

FILE



Power Siting Board

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(13)

June 12, 2014

Mr. Michael Koniarski
12711 Robson Road
Grafton, Ohio 44044

Re: NRG Ohio Pipeline Company, PUCO Case No. 13-2315-PL-ACE

Mr. Koniarski,

Thank you for contacting the Ohio Power Siting Board (OPSB) regarding NRG Ohio Pipeline Company (NRG) (Public Utilities Commission of Ohio Case No. 13-2315-PL-ACE). Your comments will be docketed in the public record.

NRG's application to become a regulated pipeline company was approved by the PUCO on February 26, 2014. I have enclosed a copy of the PUCO's Finding and Order in that matter.

To date, NRG has not filed an application with the OPSB to construct a natural gas transmission facility. As such, the OPSB Staff cannot investigate a project until an application has been submitted for review.

All applications and case documents filed with the OPSB are available through our website. Additionally, you may sign up to receive electronic mail notifications of new cases filed with the OPSB through the PUCO's Docketing Information System (dis.puc.state.oh.us). If you would like assistance doing this, please contact my office at (614)466-2871.

I have also enclosed various educational materials about the OPSB that may be helpful for your future reference.

Again, thank you for contacting the OPSB.

Sincerely,

Patrick Donlon, Interim Executive Director
Ohio Power Siting Board

PD: sai

Enclosed: Finding and Order, In the Matter of the Application of NRG Ohio Pipeline Company, LLC for Authority to Operate as an Ohio Pipeline Company (PUCO Case No. 13-2315-PL-ACE), February 26, 2014.

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of NRG)
Ohio Pipeline Company LLC for) Case No. 13-2315-PL-ACE
Authority to Operate as an Ohio Pipeline)
Company.)

FINDING AND ORDER

The Commission finds:

- (1) On November 27, 2013, as amended on February 12, 2014, NRG Ohio Pipeline Company LLC (NRG Pipeline or Company) filed an application, pursuant to R.C. 4905.02, 4905.03(F), and 4905.63, for authority to operate as an intrastate pipeline company in the state of Ohio. In the application, NRG Pipeline states that it is a Delaware limited liability company that is registered to do business in Ohio. NRG Pipeline further states that it is a wholly-owned subsidiary of NRG Energy, Inc. (NRG), which is one of the largest power companies in the country, with nearly 100 generation assets producing more than 47,000 megawatts (MW), and retail energy providers serving more than 2 million customers in 16 states. NRG Pipeline notes that one of NRG's subsidiaries, NRG Power Midwest LP, owns a 753 MW coal-fired generating facility in Avon Lake, Ohio, and plans to add natural gas as a fuel source for the boilers at the facility. NRG Pipeline explains that it intends to provide the pipeline infrastructure to deliver natural gas to the facility, and plans to construct and operate approximately 20 miles of 24-inch to 30-inch high pressure steel pipeline in Lorain County, Ohio, which would be installed adjacent to road right-of-way to the extent practicable.
- (2) In support of the application, NRG Pipeline states that it has the technical, financial, and managerial capability needed to operate a natural gas transmission system of the type planned to serve the Avon Lake facility, as well as the requisite financial means to construct the proposed pipeline. NRG Pipeline notes that it has provided, along with the application, proof of the Company's registration with the Ohio Secretary of State, a map depicting the corridors of two

potential pipeline routes, a summary of the Company's technical and managerial background, and financial information pertaining to NRG.

- (3) Additionally, NRG Pipeline explains that, at the appropriate time, it plans to file an application with the Ohio Power Siting Board for a certificate to construct and operate the proposed pipeline. NRG Pipeline further explains that, after the pipeline is constructed, the Company or one of its affiliates will enter into a special contract with any customer served by the pipeline, pursuant to R.C. 4905.31, with any such contracts being filed with the Commission for approval prior to commencement of service. For that reason, NRG Pipeline notes that it has not proposed a tariff at this time, and that the appropriate filing will be made with the Commission, if the Company or an affiliate later decides to establish a tariff. NRG Pipeline emphasizes that, although a limited number of other commercial or manufacturing customers may seek transportation of natural gas through the proposed pipeline, its purpose is to serve the Avon Lake facility, such that natural gas may be used in place of coal for the generation of electricity at the facility.
- (4) Upon review of NRG Pipeline's application, the Commission finds that the application is reasonable and should be approved. Specifically, we find that NRG Pipeline's request for authority to operate as an intrastate pipeline company in the state of Ohio should be granted. NRG Pipeline has provided sufficient information in support of its application, including several exhibits intended to document that the Company and its affiliates have the necessary technical and managerial expertise and financial resources to construct and operate the proposed pipeline. Accordingly, we find that NRG Pipeline is a public utility and pipeline company, pursuant to R.C. 4905.02 and 4905.03, and, as such, is subject to the Commission's jurisdiction. We further find that, pursuant to R.C. 4905.63, NRG Pipeline is subject to R.C. Chapters 4901, 4903, 4905, 4909, and any other applicable chapter set forth therein. We also emphasize that NRG Pipeline is subject to the ongoing jurisdiction and supervision of the Commission with respect to the gas pipeline safety standards and requirements, as set forth in R.C. 4905.90 through 4905.96 and Ohio Adm.Code Chapter

4901:1-16. Finally, we note that our approval of NRG Pipeline's application in this case does not relieve the Company of the obligation to file a proper application with the Commission, at the appropriate time, for approval of a proposed tariff or reasonable arrangement entered into with any customer, or to file the necessary application with the Ohio Power Siting Board for a certificate to construct and operate the proposed pipeline.

It is, therefore,

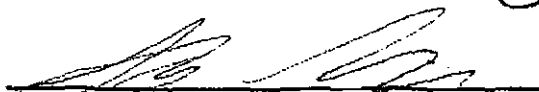
ORDERED, That NRG Pipeline's application be approved. It is, further,


ORDERED, That NRG Ohio Pipeline Company LLC be added to the roll of public utilities regulated by this Commission. It is, further,

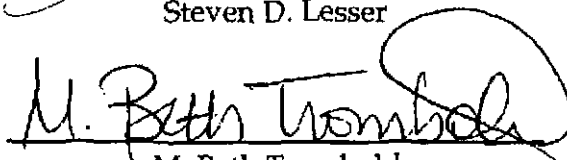
ORDERED, That a copy of this Finding and Order be served upon all interested persons and parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser



Lynn Slaby


M. Beth Trombold


Asim Z. Haque

SJP/sc

Entered in the Journal **FEB 26 2014**


Barcy F. McNeal
Secretary

Public Participation in the OPSB Process

Residents and public officials living in and around the proposed project area of an Ohio Power Siting Board (OPSB) case are often interested in receiving information about the case and participating in the power siting process. There are a variety of ways to stay informed and make your voice heard. Please contact us with your questions and concerns. The Board and its staff are interested in hearing from you.

What is the Ohio Power Siting Board?

The OPSB reviews applications for the construction of major utility facilities, including electric power plants and transmission lines, gas transmission lines, and wind farms. Comprised of seven voting members, the Board is chaired by the Chairman of the Public Utilities Commission of Ohio. The other voting members include the directors of the Ohio Development Services Agency, the Ohio Environmental Protection Agency, and the Ohio departments of Agriculture, Health, and Natural Resources, as well as a public member appointed by the governor. Four non-voting members, two from the Ohio Senate and two from the Ohio House of Representatives, also sit on the Board.

What is in a power siting application?

In the application, the developer must describe the proposed facility and its impact on the surrounding area. The application for a transmission line or substation must contain information on both a preferred and an alternate site/route. The "preferred" designation does not indicate any favor or prior approval of the Board.



How can I see a copy of the application?

After the application is determined to be complete by the Board, legal notices are published in newspapers in areas impacted by the proposed facility. The legal notice includes a listing of area libraries where a copy of the application may be viewed. The application can also be viewed online at www.OPSB.ohio.gov.

Who is involved in the siting process?

Parties to the case include the applicant, the Board's technical staff, and other persons or entities that have requested and been granted intervenor status.

The *applicant* has the burden to prove that the application meets the statutory requirements and should be approved.

The *Board staff* investigates the application and files a report of investigation in the case. The staff report serves only as a recommendation, and the Board members have final decision-making authority.

*Intervenor*s are persons or entities who wish to participate in the evidentiary hearing by presenting pre-filed testimony and/or evidence and cross examining other parties' witnesses. To become an intervenor, one must file a request in the case by the deadline set in the case.

Natural Gas Pipelines in Ohio

Who regulates the siting of gas pipelines in Ohio?

The Ohio Power Siting Board (OPSB) certifies intrastate gas pipelines within the state of Ohio that are greater than 500 feet in length and 9 inches in diameter and designed with a Maximum Allowable Operating Pressure of greater than 125 psi. However, the OPSB does not have jurisdiction over production lines, gathering lines or liquid lines. Production lines are under the jurisdiction of the Ohio Department of Natural Resources (ODNR). Gathering lines and liquid lines fall under local zoning jurisdiction. Interstate lines fall under the jurisdiction of the Federal Energy Regulatory Commission (FERC).

What is a gathering pipeline?

For Power Siting purposes, a gathering line is any pipeline upstream from a processing facility, any line carrying gas from a processing facility to a fractionation plant and any line carrying natural gas from a processing plant to an interstate or intrastate pipeline.

What is a liquids pipeline?

For Power Siting purposes, liquids are defined as an individual finished product produced by a natural gas liquids fractionation plant and generally include ethane, propane, butanes and natural gasoline pipelines.

Who regulates the siting of compressor stations, processing facilities, and fractionation plants?

Compressor stations may fall under the jurisdiction of certified local building departments, where applicable. Processing facilities and liquid fractionation plants, however, are not under the jurisdiction of local building departments. The Ohio Department of Commerce, Division of Industrial Compliance has authority to regulate the construction of processing facilities and fractionation plants.

Does the Ohio Department of Natural Resources (ODNR) have a role in siting regulation?

The ODNR Division of Oil & Gas has jurisdiction over production operation facilities at the well head and on the well pad site which includes the siting of production pipelines.

Ohio Natural Gas Infrastructure Jurisdiction

Project Type	Siting	Safety
Intrastate gas pipeline	OPSB	PUCO
Interstate gas pipeline	FERC	PHMSA (PUCO acts as "agent" in Ohio)
Production facilities	ODNR	ODNR
Gathering lines	Local Zoning	PUCO
Liquids lines	Local Zoning	PHMSA
Compressor stations	Certified local building departments	Certified local building departments

Case# 13-2315-PL-ACE

I have requested this submission be filed as part of Case# 13-2315-PL-ACE
This is a complaint about NRG Ohio Pipeline Company
I wish PUCO to contact me regarding this complaint

Mr. Michael Koniarski
12711 Robson Rd.
Grafton, Ohio 44044

440 724-9074

Email address : mkoniars@ford.com

Complaint Regarding NRG Case #13-2315-PL-ACE

Attention : Ohio Power Siting Board, PUCO

NRG is quickly trying to push a high pressure, high diameter gas pipeline through my property using the bully approach and threatening eminent domain power so they can take my land for a pipeline right-of-way without my permission. NRG is implementing certain tactics used by Congress who have been known to push a bill through overnight, and the elected officials don't have enough time to read and digest it before they vote. Therefore, nobody objects because the press never finds out, thus the public is never informed. So let this letter be directed to highlight public awareness as to what this corporation is doing to intimidate and tread on me. Also, of extreme importance is the effect of a pipeline of this magnitude in reference to safety involving each and everyone of the residents of Lorain County. I would like to address that NRG is not answering any questions I have asked, primarily pertaining to the diameter and pressure of this massive proposed pipeline. It will be nearly ten weeks with no response from NRG. Withholding knowledge intentionally, should be deemed as a deceptive practice.

Let me explain that I have been opposing this NRG pipeline construction since April 1, 2014 when the right-of-way agent hired by NRG from NLS Group, named David Beursken, first showed up at my door and bullied me. With his gun-shot words, he fired away with the sarcastic remark that, "No homeowner ever won in court and we can take your land because we are a public utility."

During my initial meeting with David Beursken, I was only able to tolerate five minutes of his bullying. During that time, he stated the surveyors will be on my property within 48 hours. His demonstration of this quick take approach marked the beginning of my efforts to expose the dark side of this corporation, who is riding off the back of our government power and creating a never ending nightmare for me. No one should ever have to be emotionally terrorized to give up their property in this manner. I have experienced considerable duress and monetary loss due to the hire of an attorney for my defense.

(1)

Case #13-2315-PL-ACE

I ask that The Ohio Power Siting Board intervene to make NRG accountable for their crude conduct to me and their lack of response to my questions as a landowner and ask them to move their proposed pipeline to other neighboring properties that are willing to allow the pipeline for compensation.

NRG Energy has many plants nationwide with an energy plant in Avon Lake that recently formed the NRG Ohio Pipeline Company LLC to fuel their local energy plant with gas instead of coal by 2016.

NRG opted to construct their own 20 mile pipeline instead of buying gas and using a pipeline company to transport it for them. In essence, they will be devaluing people's property where the pipeline is proposed along that 20 mile corridor.

According the Forensic Appraisal Group, LTD who are experts in Condemnation Appraisal, they answer the following question on their website: http://www.forensic-appraisal.com/gas_pipelines_q_a and also the question posed and answered below.

How much does a natural gas transmission pipeline affect my "fear risk" and property valuation?

The effect of the pipeline easement is measured by the market. Depending on the size of the pipeline, size of the easement, how it is located on the property, the size of the property, property use, etc., the impact range could be nominal to substantial. To put this in numbers, it could be as little as 50% of the easement land value, or up to 30% or more of the whole property value. The more intrusive the easement on the land (ex. - runs diagonal across the whole property vs. just down the fence line), the more impact it will have.

All the while, NRG will save tons of money while homeowners along the massive corridor lose money with NRG destroying property values and making homes unsafe near this major proposed pipeline in Lorain County. Some homes will be within 50- 100 ft. of this pipeline. Where as, the place once called "Home" that always provided comfort and security will be no more. This pipeline will cause homeowners to be robbed of this secure feeling knowing that their home is no longer a safe place because of a potential pipeline rupture. I ask, "Can NRG really be a public utility for the benefit of the people?"

This is a double-edge sword that NRG inflicts as they are going to sell surplus gas for profit to other industrial, commercial operations while the public along the pipeline can't tap in to the gas. NRG will sell gas higher for profit and lead their audience to believe the gas is entirely for their energy plant to generate electric solely for the benefit of the people. So with this strategy, they can seize right-of way's under the umbrella of public utility. Now, does that sound like a public utility which is suppose to be for the people or more like a corporation solely in pursuit of economic gain?

After owning my property for 33 years with respect to nature, to my life's work and peaceful possession, here we have some so-called, newly formed pipeline, NRG Ohio Pipeline Company LLC, that comes barreling through my property, proposing an 3000 ft. long path of destruction, butchering my valuable buildable land, woods, wetlands and river. Everything I have been conditioned to defend and protect is at risk of forever being threatened, destroyed and left in the realm of uncertainty pertaining to safety.

Since I was in opposition of the pipeline survey from the beginning, the manager of NLS Group, Adam Carey, said to me, "I will note you have opposed the survey but all homeowners eventually come around." Wonder what he meant by that? Alright, so he noted I openly opposed the survey. Sounded there like I made a voice. Wrong! The following day I received a certified letter from NRG, stating I could not oppose the survey because of the Ohio Revised Code Section 163.03 regarding a public utility. Nothing like a threat from a 2nd NLS Group bully to make me question their tactics.

No one from NRG or it's affiliates have responded to my letters or my attorney's letters, nor has any one answered my questions that every homeowner, and the public in general, have a right to know. Those questions pertaining to our safety are:

What diameter is the pipeline ? and What is the pounds of pressure per square inch?

How could it be that no one at NRG et. al. wants to provide me documentation of the mysterious diameter or PSI of pressure of this 20 mile long pipeline or it's exact route? NRG is forcing a owner to accept a pipeline, offering no product knowledge.

How can any employee work for an employer and not have product knowledge and how long do you think he or she would last before being fired? Wouldn't any employee be curious to ask their boss these questions if they are trying to sell a homeowner on the pipeline, especially if a homeowner asked these questions.

How could NRG not know these answers and why are they really not telling the public?

I could not get any answers from the Project Surveyor/Pipeline Engineer with a PhD from Hanover Engineering, the Pipeline Construction Project Engineer from Integrity and the Right-of-Way Agent or the Manager of NLS Group, the Vice-President of NRG, Alan Sawyer or the Attorney for NRG. No one knows the diameter and PSI of pressure of the high diameter, high pressure line that will be invading the county. This is highly unlikely, when they are the very ones initiating and installing the pipeline. How could NRG lay out the project without not knowing the specs? In fact, when some one hides something regarding a pipeline of this magnitude, one might wonder, how stupid do they think the public is. Most importantly, how dishonest are they by proclaiming to benefit the public? I have only to conclude that there are safety issues and negative publicity that they are trying to skirt around.

Bear in mind, that a low profile and no public media attention means a no panic mode with the public regarding safety concerns. The NLS Group would not provide me the list of the other homeowners along the pipeline corridor when I asked. I noted that the surveyor crews jumped around a lot. David Beursken of the NLS Group told me there was never another corridor, even though NRG's application to PUCO, (Case # 13-2315-PL-ACE) showed two alternate corridors on a map per Ohio Revised Code. The other NRG affiliates never knew about the other corridor either. Why wouldn't any one know about the alternate corridor? The Ohio Revised Code states that there should be two alternate routes submitted. Both compared, contrasted and studied to be in compliance with ORC. It is evident that they don't want homeowners talking until the Ohio Siting Board approves the only one route at which time it will be set in stone. You as board members, may question the other bogus route, with no proof of existence or evidence of leg work from NRG crews.

No homeowners were ever visited in the other corridor which appears a better route. Also, in my corridor, neighboring homeowners who were interested in having the pipeline on their property for compensation, were never visited by the right-of-way agent from NLS Group/NRG, even though they both have the same east to west distance as my property.

I have been outwardly opposing the pipeline and NRG will not move to the willing homeowners. Something is very wrong here. This is where the public could be powerful in numbers and share the same voice to demand answers.

A data source, not from NRG, indicates that NRG will be installing an 24" to 30" high diameter pipeline with the capacity of 1500 to 2000 PSI (pounds per square inch). By comparison, just ounces enter our home to heat it, so if NRG does max the pipeline out with pressure of 2,000 PSI to accommodate gas to other facilities for profit, this would be equal enough heat for 100,000 homes passing through a property continuously at any given point. If that point would rupture, the devastation would be beyond belief.

This is crucial information that they don't want the public to know yet, until the pipeline is seated. If there is a rupture in the pipeline, the second explosion will occur within minutes of the first and release a giant fire ball of thermal radiation, enough to burn everything to a crisp, up to 900 ft. in radius around a rupture. No medical emergency response team will be necessary or be permitted in the area with such high levels of radiation. No one would be identifiable from this type of catastrophe. Everyone and everything will be turned in to ashes. Would you want to put your loved ones next to a pipeline or try to sell your property, knowing that it is unsafe, perhaps uninsurable and only worth a fraction of what you paid for it. Because Ohio is a disclosure state, each home, where the pipeline encroaches, will be a mandatory to disclose. Please read the following article online by Dr. Rhodes of Xylene Power regarding Gas Pipeline Safety Setbacks pertaining to high pressure, high diameter gas pipelines. Log on to: <http://www.xylenepower.com/Natural%20Gas%20Pipeline%20Safety%20Setback.htm> Also, study all the pipeline explosions in recent years to become aware of the extreme danger such as the one in San Bruno, California.

Secondly, consider this bit of knowledge to help save our precious Black River. NRG wants to cross this rural Black River with their own pipeline. There are presently, four active high diameter, high pressure pipelines crossing the river. Three are gas and the fourth being a liquid petroleum pipeline, all crowded within 12,000 ft. of unstable soil. This is the data that the public is not suppose to know. The construction of NRG Pipeline, will make it the 5th pipeline and largest pipeline river-crossing within an 12,000 ft. distance that comprises the most scenic, most legendary part of the Black River.

Sounds like all these pipeline entities don't want to share their gas with each other nor do they want to share their easements to allow two pipelines to be housed to spare more land from being seized. Solution: NRG should be forced to buy gas from the existing transmission transport companies and not try to create their own transmission pipeline so they can own the gas, as well as, the pipeline. This is too much control and power to give to one entity. I call upon you, the Ohio Power Siting Board, as one higher power, that can hear and enforce, protect and help and reform what I feel is wrong. I further ask that you couple with the other higher power, being the voice of the public, to make a difference by enforcing accountability from NRG. It saddens me that these pipeline magnates, are targeting and victimizing homeowners who own part of the river, in order to seize by appropriation for the pipeline. Who is really protecting the river? The river, the land and the homeowners are is being raped and burdened by this vastly, wealthy corporation solely for it's own economic gain.

I call upon the environmentalists in all of us, the teachers in all of us, the legal counsels in all of us and all those who will defend, protect and live our future, to take a stand now and stop another pipeline magnate from destroying for the sake of their own gain.

In closing, I encourage landowners that have had a similar encounter with bullying from the NLS Group and NRG to file a complaint with PUCO and have it added to this Case Docket for review. Knowledge is power and there is power in numbers. The public needs to know and take action to save our children of tomorrow and save our rivers of tomorrow. Thank you.

Respectfully submitted,



Michael Koniarski

(6)

Case #13-2315-Pl-ACE