "whatever method works best."

The biggest surprise of his college return, he said, has been something he learned about himself.

"For the last six or seven years, I just wanted to get this finished. I just wanted that piece of paper, that diploma, so I was out of my system and didn't have to stress over it anymore."

"But now that I've come back to school, I've found out I kind of enjoy it. I enjoy the learning part. And what's crazy, from the first class I took, a marketing class I started back in October, I found out I was learning more than I did at any time in the three years when I was here the first time. Maybe it just

means more to me now."

## A marketing tool

During the offseason, Stammen lives in the Mount Lookout neighborhood of Cincinnati, his fiancée's hometown. He and his dad — who runs the North Star Hardware and Implement Co. — split season tickets for UD baseball and each January he puts on a charity event at the Versailles Knights of Columbus that benefits the Diamond Club, which he said began as a bunch of parents doing things to bolster the Tigers high school baseball program.

His hopes in big-league players — this year he had Nationals teammates Drew Storen and Jerry Blevins, his former UD teammate who was just traded to Washington from Oakland — and there's a big dinner prepared by Mary Betington, an open bar, a program

sponsored by Dave Ross and silent live auctions.

"Basically, we mention all my gear that I take home during the season, other stuff I accumulate and some autographs I get," he said. "Probably the top thing this year was a signed Bryce Harper jersey. If that thing was on the open market, it would go for quite a bit. In Versailles, Ohio it might not be that expensive, but even so our event was a huge success."

Over the years he said money has been raised for a new field, new mound, dugouts, fencing and now a storage unit, press box, restroom and maybe even a batting cage are being built.

Although many of his offseason workouts are in Cincinnati, he does some at UD, where he spends considerable time with UD baseball coach Tony Victorio, who he said has become his good friend.

Stammen and Blevins are great marketing tools for UD baseball now. They

show that it's possible to make the big leagues from the Flyers program.

Come May, Stammen will also be proof you can get your degree here.

He said he won't be able to watch at the May 4 graduation ceremonies. "I'm sure we're playing that day," he said, and he was right. The Nationals are in Philadelphia.

While he said he hasn't added any new pitches (along with his trademark sinker, he has a fastball, a curve and "a change-up I use about four times a year"), he said he is trying to perfect what he throws. As MLB Network's first old Reynolds past it, Stammen just might be able to add something he's learned these past few months to his pitching repertoire.

"Now he'll be able to throw the book at them."

Contact us reporter at 937-225-2750 or email Tom Ichniowski@enr.com.

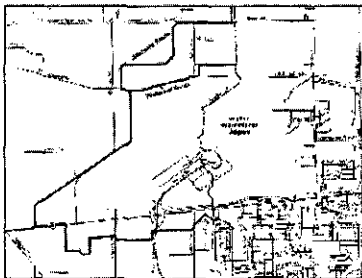
## Notice of Proposed Major Utility Facility (Natural Gas Pipeline Segment)

### FACILITY DESCRIPTION

Vectren Energy Delivery of Ohio, Inc. ("Vectren") has an amended application pending before the Ohio Power Siting Board ("Board") in Case No. 13-1651-GA-BTX. Vectren's Amended Application requests approval to reroute a three-mile segment of Vectren pipeline Z-167 that runs underneath the main runway and crosses six (6) highways as well as other parts of the Dayton International Airport. The rerouted Preferred Route segment would consist of a new 12-inch, approximately 7 mile pipeline designed for a maximum allowable operating pressure of 500 psig. It would be located around the periphery of the airport so as to avoid the high consequence area. To meet Board requirements, Vectren also submitted an Alternative Route comprised of a 7.75 mile pipeline of which approximately 4.5 miles are in common with the Preferred Route. Both rerouted segments would be located in portions of the Cities of Dayton, Vandalia and Union and in Butler Township, Montgomery County, Ohio. The map below reflects the reroute of the pipeline as set forth in the amended application.

### LOCATION AND GENERAL LAYOUT

The general location and planned project layout of the Preferred Route is shown on the map below.



### APPLICATION NOW PENDING

Vectren Energy Delivery of Ohio, Inc. has an Amended Application pending before the Ohio Power Siting Board. The assigned docket number for the Application is Case No. 13-1651-GA-BTX, and copies of all filings in the case, including the application can be located at the Ohio Power Siting Board website at (<http://www.opsh.ohio.gov>) by scrolling down to "Pending Cases" and selecting the case by name or docket number. A copy of the application may also be reviewed online at <http://www.vectren.com/daytonpipeline>.

### DATE, TIME AND LOCATION OF PUBLIC HEARING

The public hearing of this case shall consist of two parts:

- (1) A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person. The local public hearing has been scheduled for February 10, 2014, at 6:00 p.m., at the Vandalia Recreation Center, 1111 Stonewall Road, Dayton, Ohio 45414; and,
- (2) The adjudicatory hearing has been scheduled for February 24, 2014 at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 11th Floor Hearing Room C, 180 East Broad Street, Columbus, Ohio 43215-3793.

### OPPORTUNITY TO COMMENT ON PROPOSED FACILITY

The public will be given an opportunity to comment on the proposed facility. As noted above, the local public hearing will be held on February 10, 2014, at 6:00 p.m., at the Vandalia Recreation Center, 1111 Stonewall Road, Dayton, Ohio 45414.

### PUBLICATION OF INITIAL PUBLIC NOTICE

An initial public notice regarding the proposed facility and non-adjudicatory and adjudicatory hearings was published in the *Dayton Daily News* on December 24, 2013.



Kentavi Pollard, a 6-foot-8 freshman from Chicago, has a team-high nine blocks this season despite averaging only 8.0 minutes. DAVID J. PHILLIPS/STAFF

## Flyers

continued from C1

mond and ended up on "SportsCenter's" top 10 plays because of it.

Pollard has a team-high nine blocks this season despite averaging only 8.0 minutes, a number that has climbed in recent weeks with the injuries to Matt Kavanaugh and Alex Gavrilovic.

Neither will play at 3 p.m. Saturday at Rhode Island either. The Flyers (13-6, 1-3) face a Rams team (10-10, 1-3) they haven't beaten since 2008.

"He's going to keep earning his minutes," Dayton coach Archie Miller said earlier this week. "In early A-10 play, he's

## SATURDAY'S GAME

Dayton at Rhode Island, 4 p.m., CBS Sports Network, 1290, 99.7

getting better. Devin (Pollard) can't play 38 minutes per game. He's going to have to keep evolving. The big thing for him is rebounding the ball when he's in."

Pollard had five points and three rebounds in both games against Fordham and Richmond. Those were his best back-to-back games since Maui when he totaled 13 points in 30 minutes against Gonzaga and Baylor.

"The pace was a big

problem for me at first," Pollard said. "Now I'm in a little better shape. Just playing physical with the other big guys (is the big challenge) because I'm undersized for the position."

Pollard said he has no problem being physical with bigger players. His size does make rebounding hard, though. He had one rebound and missed his only shot from the field.

"Playing in Chicago, everyone's physical," he said. "When you come to a place like this, where everyone is playing fast and tough, you're used to it."

Contact the reporter at 937-228-0351 or email Dave Ichniowski@enr.com.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

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

**Summary: Proof of Pub of Vectren Energy Delivery of Ohio, Inc. electronically filed by Teresa Orahood on behalf of Sally Bloomfield**

**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 and Public Need for        ) Case No. 13-1651-GA-BTX  
its Dayton Airport Z-167 Pipeline Rerouting Project    )

**TESTIMONY OF**

**Thomas F. Jones**

**on behalf of**

**Vectren Energy Delivery of Ohio, Inc.**

**February 13, 2014**

**TESTIMONY OF THOMAS F. JONES**  
**Case No. 13-1651-GA-BTX**

1    **1.     Please state your name.**

2           My name is Thomas F. Jones.

3    **2.     Please give your business address.**

4           My business address is 4285 North James H McGee Boulevard, Dayton, Ohio 45417.

5    **3.     By whom are you employed?**

6           I am employed by Vectren Corporation, the parent company of Vectren Energy Delivery of  
7           Ohio, Inc. (VEDO).

8    **4.     What is your position?**

9           I am Project Engineer, Gas Transmission.

10   **5.     What is your role in this application before the Ohio Power Siting Board?**

11          I am the Project Manager ("PM") for the pipeline relocation that is the subject of the Amended  
12          Application in this proceeding. I am responsible for supervising for the development and  
13          processing of the Amended Application for a Certificate of Environmental Compatibility and  
14          Public Need through the Ohio Power Siting Board ("Board") process. I am also responsible for  
15          managing the project, including retaining consultants, such as UTI, evaluating and hiring  
16          various suppliers and construction contractors and coordinating the construction of the  
17          proposed pipeline relocation. Finally, I am responsible for working with the Board Staff.

18   **6.     Please indicate the purpose of your testimony today.**

19          The purpose of my testimony is to give a short summary of the project and explain the  
20          background of the stipulation that has been presented in this case and to support its adoption by  
21          the Board. I will provide background about the process that led to the stipulation and give  
22          reasons why I believe the stipulation should be adopted.

**TESTIMONY OF THOMAS F. JONES**  
**Case No. 13-1651-GA-BTX**

1    7.    **Please provide a summary of the VEDO project.**

2           The proposed project relocates a 3-mile section of VEDO's Z-167 12-inch diameter natural gas  
3           transmission pipeline to the west side of Dayton International Airport ("Airport"), located in  
4           Montgomery County, Ohio. The 3-mile section of the pipeline to be relocated is currently  
5           located beneath the Airport where the main runway and six taxiways cross above it. The  
6           purpose of relocating the pipeline is to increase public safety by moving the pipeline to a lower  
7           density location, increase the safety of the VEDO employees who are currently responsible for  
8           performing integrity management assessments and safety inspections within the Airport fence,  
9           reduce pipeline maintenance costs, and eliminate cased road crossings. The current pipeline  
10          segment is 12 inches in diameter and VEDO proposes to relocate a new segment of the same  
11          size.

12          As required by the Board's rules, VEDO's Amended Application proposed an alternate route in  
13          addition to the preferred route. The preferred route is the one that the Applicant requests the  
14          Board to approve because it is shorter than the alternative route, has fewer environmental  
15          impacts and affects fewer property owners. The Staff has recommended, and the Stipulation in  
16          this case also recommends, approval for the preferred route. The preferred route is  
17          approximately 7 miles long and begins at the south side of Dayton International Airport, routes  
18          around the Airport on the west and ties back to the existing Z-167 line near the northwest  
19          corner of the Airport. Approximately 54% of the preferred route is on property owned by City  
20          of Dayton while the other land that will require easements is primarily farm land. The  
21          preferred route, located entirely within Montgomery County, passes through Butler Township  
22          and the cities of Vandalia and Union.

**TESTIMONY OF THOMAS F. JONES**  
**Case No. 13-1651-GA-BTX**

1    **8.     Please provide the background concerning the discussions leading to the stipulation.**

2           Aside from the Staff, there is one intervenor in this case, the City of Dayton ("Dayton"). The  
3           Staff investigation process was very smooth and professional. During the investigation phase,  
4           Applicant met the Board Staff several times on site. When the Staff Report was issued, we had  
5           very few items in the recommended conditions with which we disagreed and those issues  
6           primarily concerned refinement of the wording of the conditions.

7           After we reviewed the Staff Report, we communicated our concerns and the reasons behind  
8           them to the Staff and to Dayton arranged for a face-to-face meeting with them to discuss our  
9           recommendations to change the narrative of only a few of the conditions. We were able to  
10          agree on changes to the conditions at the meeting and thereafter provided documents those  
11          attending with the agreed upon language and asked for concurrence. Once the parties agreed  
12          with the new language, stipulation drafts were circulated among them for their agreement. The  
13          remainder of the stipulation details were resolved through e-mails and telephone conferences.  
14          These activities ultimately led to the final stipulation which is being presented today.

15          Those involved in the meetings and conferences included the Staff's project manager, its  
16          subject matter specialists and an assistant attorney general assigned to the Board. I, as  
17          VEDO's PM, and a representative of UTI, as well as our counsel attended the stipulation  
18          meeting. Counsel for Dayton also attended. Thus, the stipulation discussions and subsequent  
19          communications were among knowledgeable people who were committed to resolving the  
20          issues.

21          Without the seriousness, the respectfulness and the knowledge of the parties' representatives, I  
22          do not believe a stipulation could have been reached.

**TESTIMONY OF THOMAS F. JONES**  
**Case No. 13-1651-GA-BTX**

**9. Why do you believe the stipulation should be accepted?**

In my opinion, all of the negotiations were held in good faith with legitimate concerns being expressed by the parties. The Applicant believes that the stipulated conditions make our responsibilities more clear.

Because of the cooperation of the Staff and Dayton, we believe that the conditions set forth in the stipulation represent an improvement in some of the conditions originally presented in the Staff Report. We think both the public and the project will be better served through the approval of the conditions set forth in the stipulation today. The proposed pipeline relocation farm will provide for a safer environment in the Airport area both for members of the public as well as for our own employees. Finally, this project has been warmly received by the Airport officials, the county, and the involved cities. Throughout the Board process, VEDO has had many meetings with these entities and have adjusted our plans to meet their concerns.

The parties---Staff, Dayton and Applicant have agreed that the conditions in the stipulation are reasonable and that they are the product of good faith negotiation among knowledgeable parties. Therefore the stipulating parties recommend the conditions as well as the entire stipulation to the Board for its approval.

It is my understanding that although a stipulation is not binding upon the Board, stipulations are given careful scrutiny and consideration, particularly where no party is objecting to the stipulation.

**10. Did you attend the local public hearing on February 10, 2014?**

Yes.

**11. Were you present when Mr. Mark Weiss testified about the confusion about the preferred and alternate routes on VEDO's website ?**

Yes.

**TESTIMONY OF THOMAS F. JONES**  
**Case No. 13-1651-GA-BTX**

1   **12.   What clarifications to you want to make concerning the website's information?**

2  
3       Mr. Mark Weiss testified that a map provided on the project's website incorrectly displayed the  
4       preferred and alternate pipeline routes, which led him to be confused as to the location of the  
5       pipeline route. Mr. Weiss was correct in stating that there was an error on the project webpage.  
6       We were not aware of the error and fixed it after hearing Mr. Weiss' testimony. When  
7       provided with the accurate map information, Mr. Weiss had no objection to the pipeline route.  
8       None of the other maps made available to the public contained the error.

9   **13.   Does this conclude your testimony?**

10       Yes, it does.



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the Testimony of Thomas F. Jones has been served upon the following parties listed below by electronic mail, this 13<sup>th</sup> day of February 2014.



---

Sally W. Bloomfield

Christopher L. Miller  
ICE MILLER LLP  
250 West Street  
Columbus, Ohio 43215  
[christopher.miller@icemiller.com](mailto:christopher.miller@icemiller.com)

John H. Jones  
Assistant Attorney General  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215  
[john.jones@ohioattorneygeneral.gov](mailto:john.jones@ohioattorneygeneral.gov)

Sarah Parrot  
Administrative Law Judge  
Ohio Power Siting Board  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215  
[sarah.parrot@puc.state.oh.us](mailto:sarah.parrot@puc.state.oh.us)

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

**Summary: Testimony of Tom Jones, Vectren Energy Delivery of Ohio electronically filed by  
Teresa Orahoad on behalf of Sally Bloomfield**

**BEFORE  
THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of Vectren Energy</b>	)	
<b>Delivery of Ohio, Inc.</b> for a Certificate of	)	
Environmental Compatibility and Public Need for the	)	Case No. 13-1651-GA-BTX
Northwest Ohio Wind Farm	)	
	)	

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**JOINT STIPULATION AND RECOMMENDATION**

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**I. INTRODUCTION**

Vectren Energy Delivery of Ohio, Inc. (“Vectren” or “Applicant”), the Staff of the Ohio Power Siting Board (“OPSB Staff”), and the City of Dayton (“Dayton”)<sup>1</sup>, who represent all parties to this proceeding, submit the Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (“Board” or “OPSB”). Ohio Administrative Code (“OAC”) Rule 4901-1-30, provides that any two or more parties to a proceeding may enter into a written stipulation covering the issues presented in such a proceeding. The purpose of this document is to set forth the understanding and agreement of the parties who have signed below, (“Parties”) and to recommend that the Board approve and adopt this Stipulation as part of its Opinion and Order in this proceeding, resolving all matters pertinent to the certification and construction of a three-mile replacement natural gas pipeline (“Facility”).<sup>2</sup>

This Stipulation is supported by adequate data and information; represents a just and reasonable resolution of issues in this proceeding; violates no regulatory principle or precedent;

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<sup>1</sup> Dayton filed the only motion to intervene in this proceeding on October 2, 2013, which was granted on November 14, 2013.

<sup>2</sup> The Facility is more fully described in Vectren’s Application filed with the Board on September 20, 2013 and the Amended Application filed on November 15, 2013 in this proceeding.

and is the product of lengthy, serious bargaining among knowledgeable and capable Parties in a cooperative process to resolve all of the issues in this proceeding.

The Parties have engaged in settlement discussions related to the topics raised in the Staff Report issued by the Board Staff on January 16, 2014. This Stipulation represents the culmination of these discussions, and the Parties acknowledge that this agreement is amply supported by the record and thus entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the Facility.

## **II. STIPULATION AND RECOMMENDATION**

### **A. Recommended Conditions**

The proposed project relocates a 3-mile section of Vectren's Z-167 12-inch diameter natural gas transmission pipeline to the west side of Dayton International Airport ("Airport"), located in Montgomery County, Ohio. The 3-mile section of the pipeline to be moved is currently located beneath the Airport. The purpose of relocating the pipeline is to increase public safety by moving the pipeline to a lower density location, increase the safety of the Vectren employees who are currently responsible for performing integrity management assessments and safety inspections within the Airport fence, reduce pipeline maintenance costs, and eliminate cased road crossings. Construction is scheduled to begin in 2014.

The Parties recommend that the Board issue the Certificate of Environmental Compatibility and Public Need request by Vectren subject to the following conditions:

- (1) The facility shall be installed along the Applicant's Preferred Route, as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in the *Staff Report of Investigation*.

- (2) The Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*.
- (3) The Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*.
- (4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (5) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design, temporary and permanent access roads, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.
- (6) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (7) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (8) As the information becomes known, the Applicant shall provide to Staff the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (9) That if any survey or construction work for this project discloses a find of cultural, architectural, or archaeological significance, or a site that could be eligible for inclusion

on the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office, and submitted to OPSB Staff for review.

- (10) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, ODOT, local law enforcement, and health and safety officials. This coordination shall be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (11) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving and hoe ram operations, rock drilling, and blasting operations, if required, shall be limited in areas within 1,000 feet of a commercial, residential, or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other places of public assembly) to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. Applicant will notify property owners or affected tenants within the meaning of OAC Rule 4906-5-08(C)(3), of upcoming construction activities including potential for nighttime construction activities.
- (12) That at least 30 days prior to the pre-construction conference and subject to Staff review and approval, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from pipeline construction. The Applicant shall work to mitigate or resolve any issue with those who file a complaint. All complaints submitted must be immediately forwarded to OPSB Staff.
- (13) Applicant will avoid, where possible, and minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the Facility in agricultural areas. Damaged field tile systems will be promptly repaired to at least original conditions at Applicant's expense. If applicable, excavated topsoil will be segregated and restored in accordance with Applicant's lease agreement with the landowner. Severely compacted soils will be plowed or otherwise decompacted, if necessary, to restore them to original conditions unless otherwise agreed to by the landowner.
- (14) The Applicant shall contact Staff, ODNR, and USFWS within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant,

Staff, and ODNR in coordination with USFWS. Nothing in this condition shall preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.

- (15) The Applicant shall have a construction access plan based on final plans for the access roads, and types of equipment to be used, that addresses the concerns outlined in the *Staff Report of Investigation*. Prior to commencement of construction, the Applicant shall submit the plan to Staff, for review and confirmation that it complies with this condition.
- (16) The Applicant shall implement a vegetation management plan consistent with Appendix 4-1, Parts II.C, II.I, III.A.b, III.A.f, and VI of the Applicant's amended application for a Certificate of Environmental Compatibility and Public Need as submitted on November 15, 2013.
- (17) The Applicant shall have a Staff-approved environmental specialist on site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant's final approved construction plan. Sensitive areas include, but are not limited to, areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- (18) Construction in upland sandpiper preferred habitat types shall be avoided during the nesting period of April 15 to July 31.
- (19) The Applicant shall adhere to seasonal cutting dates (October 1 through March 31) for the clearing of trees that exhibit suitable bat summer habitat, such as roosting and maternity trees. If suitable habitat trees must be cut during the summer months, a mist net survey must be conducted between June 15 and July 31, prior to cutting.
- (20) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, ODOT, local law enforcement, and health and safety officials. This coordination shall be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (21) That the Applicant shall contact the Gas Pipeline Safety Section of the Public Utilities Commission of Ohio to arrange for safety inspections to ensure compliance with Title 49 C.F.R. Part 191 and Part 192, the Federal Minimum Pipeline Safety Standards, and Part 199 and Part 40, the Drug and Alcohol Regulations as required in OAC 4901:1-16.

- (22) Prior to the commencement of construction activities that require permits, licenses, or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits, licenses, or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (23) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, a copy of all NPDES permits including its approved SWPPP. Any soil issues must be addressed through proper design and adherence to the Ohio EPA BMPs related to erosion and sedimentation control.
- (24) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the NPDES permit(s) obtained for the project and the approved SWPPP created for this project.
- (25) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.
- (26) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (27) The Applicant shall comply with any drinking water source protection plan for any part of the facility that is located within drinking water source protection areas of the local villages and cities.
- (28) The Applicant shall continue coordination with the FAA for approval, and provide OPSB Staff with the results of the coordination.

**B. Exhibits**

Subject to the terms and conditions of this Stipulation, the Applicant, Dayton, and OPSB Staff agree, stipulate, and recommend that the following exhibits submitted to this docket be marked and admitted into the record of this proceeding, and that cross-examination is waived thereon:



1. Company Exhibit 1, the Amended Application, as filed on November 15, 2013 and certified as complete on November 25, 2013;
2. Company Exhibit 2, a copy of the Proof of Service of the Application on local public officials and libraries along with the list of property owners and adjacent property owners, as filed on November 25, 2013;
3. Company Exhibit 3, Proofs of Publication filed on January 7, 2014 in accordance with OAC Rule 4906-5-09(A) for the publication of the description of the application and the hearing dates, published on December 24, 2013 in the *Dayton Daily News*;
4. Company Exhibit 4, Proofs of Publication filed on January 27, 2014 in accordance to OAC Rule 4906-5-09(B) for the second publication of the description of the application and the hearing dates, published on January 24, 2014 in the *Dayton Daily News*;
5. Joint Exhibit 1, this "Joint Stipulation and Recommendation" signed on behalf of the OPSB Staff, Dayton, and Applicant; and
6. OPSB Staff Exhibit 1, "Staff Report of Investigation," issued on January 16, 2014.

**C. Other Terms and Conditions**

- (1) This Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Stipulation or imposes additional conditions or requirements upon the parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Upon the Board upholding the material modification of the Stipulation in its entry on rehearing, any Party may terminate or withdraw from the Stipulation by filing a second application for rehearing with the Board within thirty (30) days of the Board's entry on rehearing. The second application shall be limited in scope to a party giving notice of exercising its right to terminate and withdraw from the Stipulation to the Board, and requesting an evidentiary hearing with all appertaining rights of process, as if the Stipulation had never been executed. Prior to any Party seeking rehearing or terminating and withdrawing from the Stipulation pursuant to this provision, the Parties agree to convene immediately to work in good faith to achieve an outcome that substantially satisfies the intent of the Board or proposes a reasonable equivalent thereto to be submitted to the Board for its consideration. Upon a second application for rehearing being filed giving notice of termination or withdrawal by any Party, pursuant to the above provisions, the Stipulation shall immediately become null and void.
- (2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms

of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the Parties entering into this Stipulation.

### **III. FINDINGS**

The Parties agree that the record in this case, provided the Board approves the conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as findings of fact and conclusions of law, that:

1. The Applicant is a subsidiary utility company of the Vectren Corporation.
2. The Facility qualifies as a "major utility facility" defined in Section 4906.01(B)(1)(c) of the Ohio Revised Code ("ORC").
3. On July 19, 2013, the Applicant filed a pre-application notification letter and requested a waiver from the requirement set forth in OAC Chapter 4906-5-04(A) that alternate routes must have less than 20 percent of their paths in common.
4. The Administrative Law Judge, by Entry dated August 9, 2013, granted the Applicant's waiver request.
5. The Applicant formally submitted its application for a Certificate of Environmental Compatibility and Public Need on September 20, 2013.
6. On October 2, 2013, the City of Dayton filed a petition for leave to intervene in the case, which was later granted on November 14, 2013.
7. On October 29, 2013, the Applicant filed a motion for waiver of the requirement set forth in OAC Chapter 4906-5-05 pertaining to the completeness letter deadline.
8. The Applicant filed an Amended Application on November 15, 2013, and the application was deemed complete on November 25, 2013, meeting the requirements of OAC 4906-5-05(A).
9. On November 25, 2013, the Applicant filed a copy of the Proof of Service of the Amended Application on local public officials and libraries along with the list of property owners and adjacent property owners.
10. On January 7, 2014 and January 27, 2014, respectively, Applicant filed Proofs of Publication in accordance with OAC Rule 4906-5-09(A) and (B) for the

publication of the description of the amended application and the hearing dates that were published on December 24, 2013 and January 24, 2014 in the *Dayton Daily News*.

11. The Staff Report was filed on January 16, 2014.
12. A local public hearing, pursuant to ORC Section 4906.08(C), was held on February 10, 2014 at the Vandalia Recreation Center.
13. An adjudicatory hearing was held on February 24, 2014 in Columbus, Ohio.
14. The basis of need for the project has been demonstrated and therefore complies with the requirements specified in ORC Section 4906.10(A)(1).
15. Adequate data on the project has been provided to determine the nature of the probable environmental impact as required by ORC Section 4906.10(A)(2).
16. Adequate data on the project has been provided to determine that the Facility described in the Amended Application represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by ORC Section 4906.10 (A)(3).
17. The provisions under ORC Section 4906.10(A)(4) are not applicable to this project because it is not an electric transmission line or generating facility.
18. Adequate data on the project has been provided to determine that the project will either comply with, or is not subject to, the requirements in the ORC regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waters, and air navigation, and all regulations thereunder, as required by ORC Section 4906.10(A)(5).
19. Adequate data on the project has been provided to determine that the Facility will serve the public interest, convenience, and necessity, as required by ORC Section 4906.10(A)(6).
20. Adequate data on the project has been provided to determine what the Facility's impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the ORC that is located within the site of the proposed Facility, as required by ORC Section 4906.10(A)(7).
21. The basis of need as specified under ORC Section 4906.10(A)(8) has been established.

22. The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

**B. Conclusions of Law**

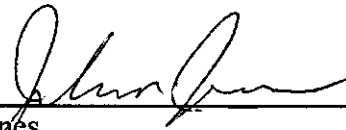
- (1) Vectren Energy Delivery of Ohio, Inc. is a “person” under ORC Section 4906.01(A).
- (2) The proposed Facility is a major utility facility as defined in Section 4906.01(B)(1) ORC.
- (3) Vectren’s Amended Application complies with the requirements of OAC Chapter 4906-15.
- (4) The basis of need for the project has been demonstrated and therefore complies with the requirements specified in ORC Section 4906.10(A)(1).
- (5) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Facility under ORC Section 4906.10(A)(2).
- (6) The record establishes 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 under ORC Section 4906.10(A)(3).
- (7) The provisions under ORC Section 4906.10(A)(4) are not applicable to this project because it is not an electric transmission line or generating facility.
- (8) The record establishes, as required by ORC Section 4906.10(A)(5), that to the extent that any of them are applicable, construction of the proposed Facility will comply with the requirements in the ORC regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waters, and air navigation, and all rules and standards adopted under the relevant Chapters of the ORC.
- (9) The record establishes that the Facility will serve the public interest, convenience and necessity under ORC Section 4906.10(A)(6).
- (10) The Facility’s impact on the viability as agricultural land of any land in an existing agricultural district has been determined under ORC Section 4906.10(A)(7).
- (11) The basis of need as specified under ORC Section 4906.10(A)(8) has been established.

- (12) Based on the record, the parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation and maintenance of the Facility.


The undersigned hereby stipulate and agree and they represent that they are authorized to enter into this Joint Stipulation and Recommendation.

Respectfully submitted on behalf of,

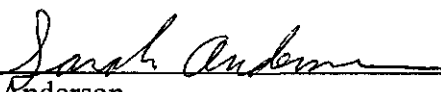
**THE STAFF OF THE OHIO POWER  
SITING BOARD**


By:   
John Jones  
Assistant Attorney General  
Public Utilities Section  
OFFICE OF THE ATTORNEY GENERAL  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

**CITY OF DAYTON**

By:   
Christopher L. Miller  
ICE MILLER LLP  
250 West Street  
Columbus, Ohio 43215

**VECTREN ENERGY DELIVERY OF  
OHIO**

By:   
Sarah Anderson  
Assistant Attorney General  
Environmental Enforcement Section  
OFFICE OF THE ATTORNEY GENERAL  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215

By:   
Sally W. Bloomfield  
Dylan F. Borchers  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215-4291

**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 and Public )  
Need for its Dayton Airport Z-167 Pipeline )  
Rerouting Project. )

Case No. 13-1561-GA-BTX

**TESTIMONY OF  
TERRENCE G. SLAYBAUGH  
ON BEHALF OF THE  
CITY OF DAYTON, OHIO**

*Dayton*

1

2 1. Q. Please state your name and business address.

3 A. My name is Terrence G. Slaybaugh, and my business address is 3600 Terminal  
4 Drive, Suite 300, Vandalia, Ohio 45377.

5 2. Q. Please describe your affiliation with the City of Dayton, Ohio ("Dayton" or  
6 "City").

7 A. I currently serve as the Director of the Department of Aviation for the City of  
8 Dayton. In my role as Director of the Department of Aviation, I am responsible  
9 for overseeing the operations of the City's two airport facilities. Those aviation  
10 facilities are the James M. Cox Dayton International Airport located at 3600  
11 Terminal Drive in Vandalia, Ohio 454377 ("Cox Airport") and the Dayton Wright  
12 Brothers Airport located at 10550 N Springboro Pike Miamisburg, Ohio 45342  
13 ("Wright Brothers Airport"). I am responsible for the day to day operation of the  
14 City's two airports and the safety of the employees and guests who use the all  
15 airport facilities. I also manage and operate the City's aviation focused real estate  
16 holdings and coordinate all use of the City's aviation assets, both real property  
17 and personal property. Among those property related duties, I am required to  
18 coordinate and approve the use of the City's aviation real estate holdings for any  
19 purpose directly or indirectly related to the furtherance of City's mission in  
20 promoting aviation and transportation in the Dayton region. Additionally, it is my  
21 responsibility to coordinate, review, approve, or deny, any request for the use of  
22 the City's airport property. Such responsibility includes the current request being  
23 made by Vectren Energy Delivery of Ohio, Inc. ("VEDO") in this case (13-1561-

1 GA-BTX) to relocate existing natural gas lines, install new infrastructure and  
2 decommission some current natural gas lines in and around the James M. Cox  
3 International Airport ("Project"). Finally, I am tasked with ensuring compliance  
4 with the Federal Aviation Administration ("FAA") rules and regulations and  
5 complying with the strictures of the various federal grants and funding sources  
6 under which the City's aviation property operates.

7 3. Q. Please describe your educational background.

8 A. I graduated from Grand Valley State University in 1977 with a BS in Urban and  
9 Environmental Planning.

10 4. Q. Please describe your professional experience.

11 A. I have been employed by the City of Dayton, Ohio since March 2011. Following  
12 my initial employment with the City I have continually held the position of  
13 Director of the Department of Aviation. Immediately before my employment with  
14 the City of Dayton, I was Senior Vice President of Development at Anthony J.  
15 Costello & Son Development Company from July of 2006 until March of 2011.  
16 From October of 2005 until June of 2006, I was the Director for the Monroe  
17 County Department of Planning and Development. From September of 1996 until  
18 May of 2006, I was the Director of Aviation at the Greater Rochester International  
19 Airport. From March of 1992 until September of 1996, I was the Community  
20 Development Manager/Economic Development Manager for the Monroe County  
21 Department of Planning. From May of 1981 until March of 1992, I held the  
22 position of Executive Director of the Wayne Rural Development Corporation. I  
23 am also a member of the American Association of Airport Executives and the



1 Airport Council International. Finally, I presently serve as a member of the Board  
2 of Directors of the Ohio Aviation Association.

3 5. Q. What is the purpose of your testimony?

4 A. The purpose of my testimony is to describe the City's involvement with VEDO in  
5 regards to the project and provide information to the Ohio Power Siting Board  
6 ("Board") that supports the joint stipulation adopted by the parties and filed with  
7 the Board on February 14, 2014 ("Stipulation").

8 6. Q. What materials and information did you review in preparation for your  
9 testimony?

10 A. I reviewed portions of VEDO's Application for a Certificate of Environmental  
11 Compatibility and Public Need filed with the Board on September 20, 2013,  
12 portions of VEDO's Amended Application for a Certificate of Environmental  
13 Compatibility and Public Need filed with the Board on November 15, 2013, the  
14 Stipulation, additional technical information provided by VEDO to the City in  
15 furtherance of the parties discussions about the project, and certain  
16 correspondence between VEDO and the City.

17 7. Q. Please provide a description of the reason that the City intervened in this  
18 case?

19 A. The City was concerned that the Project, as originally proposed, could  
20 unnecessarily and adversely affect City property at the Cox Airport, airport  
21 operations, and the neighboring landowners. VEDO's proposal included plans to  
22 abandon (in place) portions of current natural gas pipeline located under existing  
23 paved runways at the Cox Airport and install new pipeline facilities in and

1 adjacent to the Cox Airport property. Certain portions of the proposed pipeline  
2 for the original preferred route appeared to adversely impact specific FAA  
3 approved future runway expansion zones at the Cox Airport. Additionally,  
4 VEDO indicated that it planned to use additional City property to store  
5 construction equipment and materials during the construction of the Project.  
6 Given that VEDO was proposing a project that could have a potentially  
7 significant impact upon the City's aviation property and could possibly affect  
8 existing and future Cox Airport operation protocols, many of which are mandated  
9 by the FAA, there was little doubt in our opinion that the City had a real and  
10 substantial need to participate in the proceeding.

11 **8. Q. Please provide a description of the discussion and activities undertaken by**  
12 **the City and VEDO leading to the Stipulation.**

13 A. Prior to its filing of the Application, VEDO had continually been in contact the  
14 City and airport staff in regards to its plans to move forward with the  
15 application process with the Board for this Project. Even before VEDO filed its  
16 Application, several productive informational meetings and discussions had been  
17 held between VEDO's team and City staff. Following the City's thorough review  
18 of VEDO's Application for a Certificate of Environmental Compatibility and  
19 Public Need as originally filed with the Board on September 20, 2013, City staff  
20 concluded that there were a number of concerns regarding VEDO's proposed  
21 preferred route and how the construction of new infrastructure along that route  
22 would impact certain pending FAA approved runway expansion projects at the  
23 Cox Airport. We were also concerned with the details of the plan to abandon and

1 leave in place portions of the current pipeline that occupy space under the existing  
2 runway and tarmac at the Cox Airport. Specifically, we were worried about the  
3 long term structural integrity of the abandoned pipe that would be  
4 decommissioned and left in place. It has been our experience with similar  
5 infrastructure that, over time, after pressurization and utility commodities are  
6 removed from such piping, degradation is likely to occur. Any such degradation  
7 can lead to pipe collapse and the settling of concrete and soil surrounding that  
8 pipe. Such a depression, should it occur, could impair the ability of aviation traffic  
9 to safely take off and land. Subsequent to our review of VEDO's original  
10 Application, VEDO facilitated a meeting with the City where we were able to  
11 communicate our concerns. That meeting was attended by VEDO staff, City  
12 staff, counsel for VEDO and counsel for the City. The meeting was very  
13 productive and VEDO team was extremely helpful. Through a number of  
14 additional telephonic discussions and e-mail communications, VEDO and the City  
15 were able to agree on changes to several of the proposed conditions of the  
16 Application and a slight modification of the proposed preferred route. On  
17 November 15, 2013 VEDO filed an Amended Application for a Certificate of  
18 Environmental Compatibility and Public Need with the Board that addressed most  
19 of the City's concerns, including routing and line placement issues. On January  
20 28, 2014, VEDO, VEDO's counsel, a representative of VEDO's contracting  
21 engineer Board staff, representatives of the Ohio Attorney General, and the City's  
22 counsel attended a meeting to discuss the stipulation document. Those  
23 discussions ultimately resulted in the Stipulation now being recommended by the

1 City and currently under consideration by the Board. In addition to the  
2 conditions in the Stipulation, VEDO and the City also have determined that there  
3 is an effective and available solution to address the City concerns regarding the  
4 possible degradation of the abandoned pipeline infrastructure. VEDO and the  
5 City have agreed to a solution whereby VEDO will fill portions of the abandoned  
6 pipeline on the Cox Airport property with a unique type of grouting material that  
7 will work to prevent possible future collapse.

8 9. Q. Do you believe the stipulation should be accepted?

9 A. Yes. It is my opinion that the Stipulation is a result of good faith negotiations  
10 made among and between knowledgeable parties in order to arrive a reasonable  
11 outcome. The City, VEDO and Board Staff spent a significant amount of time  
12 and effort reviewing and discussing the issues involved with the project in order  
13 to reach a consensus and arrive at the Stipulation as proposed by the parties to the  
14 Board. VEDO made continual and concerted efforts throughout the application  
15 process to provide the City with requested information and details about the  
16 project and worked tirelessly with the City to address and resolve the City's  
17 concerns regarding the originally proposed preferred route. VEDO and its  
18 management team made VEDO technical staff and internal decision makers freely  
19 available to the City and graciously facilitated a number of meetings and  
20 discussions between VEDO and the City in order to better understand the City's  
21 concerns and work toward a mutually acceptable solution. The City truly  
22 appreciates all of the resources and consideration that VEDO provided to the City  
23 in order to address and alleviate the City's concerns. The Stipulation and its

1 conditions address the City's concerns and provide for a result that will protect  
2 and preserve the safety of the City's aviation property, the City's employees,  
3 airport guests, and VEDO's employees. Since no party has expressed any  
4 objections to the Stipulation, I would respectfully request that the Board  
5 thoughtfully consider and adopt the Stipulation and its numerous conditions as  
6 submitted by the parties.

7 10. Q. Does that conclude your testimony?

8 A. Yes, I have nothing further.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Direct Testimony of Terrence G. Slaybaugh on Behalf of the City of Dayton, Ohio was served upon the parties of record listed below this 19th day of February, 2014 first class mail and via electronic mail.

/s/Christopher L. Miller

Christopher L. Miller

Sarah Parrot  
Administrative Law Judge  
Ohio Power Siting Board  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215  
[sarah.parrot@puc.state.oh.us](mailto:sarah.parrot@puc.state.oh.us)

John H. Jones  
Assistant Attorney General  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215  
[john.jones@ohioattorneygeneral.gov](mailto:john.jones@ohioattorneygeneral.gov)

Sally W. Bloomfield  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215  
[sbloomfield@bricker.com](mailto:sbloomfield@bricker.com)

Dylan Borchers  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215  
[dborchers@bricker.com](mailto:dborchers@bricker.com)

# Staff Report of Investigation

Vectren Energy Delivery Z-167 Pipeline

Case Number  
13-1651-GA-BTX

January 16, 2014



John Kasich, Governor

Power Siting  
Board

Todd Snitchler, Chairman

OPSB staff exhibit 1

**In the Matter of the Application by Vectren Energy Delivery of )  
Ohio for a Certificate of Environmental Compatibility and Public )  
Need for the Vectren Energy Z-167 Natural Gas Pipeline Project )**

**Case Number  
13-1651-GA-BTX**

**Staff Report of Investigation**

**Submitted to the  
OHIO POWER SITING BOARD**



BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application by Vectren Energy Delivery of  
Ohio for a Certificate of Environmental Compatibility and Public  
Need for the Vectren Energy Delivery Z-167 Natural Gas  
Pipeline Project.**

)  
) **Case Number**  
) **13-1651-GA-BTX**

Members of the Board:

Todd Snitchler, Chairman, PUCO  
David Goodman, Director, ODSA  
Dr. Ted Wymyslo, Director, ODH  
David Daniels, Director, ODA  
Craig Butler, Interim Director, Ohio EPA  
Jim Zehringer, Director, ODNR  
Jeffery J. Lechak, PE, Public Member

Peter Stautberg, State Representative  
Sandra Williams, State Representative  
Michael Skindell, State Senator  
Bill Seitz, State Senator

To the Honorable Power Siting Board:

In accordance with provisions of the Ohio Revised Code (ORC) Section 4906.07(C), and the Commission's rules, the Staff has completed its investigation in the above matter and submits its findings and recommendations in this staff report for consideration by the Ohio Power Siting Board (Board).

The *Staff Report of Investigation* has been prepared by the Staff of the Public Utilities Commission of Ohio. The findings and recommendations contained in this report are the result of Staff coordination with the Ohio Environmental Protection Agency, the Ohio Department of Health, the Ohio Development Services Agency, the Ohio Department of Natural Resources, and the Ohio Department of Agriculture. In addition, the Staff coordinated with the Ohio Department of Transportation, the Ohio Historic Preservation Office, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the Federal Aviation Administration.

In accordance with ORC Sections 4906.07 and 4906.12, copies of this staff report have been filed with the Docketing Division of the Public Utilities Commission of Ohio on behalf of the Ohio Power Siting Board and served upon the Applicant or its authorized representative, the parties of record, and the main public libraries of the political subdivisions in the project area.

The staff report presents the results of the Staff's investigation conducted in accordance with ORC Chapter 4906 and the rules of the Board, and does not purport to reflect the views of the Board nor should any party to the instant proceeding consider the Board in any manner constrained by the findings and recommendations set forth herein.

Respectfully submitted,



Klaus Lambeck, Chief  
Facilities, Siting, & Environmental Analysis Division

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## ACRONYMS

<b>FAA</b>	Federal Aviation Administration
<b>kV</b>	kilovolts
<b>MW</b>	megawatts
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRHP</b>	National Register of Historic Places
<b>OAC</b>	Ohio Administrative Code
<b>ODA</b>	Ohio Department of Agriculture
<b>ODSA</b>	Ohio Development Services Agency
<b>ODH</b>	Ohio Department of Health
<b>ODNR</b>	Ohio Department of Natural Resources
<b>ODOT</b>	Ohio Department of Transportation
<b>Ohio EPA</b>	Ohio Environmental Protection Agency
<b>OHPO</b>	Ohio Historic Preservation Office
<b>OPSB</b>	Ohio Power Siting Board
<b>ORC</b>	Ohio Revised Code
<b>PUCO</b>	Public Utilities Commission of Ohio
<b>SWPPP</b>	Storm Water Pollution Prevention Plan
<b>USFWS</b>	U.S. Fish and Wildlife Service

## **I. POWERS AND DUTIES**

### **Ohio Power Siting Board**

The Ohio Power Siting Board (Board or OPSB) was created in 1972. The Board is a separate entity within the Public Utilities Commission of Ohio (PUCO). The authority of the Board is outlined in Ohio Revised Code (ORC) Chapter 4906.

The Board is authorized to issue certificates of environmental compatibility and public need for the construction, operation, and maintenance of major utility facilities as defined in ORC Section 4906.01. Included within this definition are: electric generating plants and associated facilities designed for, or capable of, operation at 50 megawatts (MW) or more; electric transmission lines and associated facilities of a design capacity greater than or equal to 125 kilovolts (kV); and gas and natural gas transmission lines and associated facilities designed for, or capable of, transporting gas or natural gas at pressures in excess of 125 pounds per square inch. In addition, per ORC Section 4906.20, the Board authority applies to economically significant wind farms, defined in ORC 4906.13(A) as wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five MW or greater but less than 50 MW.

Membership of the Board is specified in ORC Section 4906.02(A). The voting members include: the Chairman of the PUCO who serves as Chairman of the Board; the directors of the Ohio Environmental Protection Agency (Ohio EPA), the Ohio Department of Health (ODH), the Ohio Development Services Agency (ODSA), the Ohio Department of Agriculture (ODA), and the Ohio Department of Natural Resources (ODNR); and a member of the public, specified as an engineer, appointed by the Governor from a list of three nominees provided by the Ohio Consumers' Counsel. Ex-officio Board members include two members (with alternates) from each house of the Ohio General Assembly.

### **Nature of Investigation**

The OPSB has promulgated rules and regulations, found in Chapter 4906 of the Ohio Administrative Code (OAC), which establish application procedures for major utility facilities and wind farms.

### **Application Procedures**

Any person that wishes to construct a major utility facility or economically significant wind farm in this state must first submit to the OPSB an application for a certificate of environmental compatibility and public need (ORC 4906.04 and 4906.20). The application must include a description of the facility and its location, summary of environmental studies, a statement explaining the need for the facility and how it fits into the Applicant's energy forecasts (for transmission projects), and any other information the OPSB may consider relevant (ORC 4906.10(A)(1) and 4906.20(B)(1)).

Within 60 days of receiving an application, the OPSB must determine whether the application is sufficiently complete to begin an investigation (OAC 4906-5-05(A)). If an application is considered complete, the Chairman of the OPSB will cause a public hearing to be held 60 to 90 days after the official filing date of the completed application. At the public hearing, any person may provide written or oral testimony and may be examined by the parties (ORC 4906.07).



Parties include the Applicant, public officials, and any person who has been granted a motion of leave for intervention (ORC 4906.08(A)).

### **Staff Investigation and Report**

The Chairman will also cause each application to be investigated and a report published not less than 15 days prior to the public hearing. The report sets forth the nature of the investigation and contains the findings and conditions recommended by Staff. The Board's Staff, which consists of career professionals drawn from the Staff of the PUCO and other member agencies of the OPSB, coordinates its investigation among the agencies represented on the Board and with other interested agencies such as the Ohio Department of Transportation (ODOT), the Ohio Historical Society, and the U.S. Fish and Wildlife Service (USFWS).

The technical investigations and evaluations are conducted under guidance of the OPSB rules and regulations in OAC Chapter 4906. The recommended findings resulting from the Staff's investigation are described in the staff report pursuant to ORC Section 4906.07(C). The report does not represent the views or opinions of the OPSB and is only one piece of evidence that the Board may consider when making its decision. Once published, the report becomes a part of the record and is served upon all parties to the proceeding and is made available to any person upon request (4906.07(C) and 4906.10). A record of the public hearings and all evidence, including the staff report, may be examined by the public at any time (ORC 4906.09 and 4906.12).

### **Board Decision**

The OPSB may approve, modify and approve, or deny an application for a certificate of environmental compatibility and public need. If the OPSB approves, or modifies and approves an application, it will issue a certificate subject to conditions. The certificate is also conditioned upon the facility being in compliance with standards and rules adopted under the ORC (ORC 4906.10(A) and (B)).

Upon rendering its decision, the OPSB must issue an opinion stating its reasons for approving, modifying and approving, or denying an application for a certificate of environmental compatibility and public need (ORC 4906.11). A copy of the OPSB's decision and its opinion is memorialized upon the record and must be served upon all parties to the proceeding (ORC 4906.10(C)). Any party to the proceeding that believes its issues were not adequately addressed by the OPSB may submit within 30 days an application for rehearing (ORC 4903.10 and 4906.12). An entry on rehearing will be issued by the OPSB within 30 days and may be appealed within 60 days to the Supreme Court of Ohio (ORC 4903.11, 4903.12, and 4906.12).

## Criteria

The recommendations and conditions in this *Staff Report of Investigation* were developed pursuant to the criteria set forth in ORC Section 4906.10(A), which reads in part:

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 if the facility is an electric transmission line or gas or natural gas transmission line;
- (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 the case of an electric transmission line or generation facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility 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 adopted under those chapters and under Sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under Section 4561.32 of the Revised Code, the Board shall consult with the ODOT Office of Aviation of the Division of Multi-Modal Planning and Programs of the Department of Transportation under Section 4561.341 of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) through (A)(6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the Preferred site and Alternate site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the Preferred site and Alternate site; and
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of the various alternatives.

## **II. APPLICATION**

### **Applicant**

Vectren Energy Delivery of Ohio (Vectren or Applicant) is a subsidiary utility company of the Vectren Corporation. Vectren provides energy delivery services to approximately 320,000 natural gas customers in west central Ohio and is headquartered in Dayton, Ohio.

Vectren Energy Delivery of Ohio is one of three utility companies organized under Vectren Utility Holdings, Inc., a wholly owned subsidiary of the Vectren Corporation. The Vectren Corporation operates natural gas distribution facilities in Indiana and Ohio, providing natural gas service to approximately one million natural gas customers.

### **History of the Application**

On July 19, 2013, the Applicant filed a pre-application notification letter and requested a waiver from the requirement set forth in OAC 4906-5-04(A) that alternate routes must have less than 20 percent of their paths in common. The Applicant's waiver request was subsequently granted on August 9, 2013. The Applicant held a public informational meeting on August 29, 2013 at the Vandalia Recreation Center in Vandalia, Ohio. On September 20, 2013, the Applicant's application for a Certificate of Environmental Compatibility and Public Need was filed.

On October 2, 2013, the City of Dayton filed a petition for leave to intervene in the case.

On October 29, 2013, the Applicant applied for a waiver from the requirement set forth in OAC 4906-5-05(A) determining the application's completeness.

On November 14, 2013 an Administrative Law Judge granted the City of Dayton's petition for leave to intervene and granted the Applicant's waiver request.

The Applicant filed an amended application on November 15, 2013, and the application was deemed complete on November 25, 2013, meeting the requirements of OAC 4906-5-05(A).

On December 20, 2013, an Administrative Law Judge issued an Entry scheduling a local public hearing for this case to take place on February 10, 2014 at 6:00 p.m. at the Vandalia Recreation Center, 1111 Stonequarry Drive, Dayton, Ohio 45414. The adjudicatory hearing will commence on February 24, 2014 at 10:00 a.m. at the offices of the Public Utilities Commission of Ohio, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215-3793.

This summary of the history of the application does not include every filing in case number 13-1651-GA-BTX. The docketing record for this case, which lists all documents filed to date, can be found in the Appendix to this report and online at <http://dis.puc.state.oh.us/>.



## **Project Description**

Vectren Energy Delivery of Ohio proposes to relocate a 3-mile section of their Z-167 12-inch diameter natural gas transmission pipeline to the west side of Dayton International Airport (Airport), located in Montgomery County, Ohio. Vectren's Z-167 pipeline stretches 31.9 miles from northern Dayton to the Sidney area. The 3-mile section of pipeline to be moved is currently located beneath the Airport. The purpose of relocating the pipeline is to increase public safety by moving the pipeline to a lower density location, increase the safety of the Vectren employees who are currently responsible for performing integrity management assessments and safety inspections within the Airport fence, reduce pipeline maintenance costs, and eliminate cased road crossings.

### **Preferred Transmission Line Route**

The Preferred Route is approximately seven miles in length and originates just north of the Vandalia Range and Armory. It follows the south side of Corporate Center Drive for roughly 380 feet and subsequently crosses the drive, traveling northwest for approximately 635 feet. The Preferred Route then heads southwest for about 1,140 feet, crossing Peters Pike and turning south to cross a concrete-lined ditch. It continues south and turns west, covering approximately 2,945 feet, during which it passes beneath Dayton International Airport Access Road. The Preferred Route turns south and then continues west, following property lines and woodlots, traversing roughly 3,190 feet and going beneath Dog Leg Road. It travels further west for approximately 1,100 feet, at which point it crosses an un-named tributary of the Stillwater River. Continuing its path parallel to various property lines and woodlots, the Preferred Route extends west and south approximately 2,700 feet and crosses a second un-named tributary of the Stillwater River. After moving west an additional 715 feet, the Preferred Route turns north for approximately 1,860 feet, crossing W. National Road. After crossing the road, it travels west roughly 2,040 feet along the north side of W. National Road before going north for about 1,390 feet. At this point, the Preferred Route travels northeast approximately 7,650 feet, turning north near the Airport's west security fences, to travel roughly 3,325 feet to the south side of Old Springfield Road. The Preferred Route then turns east and follows along the south side of Old Springfield Road for approximately 3,900 feet. Turning north and then east, it crosses beneath both Old Springfield Road and Peters Pike, travelling approximately 830 feet. Finally, the Preferred Route turns north for 730 feet before turning east for roughly 2,425 feet, where it ties back in with the existing Z-167 transmission line.

### **Alternate Transmission Line Route**

The Alternate Route is approximately 7.75 miles long and shares 71 percent of its length in common with the Preferred Route, from the initial tie-in point to just south of Old Springfield Road. Whereas the Preferred Route turns east and travels along Old Springfield Road, the Alternate Route turns briefly west for 580 feet, before extending north approximately 1,390 feet. Turning east, it goes roughly 1,100, where it crosses Mill Creek. After crossing Mill Creek, the Alternate Route travels east along a woodlot about 1,985 feet, before turning north for 2,940 feet and crossing Brush Creek. It turns east once again, following along the south side of N. Montgomery County Line Road for approximately 1,115 feet, where it crosses Peters Pike. After crossing Peters Pike, the Alternate Route continues east along the south side of Lightner Road for about 2,720 feet, where it ties back into the existing Z-167 transmission line.



## **Project Specifications**

### *Schedule*

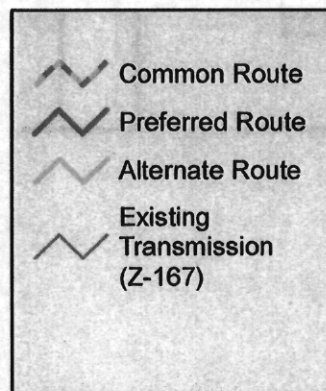
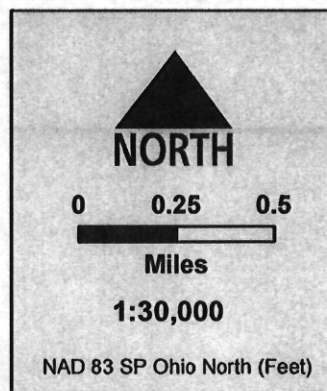
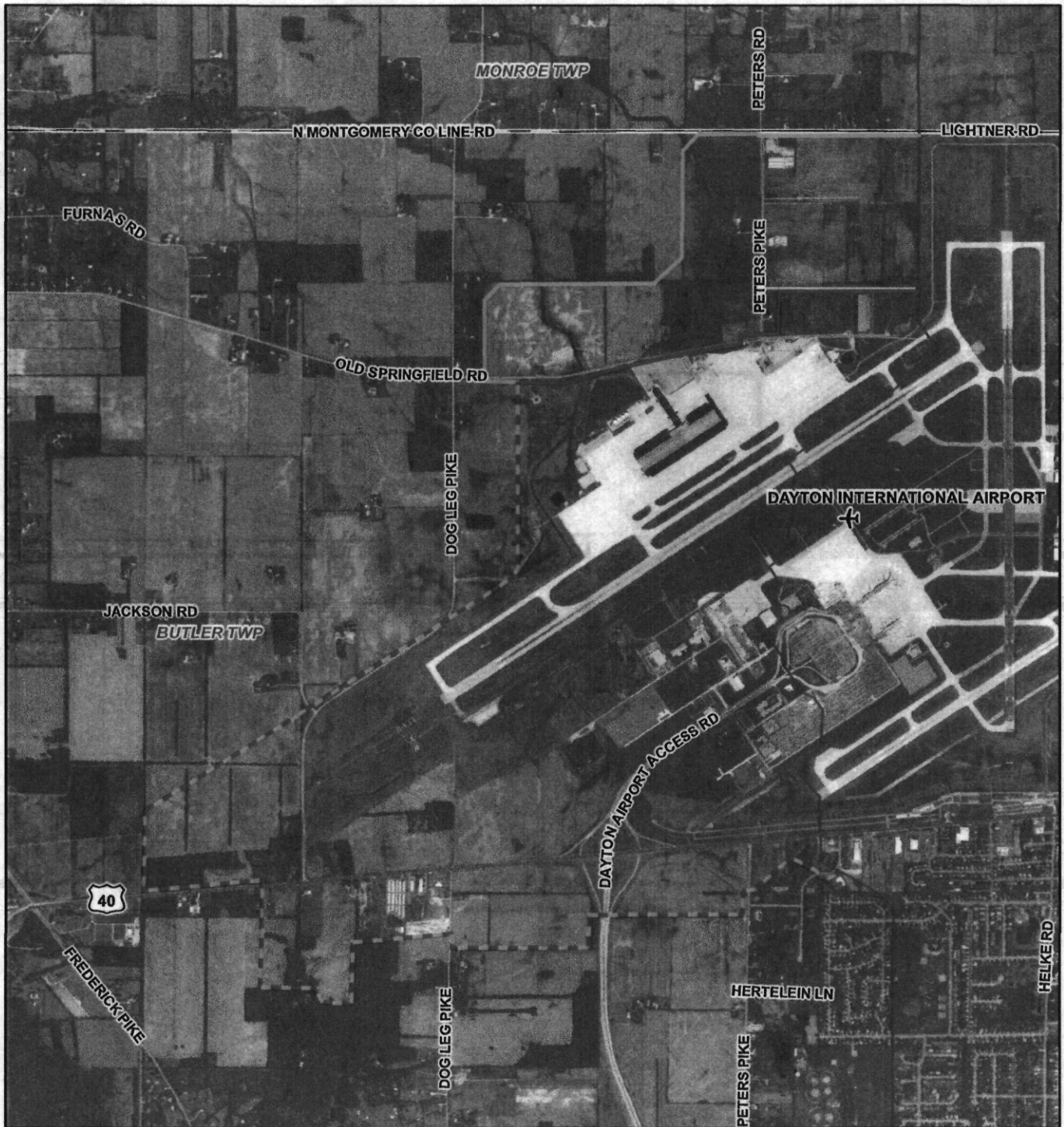
The existing Z-167 pipeline must be re-assessed by December 11, 2014 in order to fulfill Vectren's pipeline integrity management requirements. The Applicant plans to begin construction during the spring of 2014 and complete construction by December 2014. Delays to the project resulting in a completion date beyond December 2014 would require a shut down of the line and re-assessment by means of hydrostatically pressure testing the line. This would cost approximately \$550,000, would use roughly 115,000 gallons of water, and may require alternative gas supply measures when the pipeline is out of service.

### *Pipe Materials and Specifications*

The Z-167 pipeline is designed to operate at a maximum allowable operating pressure (MAOP) of 500 pounds per square inch gage (psig). The proposed pipeline would have an outside diameter of 12 inches. The pipeline material would consist of X-52 electric resistance welded steel pipe with an external coating of fusion-bonded epoxy and the pipe would have a minimum wall thickness of 0.312 inches. The portion of the pipeline that is to be installed by horizontal directional drilling (HDD) would also be coated with an additional 20 mils of Powercrete R-95.<sup>1</sup> Construction of the pipeline would generally require the excavation of a 4-foot wide by 6-foot deep trench, within a 50-foot wide permanent right-of-way. The Applicant has designed this section of pipe to allow the use of instrumented internal inspection devices.

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<sup>1</sup> *Application to the Ohio Power Siting Board for a Certificate of Environmental Compatibility & Public Need for the Z-167 Pipeline Replacement* (Application), Vectren Energy Delivery of Ohio, Inc. November 2013. 4-8.

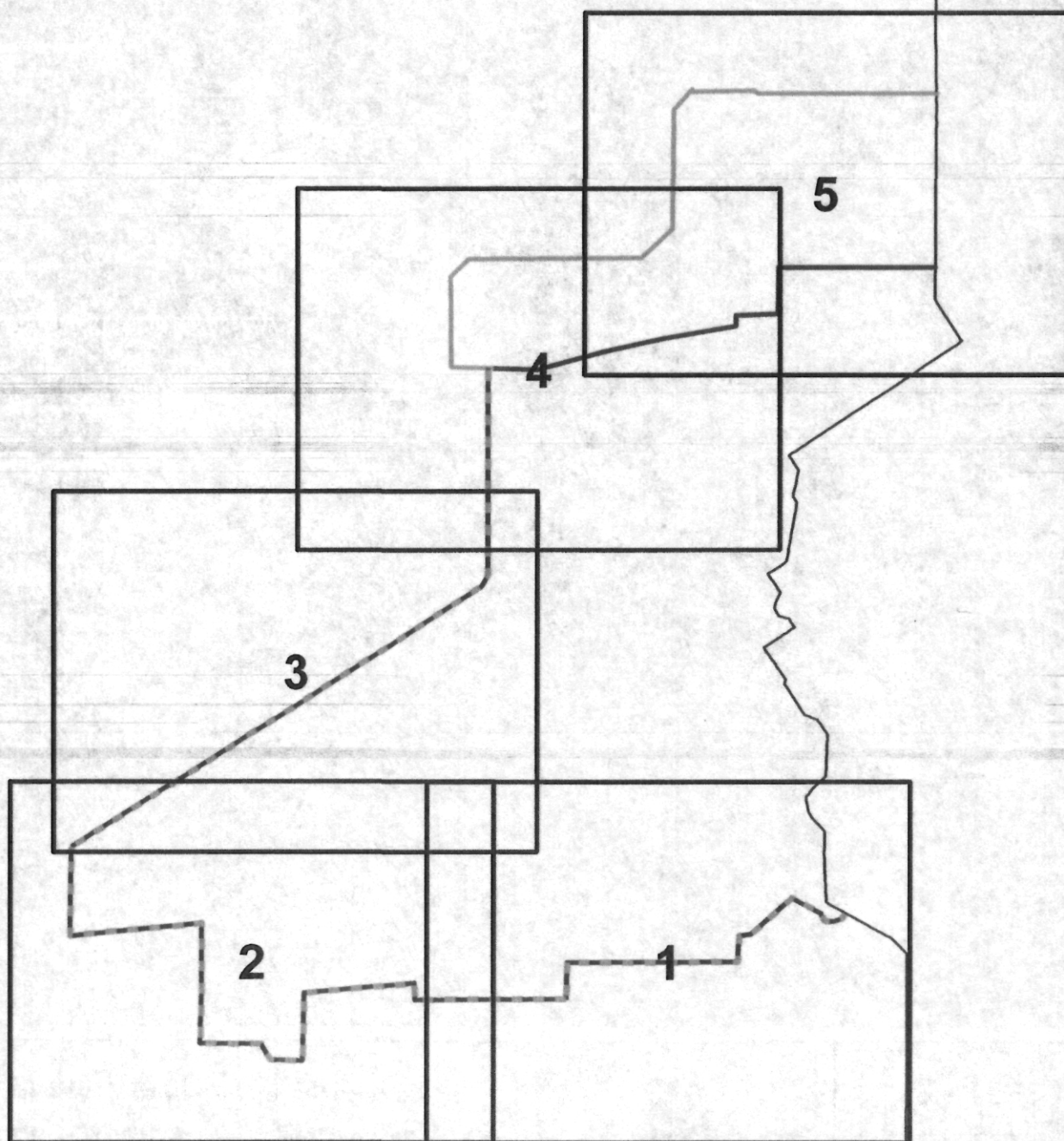


## Overview Map

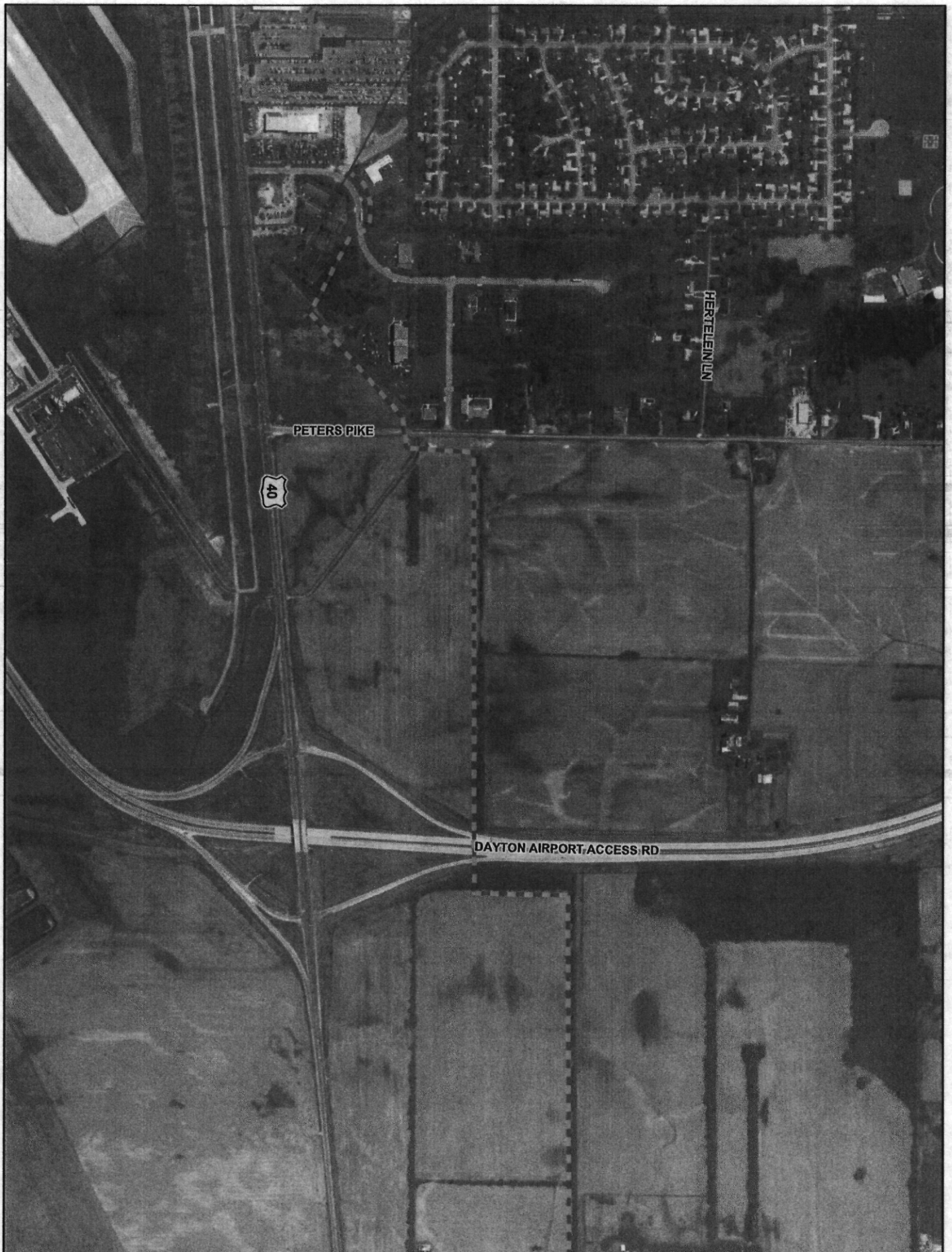
**13-1651-EL-BTX**

**Vectren  
Transmission Line**

*Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certified application and supplemental materials.*







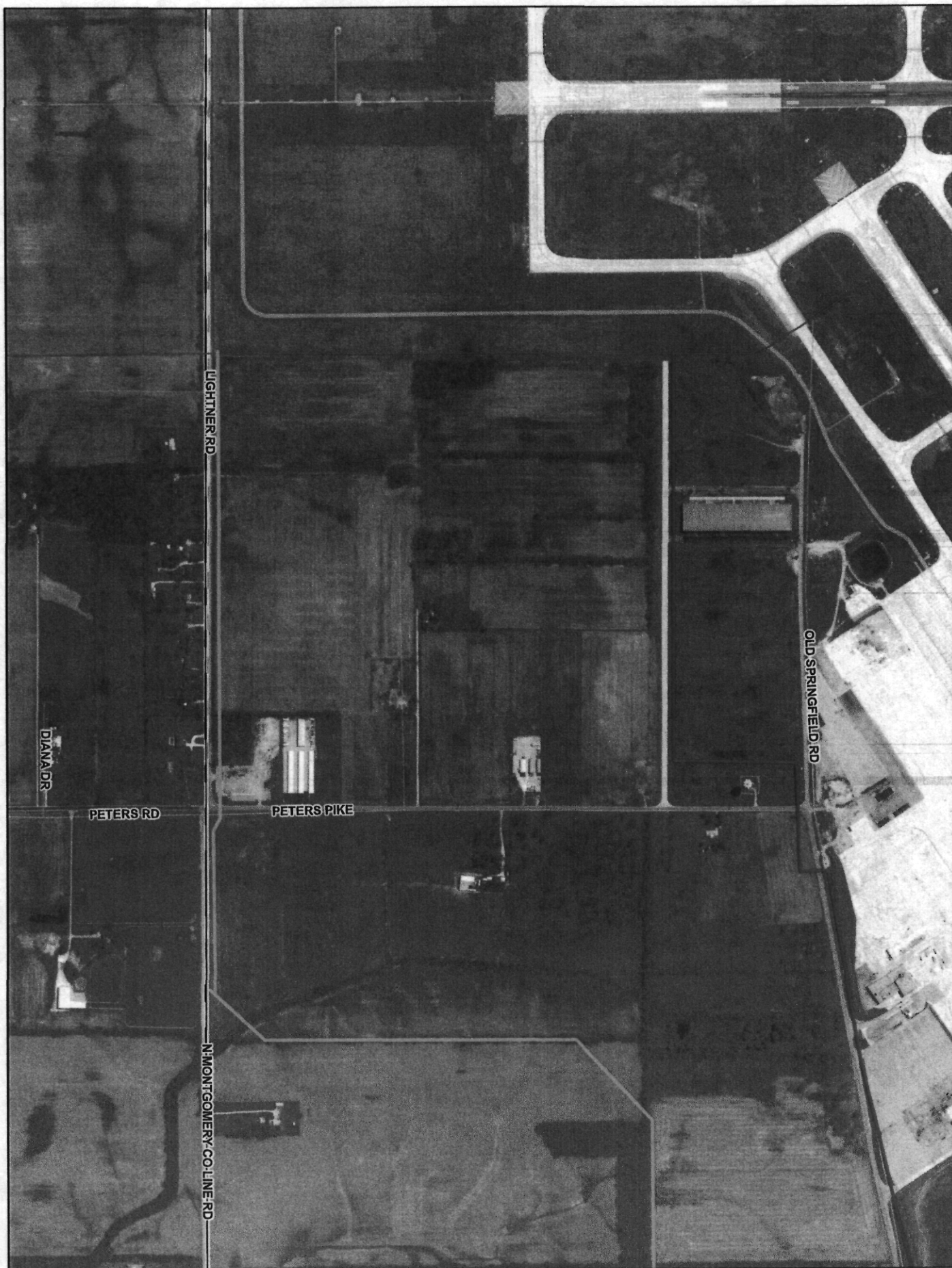














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### **III. CONSIDERATIONS AND RECOMMENDED FINDINGS**

In the matter of the application of Vectren Energy Delivery of Ohio, the following considerations and recommended findings are submitted pursuant to ORC Section 4906.07(C) and ORC Section 4906.10(A).

#### **Considerations for ORC Section 4906.10(A)(1)**

##### **Basis of Need**

###### **Purpose of Proposed Facility**

The primary purpose of the proposed facility would be to increase public safety by rerouting the existing Z-167 pipeline away from the Dayton International Airport. Currently, the Z-167 pipeline lies underneath Airport's main runway and six taxiways, as well as in close proximity to the Federal Aviation Administration flight control tower and the terminal building.

Assessments and surveys on the Z-167 pipeline, such as leak surveys, cathodic protection inspections, leak report investigations, and emergency repairs are conducted amid the landing and take-off of aircraft. The Airport does not suspend operations for these pipeline assessments and surveys; therefore, this required work must be done in short intervals of time amidst aircraft traffic. Additionally, due to Airport regulations, the Applicant is unable to mark the pipeline with any vertical markers, increasing the challenge of locating the line to conduct safety and integrity inspections.

Furthermore, a secondary purpose of the proposed facility would be to increase the efficiency of the mandatory safety testing of the pipeline. The Applicant has utilized hydrostatic pressure testing to survey the integrity of the 3-mile pipeline section located at the Airport, at an estimated cost of \$550,000 and use of 115,000 gallons of water.<sup>2</sup> The engineering of both the Preferred or Alternate routes of the proposed facility would allow the Applicant to conduct internal line inspection on the Z-167 pipeline using smart pigging technology. It would cost approximately \$750,000 to conduct this technique over the entire length of the pipeline. Additionally, smart pigging technology allows for the integrity of the pipeline to be inspected without interrupting service, whereas the practice of hydrostatic pressure testing requires temporarily stopping gas flow and interrupting service to customers.

###### **Supply System Modeling**

The Applicant provided the relevant and necessary load flow studies on the Z-167 pipeline. These studies were constructed using SynerGee Gas 4.6.1 computer modeling and analysis. The relocation of the Z-167 pipeline, as proposed on either the Preferred or Alternate route, would not alter the current load flow for the transmission and distribution system in the local area. If the Z-167 pipeline was abandoned entirely, scenarios would arise causing potential reliability issues for the local area.

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<sup>2</sup> "Response to Data Requests and Interrogatories." Vectren Energy Delivery of Ohio, Inc. December 10, 2013.

**Expansion Plans**

The Applicant has no additional expansion plans other than the proposed facility, which relocates an approximately 3-mile section of the Z-167 pipeline.

**Conclusion**

The Applicant has demonstrated need for relocating a 3-mile portion of the Z-167 pipeline. This relocation would be in the interest of public safety, as well as the safety of the individuals responsible for maintaining and inspecting the integrity of the pipeline.

**Recommended Findings**

Staff recommends that the Board find that the basis of need for the project has been demonstrated and therefore complies with the requirements specified in ORC Section 4906.10(A)(1), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this report entitled Recommended Conditions of Certificate.



## Considerations for ORC Section 4906.10(A)(2)

### **Nature of Probable Environmental Impact**

Pursuant to ORC Section 4906.10(A)(2), the Board must determine the nature of the probable environmental impact of the proposed facility. Staff has found the following with regard to the nature of the probable environmental impact:

#### **Socioeconomic Impacts**

##### *Demographics*

The project area is sparsely populated and is not projected to change dramatically. The project crosses through the cities of Vandalia and Union, and property of the Airport, which is owned by the City of Dayton. The entire project is located in Montgomery County, which has a population density of 1159.5 people per square mile.<sup>3</sup> According to the U.S. Census, the 2010 population for Montgomery County was 535,153, representing a 4.3 percent decrease over the 2000 Census count of 559,062.<sup>4</sup> The Montgomery County population is projected to decrease through 2040.<sup>5</sup> This project would not limit future population growth or impact the demographics of the region.

##### *Land Use*

Agriculture is the primary land use in the project area. During construction, some temporary loss of crop production would occur. Fair compensation for crop loss during construction would be determined between the Applicant and the landowner at the time of the right-of-way negotiations. There would be no permanent changes to the agricultural lands during the operation of the pipeline. The right-of-way on these lands could continue to be utilized for crop production and agricultural purposes after the installation of the pipeline.

Seventy-four residences are located within 1,000 feet of the Preferred Route, including the Common Route. There are no residences within 100 feet of the Preferred Route. A total of 106 residences have been identified within 1,000 feet of the Alternate Route, including the Common Route, one of which is within 100 feet. The minimum residential distances from the Preferred, Alternate, and Common routes are approximately 170, 75, and 275 feet respectively.

No residences would be removed for this project, and the majority of residential impacts would be associated with construction and would be temporary. The project would not permanently change any residential land in the project area. Mitigation of vegetative clearing and operational activities would be negotiated between the Applicant and individual property owners as the Applicant acquires right-of-way for the project; however, no significant vegetative removal along residential properties is planned. There are no known septic systems along the proposed routes. The Applicant would work with the property owner, in the unlikely event an abandoned system is discovered, to remove the system and have it properly disposed.

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<sup>3</sup> "Ohio County Profile: Montgomery County," Ohio Development Service Agency: Office of Policy, Research, and Strategic Planning.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

Several commercial and industrial structures are in close proximity to the project. The Common Route passes through the entrance drive and potentially a portion of the parking lot of the Vandalia Range and Armory. The Applicant is working with the owners of the Vandalia Range and Armory to ensure that the construction activities have the least amount of impact on the business. The Applicant has also indicated that constructing the facility after business hours would be an option to reduce interference with business.

No commercial or industrial facilities would be removed for this project, and the majority of impacts would be associated with construction and would be temporary. No permanent impacts to commercial or industrial land uses are expected from construction, operation, or maintenance of the project.

The Common Route crosses within 100 feet of the back edge of the National Road Driving Range. No other recreational areas are within 1,000 feet of the project. No impacts to institutional or recreational land uses are expected from construction, operation, or maintenance of the project.

Noise sensitive areas would include several residential and commercial enterprises along the proposed routes. Noise related procedures would be in compliance with applicable OSHA standards. Construction at any location near a given residential, commercial, or other noise sensitive area is expected to require much less than one month. The total duration of construction of the project is estimated at three months. As a result, the noise impact to nearby sensitive areas would be controlled to the greatest extent practicable and would be minimal.

#### *Cultural Resources*

Adverse impacts to cultural resources in the project area are not expected. No previously recorded National Register of Historic Places (NRHP) sites are located within 1,000 feet of the project. One Ohio Archaeological Inventory (OAI) site was recorded within 1,000 feet of the Common Route, but is not within 100 feet. Four Ohio Historic Inventory (OHI) structures were identified within 1,000 feet of the Preferred Route, and four were identified within 1,000 feet of the Alternate Route. No OHI structures were identified within 100 feet of the project.

The Applicant conducted a Phase I Cultural Resources Survey along the Common, Preferred, Alternate routes. The survey did not disclose a find of any sites of cultural, architectural, or archaeological significance, or a site that could be eligible for inclusion on the NRHP. If any archeological remains were discovered during construction, impacts would be minimized and mitigated, in coordination with the Ohio Historic Preservation Office.

#### *Transportation Corridors*

The Common Route would cross seven roads, including crossing Dog Leg Road twice. The Preferred and Alternate routes would both cross two roads. The Applicant plans to cross roads by conventional boring or directional drilling methods. As a result, no road closures, lane closures, road access restrictions, or traffic controls are anticipated for the construction of the pipeline. The Applicant would coordinate with city and county engineers, Ohio Department of Transportation, local law enforcement, and health and safety officials to determine required

permits for the construction of the pipeline, egress on and off the roadway, and crossing of the roadways.

#### *Economic Impacts / Financial Data*

Vectren Corporation is an energy holding company headquartered in Evansville, Indiana. Vectren's wholly owned subsidiary, Vectren Utility Holdings, Inc., serves as the intermediate holding company for Vectren Energy Delivery of Ohio (Vectren). Vectren owns, maintains, and operates the existing Z-167 pipeline and would construct the new section of the proposed pipeline.

The estimates of applicable intangible and capital costs for the project for both the Preferred and Alternate route are \$10,150,000 and \$10,400,000 respectively. These costs encompass land and land rights and pipe materials. No temporary or permanent access roads would be required for the construction or maintenance of the proposed pipeline. Access would be from existing roadways and acquired right-of-way easements.

The project is anticipated to have a positive impact on the local economy as labor for the construction of the pipeline would be sourced from local contractors.

#### **Ecological Impacts**

##### *Surface Waters*

According to the Applicant's responses to Staff's data requests, five streams were identified within the Preferred and Alternate route corridors (see chart below). These consist of two perennial streams, two ephemeral streams, and one intermittent stream. The Applicant proposes to cross the two perennial streams, Mill Creek (Stream 2) and an un-named tributary to Stillwater River (Stream 3), and one ephemeral stream, Brush Creek (Stream 1), using HDD methodology. The two others, a concrete lined channel (Stream 5) and an un-named tributary to Stillwater River (Stream 4), would be crossed using low impact open-trench methods.

Stream Number and Route	OEPA Score and Classification <sup>6</sup>	Proposed Crossing Method
1. (Brush Creek) Alternate Route	HHEI 26 Class I PHWH	Bore
2. (Mill Creek) Preferred Route	QHEI 43 Warm Water Habitat	Bore
2. (Mill Creek) Alternate Route	QHEI 34 Modified Warm Water Habitat	Bore
3. (un-named tributary of Stillwater River) Both routes	HHEI 67 Class II PHWH	Bore
4. (un-named tributary of Stillwater River) Both route	HHEI 17 Class II PHWH	Trench
5. (concrete lined channel) Both routes	HHEI 40 Modified Class II PHWH	Trench

<sup>6</sup> Headwater Habitat Evaluation Index (HHEI) and Qualitative Habitat Evaluation Index (QHEI) are Ohio EPA's methods of evaluating habitat quality of headwaters and larger streams to determine potential for supporting aquatic life, as an indicator for water quality.



The Applicant would implement best management practices (BMPs) at the crossings to avoid soil erosion, sedimentation and vegetation removal that could occur as a result of construction activities. The Applicant would evaluate the construction method to be employed for the channels on a case-by-case basis in accordance with the Ohio EPA, U.S. Army Corps of Engineers (USACE), and OPSB regulations. The ephemeral channel (Stream 4) and intermittent channel (Stream 5) are proposed to be crossed using open trenching methods. Low-flow conditions and the presence of in-channel herbaceous and shrub vegetation are expected to limit erosion and sedimentation at these locations.

The open-cut, or trenching, method of stream crossing involves digging a trench across the stream, lifting the welded pipe into place using side booms and track hoes, laying the pipe into the trench, and backfilling and re-contouring. Where the streambed is comprised of cobbles or slabs, these would be replaced on top of the backfilled material to restore the streambed to as near to original condition as possible. This could be achieved in one pass in a single day during low-flow conditions. Construction at each stream location could be scheduled to proceed at low-flow conditions, independent of the remainder of the pipeline construction. The relatively short timeframe minimizes potential erosion problems. The project area has a relatively flat topography, which also reduces the potential for erosion problems.

The second method involves HDD under the stream channel. The Applicant would utilize directional drilling methods to reduce impacts on at least three of the streams. The directional boring equipment would be setup on upland surfaces, outside of the stream's riparian zone. Silt fence or other appropriate erosion controls would be installed between the bore entrance and exit pits and the stream. The HDD process intrinsically embodies a risk of an inadvertent return, or frac-out. An inadvertent return of drilling lubricant is typically non-toxic, fine clay bentonite slurry that can be forced through cracks in bedrock and surface soils. Containment measures taken during an inadvertent return would include reduction or elimination of drilling pressure, straw bale containment, and removal of drilling mud. The area affected by an inadvertent return would be restored as closely as possible to original conditions. HDD would not resume until the inadvertent return is completely contained and any impact remedied. The Applicant would have an environmental inspector on-site during the stream crossing activities to ensure requirements near these sensitive ecological resources are met. Stream crossing methods and an Inadvertent Return (Frac-Out) Contingency Plan were provided in the application.

The applicant identified 11 potential jurisdictional wetlands within 100 feet of the Preferred and Alternate routes. Four wetlands (wetlands 2, 3, 4, and 10) would be temporarily impacted with the construction of the pipeline. The other wetlands delineated from the field investigations would be avoided with the construction of the pipeline and protected with BMPs as outlined in a Storm Water Pollution Prevention Plan (SWPPP).

The four wetlands that would be temporarily impacted are classified as category 1 (lowest quality) wetlands. It is expected that wetlands 2, 3, 4, and 10 would be crossed using open trench methods under a 404-authorized USACE Nationwide Permit 12 for Utility Line Discharges. Excavation within the delineated wetland area would be limited to the required area

for the pipeline installation. The anticipated total temporary impact to the wetlands the this project area is less than 0.75 acres.

All wetland excavation materials would be stored in an upland location and, unless saturated, the topsoil segregated so that at least the top six to 12 inches of backfill over the pipeline would consist of topsoil material removed from the trench, as per USACE Nationwide Permit 12 requirements.

Wetland 10 is within a property participating in the Conservation Reserve Program (CRP). The Applicant has coordinated with the Ohio Farm Service Agency, and Wetland 10 would be crossed using methods that comply with the agreements set forth in the contract between the landowner and the CRP program.

Additional measures to reduce water quality impacts would be taken through the development of a SWPPP, as part of the Ohio EPA National Pollutant Discharge Elimination System (NPDES) General Storm Water permit, to help control potential sedimentation, siltation, and run-off. No ponds or lakes would be impacted by this project during construction or operation.

In order to minimize impacts to surface waters, Staff recommends that the Applicant be required to provide a construction access plan for review prior to the preconstruction conference, as outlined in the recommended conditions. The plan would consider the location of streams, wetlands, wooded areas, and sensitive plant species, as identified by the ODNR Division of Wildlife, and explain how impacts to all sensitive resources would be avoided or minimized during construction, operation, and maintenance.

The Applicant would use BMPs to minimize impacts to surface waters. No excavated materials would be placed within the delineated wetland areas. As appropriate, timber matting would be used in wetland areas to limit soil compaction and other adverse wetland impacts from vehicles. Wetlands would be designated as "No equipment access areas" to prohibit the use of motorized equipment in unpermitted areas. A 50-foot buffer would be designated as a "restricted activity area" wherever facility construction traverses or comes in proximity to wetlands and streams. Restricted activities include: no deposition or accumulation of woody or construction debris, no herbicide applications, no degradation of stream banks, no equipment washing or refueling, and no storage of any petroleum or chemical material.

#### *Threatened and Endangered Species*

The Applicant requested information from ODNR and the United States Fish and Wildlife Service (USFWS) regarding state and federally-listed threatened and endangered plant and animal species. Additional information was provided through field assessments and review of published ecological information. The following table of federal and state-listed species known to occur in the project area reflects the results of the information requests, field assessments, and document review.



### BIRDS

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA & MBTA <sup>7</sup>	N/A	Known range, but due to the project type, location, and on-site habitat, this species would not be expected within the project area, and no impact to this species is expected.
upland sandpiper	<i>Bartramia longicauda</i>	N/A	Endangered	Known range. Suitable habitat includes grasslands, grazed and ungrazed pasture, and hayfields. If this type of habitat would be impacted, construction must be avoided during the species nesting period of April 15 to July 31.

### REPTILES & AMPHIBIANS

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Eastern massasauga rattlesnake	<i>Sistrurus catenatus</i>	Candidate	Endangered	Known range. Habitat includes bogs, fens, wet prairies, delineated wetlands and other moist grasslands.
Eastern hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>	Species of Concern	Endangered	Known range, but due to the location and the characteristics of the streams being crossed, this project is not likely to impact this species.

<sup>7</sup> Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

MAMMALS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Indiana bat	<i>Myotis sodalis</i>	Endangered	Endangered	Known range. If suitable habitat trees occur within the project area and trees must be cut, cutting must occur between October 1 and March 31. If suitable trees must be cut during the summer months, a mist net survey must be conducted between June 15 and July 31, prior to cutting.

FRESH WATER MUSSELS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
snuffbox	<i>Epioblasma triquetra</i>	Endangered	Endangered	Known range. If there is no in-water work in perennial streams, this project is not likely to impact this species.
rayed bean	<i>Villosa fabalis</i>	Endangered	Endangered	Known range. If there is no in-water work in perennial streams, this project is not likely to impact this species.

The Applicant has committed to providing training on threatened and endangered species to construction personnel. Suitable habitat for the Indiana bat, , eastern massasauga, and the upland sandpiper may be impacted. The Applicant has committed to stop construction activities if these species are identified with the project limits and coordinate with ODNR and OPSB Staff accordingly.

As tree-roosting species during the non-winter months, the Indiana bat could be negatively impacted by tree clearing associated with construction and maintenance of the project. Limiting tree-removal, particularly in areas identified as potential bat habitat, would help reduce potential impacts to these species. In order to reduce potential negative impacts to this species, ODNR and OPSB Staff recommend that the Applicant be required to adhere to seasonal cutting dates (October 1 through March 31) for the clearing of trees that exhibit suitable bat summer habitat, such as roosting and maternity trees. If suitable habitat trees must be cut during the summer months, a mist net survey must be conducted between June 15 and July 31, prior to cutting. Mist net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights.

The project is located within a county where historical records exist for the Eastern massasauga, a state endangered and federal candidate snake species. Suitable habitat includes bogs, fens, wet

prairies, delineated wetlands, and other moist grasslands. This project is not likely to impact this species. The ODNR Division of Wildlife commented that if the Eastern massasauga is encountered during the project, the Division of Wildlife should be contacted immediately.

Nesting upland sandpipers utilize dry grasslands, including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the CRP. If this type of habitat would be impacted, construction must be avoided in this habitat during the species' nesting period of April 15 to July 31.

### *Vegetation*

In order to conduct integrity management assessments on the pipeline, a 50-foot right-of-way would need to be maintained along the entire pipeline route. Potential construction impacts to herbaceous vegetation along the Preferred and Alternate routes are expected to be temporary in nature, as these areas would likely seed from adjacent vegetation and would be expected to recover within one year of project completion. Potential construction impacts to woody and herbaceous vegetation would be limited to those areas adjacent to agricultural fields. Trees identified as suitable habitat for the Indiana bat, within the ecological survey conducted by the Applicant in July, October, and November 2013, would be avoided to the greatest extent possible. The Applicant has committed to removing trees between October 1 and March 31.

During the operation of the pipeline along either the Preferred or Alternate route, impacts to vegetated land would be negligible. Agricultural land use along the pipeline route would not be adversely affected. Seasonal mowing would be necessary along portions of the right-of-way that are not utilized for agriculture.

Areas that would be temporarily disturbed would be re-vegetated as soon as practical within the Ohio EPA General Storm Water NPDES permit requirements. Seeding and mulching practices would be specified in a SWPPP and construction drawings.

Based upon the Applicant's review of the available aerial imagery for the project study area, approximately 9 percent of the Preferred Route and 10 percent of the Alternate Route are located within wooded areas, and 20 percent of the Preferred Route and 5 percent of the Alternate Route are within herbaceous (non-agricultural) areas with the balance being agricultural lands.

The land identified along the routes is primarily used for row-crop agricultural purposes. There are woodlots within the project area as well as wooded fence rows, between the agricultural fields, which are comparatively small in size. Eight woodlots surveyed by the Applicant were within 100 feet of the Preferred and Alternate routes. The pipeline intersects five of these woodlots. According to the Applicant's response to Staff's data requests, the Preferred Route has been estimated to require 9.4 acres of trees cleared for the construction of the pipeline, and the Alternate Route would require approximately 12.4 acres of trees.

Staff recommends that the Applicant be required to provide a vegetation management plan for review prior to the preconstruction conference, as outlined in the conditions. The plan would identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing and describing how such clearing work would be done so as to minimize removal of



woody vegetation. The plan would also describe how trees and shrubs along access routes, at construction staging areas, during maintenance operations, and in proximity to any other project facilities, would be protected from damage. Where extensive removal of existing woody vegetation cannot be avoided, targeted replanting of site-appropriate, low-growing woody species should be included.

## **Geology, Seismology, and Soils**

### *Geology and Seismology*

The geographic features of Montgomery County consist of a land surface that is flat to gently rolling with the most pronounced relief in areas of kames and terminal moraines. Lying within the Till Plains of the Central Lowlands physiographic province, the parent material for the soils in the county originated from bedrock, ice- and water-transported glacial drift, wind-deposited loess, or from a combination of these. The soil layer is an assortment of unconsolidated gravel, sand, clay, stones and boulders.<sup>8</sup>

Additionally, Montgomery County lies on the wide, poorly defined crest of the Cincinnati Arch that crosses the county in a northeasterly direction. Rocks layers along the top of the crest dip to the northeast at approximately 5 feet per mile. Along the flanks of the arch, the dip is less than 1 foot per mile. Bedrock in Montgomery County consists of limestones, dolomites, and shales of the Ordovician and Silurian System. These rocks are mostly limestones and dolomites and are formed along the upper bedrock on the arch.

Bedrock depths in the general area of the Vectren Z-167 project are well below depths associated with the construction of the pipeline. The Applicant does not anticipate the need for blasting and no other geologic features are present that would adversely affect the construction and operation of the pipeline.

The nearest seismic event occurred a little over 9 miles south of the project in the city of Dayton in 1950 at a magnitude of 3.1 on the Richter scale.<sup>9</sup>

### *Slope and Soil Mechanics*

Glacial deposits generally fall into four main categories: glacial till, outwash, lacustrine, and kames. Till is an unsorted, non-bedded mixture of sand, silt, clay, and gravel directly deposited by the ice sheet and is the common landform in Montgomery County.<sup>10</sup> Till plains are crossed by recessional moraines and marked by hummocky topography or by the presence of many boulders in the glacial till. The average thickness of the till plains in the county is about 20 feet; although deposits can range from as little as 1 foot in thickness near bedrock outcrops to over 150 feet in thickness where these deposits fill preglacial valleys.

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<sup>8</sup> Orton, Edward, Jr. and Samuel Vernon Peppel, *The Limestone Resources and The Lime Industry in Ohio*, in "Report of Geological Survey of Ohio", Volume IX, Bulletin No. 4. December 1906.

<sup>9</sup> "Ohio Seismic Network." Ohio Department of Natural Resources, Division of Geological Survey.

<sup>10</sup> "Soil Survey of Montgomery County, Ohio." United States Department of Agriculture, in cooperation with Ohio Department of Natural Resources, Division of Soil and Water Conservation. March 2004.

A variety of soil types may be located within the project area. Notably, the Hennepin and Miamian silt loam soils are present, which are known for moderate slopes that may exceed 12 percent. The Soil Survey of Montgomery County lists these soils as poorly suited for winter grading, though useful as fill material. Construction activities that occur in these soils may require prudence where steep slopes are present. Approximately 300 feet of the common shared section of the Preferred and Alternate routes exhibits the Hennepin and Miamian soils along the corridor of the proposed route.

The Applicant would implement best management practices (BMPs) during construction in the area of the Project where the Hennepin and Miamian silt loam is within 100 feet of the route. The Applicant would also address these limitations as listed above according to the Storm Water Pollution Prevention Plan and the Environmental Construction Standards for the Project. These soil conditions should not prevent the Applicant from constructing the proposed project utilizing the appropriate engineering methods.

### **Public Services and Facilities**

#### *Noise*

Construction noise would be limited to excavation and pipeline installation equipment. Construction at any location along the project would occur for a duration of much less than one month. Construction activities would be limited primarily to daytime hours. Some after-hours work may occur to accommodate crossing the entrance to the Vandalia Range and Amory as to not impede customer access during hours of operation. The Applicant would notify property owners or tenants of the upcoming construction activities for the pipeline, in accordance with Ohio Administrative Code Rule 4906-5-08(C)(3), including the potential for the after hour activities. Operation of the proposed natural gas pipeline would not produce any audible noise. Infrequent maintenance noise would include vehicles related to right-of-way clearing and integrity checks.

All OPSB Staff recommendations for the requirements discussed in this section can be found under the **Public Services, Facilities, and Safety Conditions** of the Recommended Conditions of Certificate.

### **Recommended Findings**

The Staff recommends that the Board find that the nature of the probable environmental impact has been determined for the proposed facility, and therefore complies with the requirements specified in ORC Section 4906.10(A)(2), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this report entitled Recommended Conditions of Certificate.

### **Considerations for ORC Section 4906.10(A)(3)**

#### **Minimum Adverse Environmental Impact**

Pursuant to ORC Section 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations.

#### **Route Selection Study and Analysis**

The Applicant conducted a route selection study to identify Preferred and Alternate routes for the relocation of the Vectren Z-167 pipeline around the Airport. The study involved definition of the study area, mapping of pipeline routing constraints, identification of candidate routes, and scoring each route based on its avoidance of potential adverse impacts.

The study area was approximately bounded by Ginghamburg-Frederick Road to the north, I-75 to the east, I-70 to the south, and Frederick Pike to the west. The Applicant determined the study area through the use of topographic maps, aerial photography, and field observation. The Applicant listed major transportation corridors (I-75 and I-70), residential areas to the Airport's southeast (Vandalia), and natural areas to the west (Englewood Metropark and Aullwood Nature Center) as features limiting the extent of the study area.

The Applicant mapped potential ecological, cultural, land use, and engineering constraints to pipeline routing in the study area. Woodlots, wetlands, streams, endangered species, historic and archeological sites, buildings, sensitive land uses, and road crossings are examples of the 20 constraint types mapped. The Applicant used geographic databases and aerial photography to locate the constraints, and conducted field reconnaissance to verify and update the information.

The routes were designed to avoid constraints when practicable. The Applicant gave preference to routes using existing transportation and utility easements and attempted to avoid splitting property lots. The Applicant also gave preference to the use of City of Dayton property. This practice limited the number of impacted private land owners and the number of agreements required to acquire easements.

Nine candidate pipeline routes were identified using the constraint maps. The routes were then scored based on their avoidance of the mapped siting constraints. Route scores were determined by quantifying each route's proximity to mapped constraints, normalizing the quantified data, and calculating a total score from the normalized values. Several methods were used to quantify a route's proximity to mapped constraint features, including counting the number of features intersected by the route (e.g. streams, roads), counting the number of features within 1,000-feet of the route (e.g. buildings, historic sites), and determining the percentage of the area within 1,000 feet of the route exhibiting a certain characteristic (e.g. prime farmland, hydric soils).

The route with the lowest total score represents the least potential for adverse impact based on the criteria used. The lowest scoring route was selected as the Preferred Route. The second lowest scoring route was selected as the Alternate Route. The Preferred and Alternate routes share more than 20 percent of their paths in common, which is contrary to OAC 4906-5-04(A). However, the Applicant was granted a waiver from this provision on August 9, 2013.



The route selection study led to the selection of appropriate Preferred and Alternate routes, as well as the selection of routes with a reduced potential for adverse ecological, cultural, and land use impacts.

### **Conclusion**

The Preferred Route poses fewer anticipated and potential impacts than the Alternate Route. The anticipated impacts of either route are temporary, limited to the construction period. In addition, the potential impacts, primarily from the risk of frac-out during the HDD process, could be equally mitigated on either route with the implementation of an Inadvertent Return Contingency Plan. The Preferred Route would require fewer acres of tree clearing, reduce impacts to sensitive and institutional land-uses and prime farm land soils, and present the lowest percent of probable high consequence areas. In addition, the Preferred Route would allow the Applicant to comply with the federal and state pipeline integrity management requirements in 49 CFR Part 192, Subpart O, thereby promoting safety to a greater extent without impacting gas supply. Staff recommends that the Board approve the Preferred Route, because it represents the minimum adverse impact.

### **Recommended Findings**

The Staff recommends that the Board find that the proposed facility represents the minimum adverse environmental impact, and therefore complies with the requirements specified in ORC Section 4906.10(A)(3), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this report entitled Recommended Conditions of Certificate.

**Considerations for ORC Section 4906.10(A)(4)**

**Electric Grid**

Pursuant to ORC Section 4906.10(A)(4), the Board must determine that the proposed electric facilities are consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facilities will serve the interests of electric system economy and reliability.

The proposed project is not an electric transmission line, therefore this section does not apply.

**Recommended Findings**

The Staff recommends that the Board find that Section 4906.10(A)(4) is not applicable to the certification of the proposed facility.



## **Considerations for ORC Section 4906.10(A)(5)**

### **Air, Water, Solid Waste, and Aviation**

Pursuant to ORC Section 4906.10(A)(5), the facility must comply with specific sections of the ORC regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

#### **Air**

The operation of the project facilities would not produce air pollution; therefore, there are no applicable air quality limitations, National Ambient Air Quality Standards, prevention of significant deterioration increments, and no need for a Permit-to-Install or a Permit-to-Install and Operate an air pollution source.

The Applicant intends to minimize fugitive dust generated during construction by using BMPs such as applying water or other dust suppressants to open soil surfaces.

Construction and operation of the facilities, as described in the application and data request responses and in accordance with the conditions included in this staff report, would be in compliance with air emission regulations in ORC Chapter 3704, and the rules and laws adopted under this chapter.

#### **Water**

Neither construction nor operation of the proposed facilities would require the use of significant amounts of water, so requirements under ORC 1501.33 and 1501.34 are not applicable to this project.

Environmental permits that are anticipated for construction include submitting a Notice of Intent (NOI) for coverage under the Ohio EPA General Construction Storm Water Permit No. OHC000004 and Permit No. OHH000002 for the activities associated with the hydrostatic testing of the pipeline. A SWPPP would be submitted with the NOI.

Additionally, coverage would be required under the USACE Nationwide Permit 12 for utility line construction activities in jurisdictional waters. Approval may also be required from the ODNR Dam and Safety Division for potential modifications made to the walls of the Airport's detention basin.

Installation of the pipeline along much of the proposed routes would involve the excavation of a two- to three- foot wide by four-and one-half to five-foot deep trench. Much of the proposed routes are sited alongside the boundaries of agricultural fields. An 80-foot wide temporary easement would be required to accommodate construction equipment and temporary stockpile areas for excavated soil. Once completed, a 50-foot wide permanent easement would be maintained atop of the pipeline. The permanent and temporary easements would be restored to pre-existing conditions, as much as possible, including the restoration of topsoil and the repair of any drain tile systems.

The streams and wetlands identified in the construction right-of-way would be crossed utilizing HDD or open trenching. HDD can significantly reduce impacts to streams and other sensitive areas, because it eliminates the need for an open trench. The HDD equipment would be setup on upland surfaces, maintaining a buffer of at least 50 feet from the stream. Silt fence or other appropriate erosion controls would be installed where appropriate between the bore entrance and exit pits and the stream. During the directional bore process, there is a risk of an inadvertent return of drilling fluids, or frac-out. An inadvertent return of drilling lubricant is typically consists of a non-toxic, fine clay bentonite slurry that can be forced through cracks in bedrock and surface soils. Containment measures taken during an inadvertent return event would include the reduction or elimination of pressure, straw bale containment, and removal of drilling mud. The area affected by any inadvertent return would be restored as closely as possible to original conditions. Directional boring would not continue until the inadvertent return is completely contained and impacts remedied. An Inadvertent Return Contingency Plan and a Spill Prevention Control and Countermeasure (SPCC) Plan were included with the application.

The project would not significantly alter flow patterns or erosion, and, given the small increase in impervious surface within the project area, no significant modifications in the direction, quality, or flow patterns of storm water run-off are anticipated.

The Applicant would mitigate effects to changes in the quality and quantity of aquatic discharges by:

- Obtaining NPDES Construction Storm Water General Permits from Ohio EPA;
- Preparing a SWPPP that identifies potential sources of pollution and describes and ensures the implementation of BMPs;
- Utilizing the SPCC Plan that outlines procedures to be implemented to prevent the release of hazardous substances into the environment;
- Utilizing the Inadvertent Return Contingency Plan in case of an inadvertent return of drilling fluids.

With these measures, construction and operation of this facility would comply with requirements of ORC Chapter 6111, and the rules and laws adopted under this chapter.

### **Solid Waste**

As construction work proceeds, the right-of-way would be kept clean of all rubbish and debris resulting from the work. Refuse would be properly disposed to an approved landfill or other appropriate location.

Where trees must be cleared from the right-of-way, the resulting brush would be chipped. Timber and stumps would be hauled off site and properly disposed. All excess vegetation would be properly disposed in an approved landfill or other suitable area if the property owner so wishes.

The solid waste generated during the construction or operation of the pipeline would be secured and removed from the project area and disposed of at a licensed disposal facility. With these measures, the Applicant's solid waste disposal plans comply with solid waste disposal requirements in ORC Chapter 3734, and the rules and laws adopted under this chapter.

### **Aviation**

The proposed relocation of the pipeline routes are within the western perimeter of Airport. Wright Patterson Air Force Base is located approximately 9.5 miles to the southeast. Approval is required from the Federal Aviation Administration (FAA) for the pipeline to cross the Airport's communication lines.

The maximum height of construction equipment that would be used during the installation of the transmission pipeline is anticipated to be approximately 21 feet. The only above ground structures that would remain after completion of construction are the identity markers for the pipeline, which are approximately four inches wide and 36 inches high.

The Applicant submitted information for the FAA's Notice Criteria Tool on September 4, 2013. A letter determining "no hazard to air navigation" was issued by the FAA on September 24, 2013. The information that was originally submitted to FAA was revised on November 11, 2013 to reflect the route changes. FAA requested additional information on November 14, 2013. The Applicant is continuing on-going coordination with FAA, and the OPSB would be provided with the results of the coordination.

In accordance with ORC Section 4561.32, Staff contacted the ODOT Office of Aviation during review of this application in order to coordinate review of potential impacts the facility might have on public use airports. When creating the recommended conditions for the certificate, Staff implemented FAA and/or ODOT recommendations where deemed justified through conversation and exchange with subject matter experts.

All OPSB Staff recommendations for the requirements discussed in this section can be found under the **Air, Water, Solid Waste, and Aviation Conditions** heading of the Recommended Conditions of Certificate.

### **Recommended Findings**

The Staff finds that the proposed facility complies with the requirements specified in ORC Section 4906.10(A)(5), provided that any certificate issued by the Board for the certification of the proposed facility include the conditions specified in the section of this report entitled Recommended Conditions of Certificate.



### **Considerations for ORC Section 4906.10(A)(6)**

#### **Public Interest, Convenience, and Necessity**

Pursuant to ORC Section 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

The Applicant has submitted detailed information on relevant items of public interest, convenience, and necessity, including noise, aesthetics, environmental concerns, social and economic impacts, long-term natural gas supply, and health and safety considerations. The Staff has reviewed this information and believes that the information is sufficient to support the fulfillment of the statutory criteria and that information has been discussed throughout this staff report.

#### **Pipeline Safety**

The Applicant has stated that it would construct, operate and maintain the proposed pipeline in compliance with the requirements in Parts 191 and 192 (Federal Minimum Pipeline Safety Standards) and Parts 40 and 199 (Drug and Alcohol Testing Regulations and Procedures) of Title 49 of the Code of Federal Regulations, OAC 4901:1-16: Gas Pipeline Safety, and safety standards set by the Occupational Safety and Health Administration. The Applicant must also comply with ORC 4905.90 through 4905.95, "Natural Gas Pipeline Safety Standards," and all state and federal pipeline safety regulations. Adherence to these standards for the natural gas pipeline and associated equipment would promote safe and reliable operation of the natural gas pipeline, thus minimizing the possibility of failure in the gas distribution system.

#### **Public Interaction**

The Applicant has established relationships with each of the landowners who would be directly impacted by the construction of the pipeline. The Applicant intends to coordinate with these landowners again prior to the start of the construction activities. At such time, each landowner would receive contact information for the project manager and information regarding what to expect during construction activities.

A public informational meeting was held on August 29, 2013 at the Vandalia Recreation Center in Vandalia, Ohio in accordance OAC 4906-5-08(B). At the meeting, the Applicant presented the project in an open house format and answered questions from area property owners and officials from the Airport and local municipalities about the Preferred and Alternate routes. The Applicant provided attendees with the opportunity to provide written comments regarding the routes.

The Applicant also provided state, county and township officials and local public agencies with a letter summarizing the proposed project. This letter provided the agencies and officials with the opportunity to comment and suggest preferences regarding possible routes.

Additionally, the Applicant maintains a website about the project at [www.vectren.com/daytonpipeline](http://www.vectren.com/daytonpipeline). During the operation of the pipeline, identity markers placed along the route would include a phone number to call for emergencies and information.

The Administrative Law Judge (ALJ) issued an entry on December 20, 2013 that scheduled both the local public hearing and the adjudicatory hearing for this proceeding. The public hearing, at which the Board will accept written or oral testimony from any person, is scheduled for February 10, 2014 at 6:00 p.m., at the Vandalia Recreation Center, 1111 Stonequarry Road, Dayton, Ohio 45414. The adjudicatory hearing will begin at 10:00 a.m. on February 24, 2014, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.

#### **Recommended Findings**

Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and therefore complies with the requirements specified in ORC Section 4906.10(A)(6), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this report entitled Recommended Conditions of Certificate.

## **Considerations for ORC Section 4906.10(A)(7)**

### **Agricultural Districts**

Pursuant to ORC Section 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any land in an existing agricultural district within the Preferred and Alternate routes of the proposed utility facility.

The Common Route crosses two agricultural districts. The Preferred Route would not cross any agricultural districts; however, the Alternate Route crosses two agricultural districts. Thus, the Preferred Route in combination with the Common Route would cross two agricultural districts and the Alternate Route in combination with the Common Route would cross four agricultural districts. During construction there would be some temporary loss of crop production. No permanent changes to the agricultural district lands are anticipated during the operation of the pipeline. The right-of-way on these lands could continue to be utilized for crop production and agricultural purposes after the installation of the pipeline.

### **Recommended Findings**

The Staff recommends that the Board find that the impact of the proposed facility on the viability of existing agricultural land in an agricultural district has been determined, and therefore complies with the requirements specified in ORC Section 4906.10(A)(7), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this report entitled Recommended Conditions of Certificate.

**Considerations for ORC Section 4906.10(A)(8)**

**Water Conservation Practice**

Pursuant to ORC Section 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

Because the facility would not require the use of water for operation, water conservation practice as specified under ORC 4906.10(A)(8) is not applicable to the project.

**Recommended Findings**

The Staff recommends that the Board find that the requirements specified in ORC Section 4906.10(A)(8) are not applicable to this project.



#### IV. RECOMMENDED CONDITIONS OF CERTIFICATE

Following a review of the application filed by Vectren Energy Delivery of Ohio and the record compiled to date in this proceeding, Staff recommends that a number of conditions become part of any certificate issued for the proposed facility. These recommended conditions may be modified as a result of public or other input received subsequent to issuance of this report.

##### General Conditions

Staff recommends the following conditions to ensure conformance with the proposed plans and procedures as outlined in the case record to date, and to ensure compliance with all conditions listed in this staff report:

- (1) The facility shall be installed along the Applicant's Preferred Route, as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in the *Staff Report of Investigation*.
- (2) The Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*.
- (3) The Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*.
- (4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (5) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design, including the substation, temporary and permanent access roads, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.
- (6) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. The Applicant shall provide as-built drawings in both hard copy and as geographically-referenced electronic data.



- (7) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (8) As the information becomes known, the Applicant shall provide to Staff the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.

### **Socioeconomic Conditions**

- (9) That if any survey or construction work for this project discloses a find of cultural, architectural, or archaeological significance, or a site that could be eligible for inclusion on the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office, and submitted to OPSB Staff for review.
- (10) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, ODOT, local law enforcement, and health and safety officials. This coordination shall be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (11) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving and hoe ram operations, rock drilling, and blasting operations, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. Applicant will notify property owners or affected tenants within the meaning of OAC Rule 4906-5-08(C)(3), of upcoming construction activities including potential for nighttime construction activities.
- (12) That at least 30 days prior to the pre-construction conference and subject to Staff review and approval, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from pipeline construction. The Applicant shall work to mitigate or resolve any issues with those who file a complaint. All complaints submitted must be immediately forwarded to OPSB Staff.
- (13) Applicant will avoid, where possible, and minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the Facility in agricultural areas. Damaged field tile systems will be promptly repaired to at least original conditions at Applicant's expense. If applicable, excavated topsoil will be segregated and restored in accordance with Applicant's lease agreement with the landowner. Severely compacted soils will be plowed or otherwise de-compacted, if necessary, to restore them to original conditions unless otherwise agreed to by the landowner.

## **Ecological Conditions**

Staff recommends the following conditions to address the impacts discussed in the **Ecological Impacts** section of the Nature of Probable Environmental Impact:

- (14) The Applicant shall contact Staff, ODNR, and USFWS within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and ODNR in coordination with USFWS. Nothing in this condition shall preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.
- (15) The Applicant shall have a construction access plan based on final plans for the access roads, and types of equipment to be used, that addresses the concerns outlined in this *Staff Report of Investigation*. Prior to commencement of construction, the Applicant shall submit the plan to Staff, for review and confirmation that it complies with this condition.
- (16) The Applicant shall have a vegetation management plan that addresses the concerns outlined in this *Staff Report of Investigation*. Prior to commencement of construction, the Applicant shall submit this plan to Staff, for review and confirmation that it complies with this condition.
- (17) The Applicant shall have a Staff-approved environmental specialist on site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant's final approved construction plan. Sensitive areas include, but are not limited to, areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- (18) Construction in upland sandpiper preferred habitat types shall be prohibited during the nesting period of April 15 to July 31.
- (19) The Applicant shall adhere to seasonal cutting dates (October 1 through March 31) for the clearing of trees that exhibit suitable bat summer habitat, such as roosting and maternity trees. If suitable habitat trees must be cut during the summer months, a mist net survey must be conducted between June 15 and July 31, prior to cutting.

## **Public Services, Facilities, and Safety Conditions**

Staff recommends the following conditions to address the impacts discussed in the **Public Services, Facilities, and Safety** section of the Nature of Probable Environmental Impact:

- (20) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, ODOT, local law enforcement, and health and safety officials. This coordination shall be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (21) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving and hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary, with Staff approval.
- (22) That the Applicant shall contact the Gas Pipeline Safety Section of the Public Utilities Commission of Ohio to arrange for safety inspections to ensure compliance with Title 49 C.F.R. Part 191 and Part 192, the Federal Minimum Pipeline Safety Standards, and Part 199 and Part 40, the Drug and Alcohol Regulations as required in OAC 4901:1-16.

### **Air, Water, Solid Waste, and Aviation Conditions**

Staff recommends the following conditions to address the impacts discussed in **Air, Water, Solid Waste, and Aviation:**

- (23) Prior to the commencement of construction activities that require permits, licenses, or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits, licenses, or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (24) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, a copy of all NPDES permits including its approved SWPPP, approved SPCC procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio EPA BMPs related to erosion and sedimentation control.
- (25) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the NPDES permit(s) obtained for the project and the approved SWPPP created for this project.



- (26) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.
- (27) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (28) The Applicant shall comply with any drinking water source protection plan for any part of the facility that is located within drinking water source protection areas of the local villages and cities.
- (29) The Applicant shall continue coordination with the FAA for approval, and provide OPSB Staff with the results of the coordination.

## APPENDIX

### 1. Docketing Record

CASE NUMBER: 13-1651-GA-BTX

DESCRIPTION: Vectren Energy Delivery Z-167 Pipeline

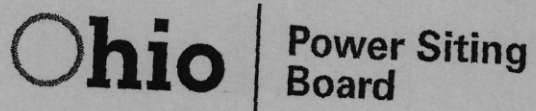
FILINGS AS OF: 1/16/2014

01/13/2014	Report of Vectren Energy Delivery of Ohio, Inc. Transmitting Phase I Cultural Resource Management Investigations Report electronically filed by Teresa Orahood on behalf of Sally Bloomfield.
01/08/2014	Proof of Pub of Vectren Energy Delivery of Ohio, Inc. electronically filed by Teresa Orahood on behalf of Sally Bloomfield.
12/30/2013	Correspondence Letter from FAA stating a determination of no hazard to air navigation electronically filed by Teresa Orahood on behalf of Sally Bloomfield.
12/20/2013	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.
12/20/2013	Correspondence of Vectren Energy Delivery of Ohio, Inc. Transmitting Application Fee electronically filed by Teresa Orahood on behalf of Sally Bloomfield.
12/20/2013	Service Notice
12/19/2013	Correspondence Response to Staff interrogatories electronically filed by Teresa Orahood on behalf of Sally Bloomfield
12/17/2013	Data request and interrogatories on behalf of Vectren Energy Delivery of Ohio, Inc.
12/10/2013	Response to Staff data requests and interrogatories electronically filed by Teresa Orahood on behalf of Sally Bloomfield
12/04/2013	Data requests and interrogatories for the Z-167 Pipeline Replacement/ Vectren Energy Delivery of Ohio, Inc.
11/25/2013	Proof of Service of Application on Local Public Officials and Libraries electronically filed by Teresa Orahood on behalf of Sally Bloomfield.
11/25/2013	Response from Staff that there is sufficient information to begin its review of the application filed by the Staff on behalf of the Ohio Power Siting Board..
11/20/2013	Amended application previously filed on 11/15/2013 containing the up-to-date narrative part of the study in Appendix 3-1 filed on behalf of Vectren Energy Delivery of Ohio, Inc. by S. Bloomfield.

11/18/2013	Correspondence of Vectren Energy Delivery of Ohio, Inc. Transmitting Updated Figures 4-6 and 7-2 to the Amended Application electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/18/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Cover Letter and Affidavit of Colleen M. Ryan electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendix 6-1 Part 3 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendix 6-1 Part 2 electronically filed by Teresa Orahod on behalf of Sally Bloomfield
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendix 6-1 Part 1 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendix 7-2 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendix 7-1 Part 2 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendix 7-1 Part 1 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc.- Appendices 6-2 and 6-3 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. - Appendices 3-1 and 4-1 electronically filed by Teresa Orahod on behalf of Sally Bloomfield
11/15/2013	Amended Application of Vectren Energy Delivery of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
11/14/2013	Service Notice
11/14/2013	Administrative Law Judge Entry granted Dayton's petition for leave to intervene in this proceeding and granted VEDO's motion for waiver filed on 10/29/13. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio.
10/31/2013	Memorandum Letter regarding Applicant's July 19, 2013 motion for waiver, submitted on behalf of the Staff of the Ohio Power Siting Board by Assistant Attorney General John H. Jones. electronically filed by Kimberly L Keeton on behalf of Ohio Power Siting Board
10/29/2013	Motion and memorandum in support of Vectren Energy Delivery of Ohio, Inc. for a Waiver of Ohio Administrative Code Rule 4906-5-05 electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
10/16/2013	Reply of Vectren Energy Delivery of Ohio, Inc. to the City of Dayton's Petition to Intervene, Request for Hearing and memorandum in support electronically filed by Teresa Orahod on behalf of Sally Bloomfield.



10/02/2013	Petition for Leave to Intervene and Request for Hearing and Memorandum in Support electronically filed by Mr. Christopher W. Michael on behalf of The City of Dayton, Ohio.
10/02/2013	Correspondence of Vectren Energy Deliver of Ohio, Inc. electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
09/20/2013	Text Application Appendix 7 electronically filed by Teresa Orahod on behalf of Sally Bloomfield for Vectren Energy Delivery of Ohio, Inc.
09/20/2013	Application Appendix 6 electronically filed by Teresa Orahod on behalf of Sally Bloomfield for Vectren Energy Delivery of Ohio, Inc.
09/20/2013	Application Appendices 3-1 and 4-1 electronically filed by Teresa Orahod on behalf of Sally Bloomfield for Vectren Energy Delivery of Ohio, Inc.
09/20/2013	In the matter of the application of Vectren Energy Delivery of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
08/28/2013	Proof of Pub of Vectren Energy Delivery of Ohio, Inc. for (Montgomery, Clark, Warren, Butler, Clinton, Greene, Preble, Miami Darke, Mercer, Shelby, Fayette, Logan, Hamilton, Clermont, Auglaize and Champaign Counties) electronically filed by Teresa Orahod on behalf of Sally Bloomfield
08/09/2013	Service Notice
08/09/2013	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.
08/05/2013	Memorandum Letter regarding motion for waiver filed by Vectren Energy Delivery of Ohio, Inc., submitted by Assistant Attorney General John Jones on behalf of the Staff of the Ohio Power Siting Board. electronically filed by Kimberly L. Keeton on behalf of Ohio Power Siting Board.
07/19/2013	Motion and memorandum in support of Vectren Energy Delivery of Ohio, Inc. for Waiver electronically filed by Teresa Orahod on behalf of Sally Bloomfield.
07/19/2013	In the matter of the Pre-Application Notification Letter of Vectren Energy Delivery of Ohio, Inc. electronically filed by Teresa Orahod on behalf of Sally Bloomfield.



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**BEFORE  
THE OHIO POWER SITING BOARD**

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

**PREFILED TESTIMONY  
OF  
EDWARD M. STEELE  
FACILITIES SITING AND ENVIRONMENTAL ANALYSIS DIVISION  
DEPARTMENT OF ENERGY AND ENVIRONMENT  
OHIO POWER SITING BOARD STAFF**

**STAFF EX. 2**

**February 19, 2014**

1 1. Q. Please state your name and business address.

2 A. My name is Edward M. Steele, and my business address is 180 East Broad  
3 Street, Columbus OH 43215.

4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a  
7 Public Utility Administrator 2 in the Facilities Siting and Environmental  
8 Analysis Division of the PUCO's Department of Energy and Environment.

9

10 3. Q. Please summarize your educational background and work experience.

11 A. I received a Bachelor of Science Degree in Geology from the University of  
12 Pittsburgh in Pittsburgh, PA.

13

14 I have been employed by the PUCO since May, 1986. My responsibilities  
15 during this time have primarily involved pipeline matters.

16

17 4. Q. Have you testified in prior proceedings before the Ohio Power Siting  
18 Board?

19 A. No, I have not but I have testified in proceedings before the Public Utilities  
20 Commission of Ohio.

21

1 5. Q. What is the purpose of your testimony in this proceeding?

2 A. With my testimony, I am sponsoring the Staff Report of Investigation  
3 issued in Case No. 13-1651-GA-BTX.  
4

5 6. Q. What kind of a case is this?

6 A. Vectren Energy Delivery of Ohio proposes to relocate a 3-mile section of  
7 their Z-167 12 inch diameter natural gas transmission pipeline away from  
8 the Dayton International Airport. The purpose of relocating this part of the  
9 pipeline is to increase public safety and increase the efficiency of the man-  
10 datory safety testing of the pipeline.  
11

12 7. Q. Do you have any changes or corrections to make to the Staff Report of  
13 Investigation?  
14

15 8. A. Yes, the word "substation" in condition (5) under Staff's recommended  
16 conditions of certificate on page thirty-seven of the Staff Report of Investi-  
17 gation should be deleted because it was inadvertently included in this con-  
18 dition.  
19

20 9. Q. Is that the only change or correction you are making to the Staff Report of  
21 Investigation?

22 A. Yes.

1    10.    Q.    Does this conclude your testimony?

2            A.    Yes.    However, I reserve the right to submit supplemental testimony as  
3                   described herein, as new information subsequently becomes available or in  
4                   response to positions taken by other parties.

## **PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing Prefiled Testimony of Edward M. Steele, submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail upon the following parties of record, this 19th day of February, 2014.

/s/ John H. Jones

**John H. Jones**  
Assistant Attorney General

### **Parties of Record:**

christopher.miller@icemiller.com  
sbloomfield@bricker.com  
dborchers@bricker.com  
sarah.anderson@ohioattorneygeneral.gov

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

Summary: Testimony Prefiled Testimony of Edward M. Steele on behalf of the Staff of the Ohio Power Siting Board submitted by Assistant Attorney General John H. Jones. electronically filed by Kimberly L Keeton on behalf of Ohio Power Siting Board