

**BEFORE THE  
OHIO POWER SITING BOARD**

**In the matter of the Application of )  
North Coast Transmission, LLC for a )  
Letter of Notification to Construct, )  
Operate, and Maintain the Oregon )  
Lateral to be Located in Wood and )  
Lucas Counties, Ohio )**

**Case No. 14-1754-GA-BLN**

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**MOTION TO INTERVENE OF  
THE TOLEDO EDISON COMPANY AND  
AMERICAN TRANSMISSION SYSTEMS, INCORPORATED**

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Pursuant to R.C. 4906.08, Ohio Adm.Code 4906-7-04, and the interim rules set forth in the Ohio Power Siting Board’s Second Finding and Order in Case No. 12-1981-GE-BRO,<sup>1</sup> The Toledo Edison Company (TE) and American Transmission Systems, Incorporated (ATSI), both FirstEnergy companies (collectively, “Proposed Intervenors”), respectfully move the Board for leave to intervene in this matter with all of the powers and rights granted to intervening parties. This proceeding pertains to an Application by North Coast Transmission, LLC (NCGT) for a Letter of Notification to construct, operate, and maintain a new 22-mile pipeline called the Oregon Lateral, which is to be located in Lucas and Wood Counties, Ohio. The Oregon Lateral pipeline is intended to provide natural gas from Maumee to Oregon for the operation of the Oregon Clean Energy Center (OCEC), a planned 799-megawatt natural gas-fired combined cycle generating facility to be located in Oregon, Ohio.

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<sup>1</sup> *In the Matter of the Ohio Power Siting Board’s Review of Chapters 4906-1, 4906-5, 4906-7, 4906-9, 4906-11, 4906-13, 4906-15, and 4906-17 of the Ohio Administrative Code*, Second Finding and Order (Dec. 17, 2012) (refining the interim processes for applications subject to the accelerated review process under S.B. 315).

The Board has previously granted ATSI leave to intervene in other proceedings relating to the certification of OCEC, as that project includes the construction of a switchyard -- the ownership of which will be transferred to ATSI once construction is completed. *In the matter of the Application of Oregon Clean Energy Center for Amendment of a Certificate of Environmental Compatibility and Public Need*, Case No. 14-1396-EL-BGA. As described therein, ATSI will be the owner of the switchyard adjacent to the Oregon Lateral pipeline's termination point at OCEC. In addition to this interest in the OCEC, which the Oregon Lateral pipeline is being built to supply, Proposed Intervenorors have other compelling interests implicated by this proceeding. Proposed Intervenor TE, for example, has significant electric transmission and distribution facilities along portions of the proposed route of the Oregon Lateral Pipeline, is the record owner of multiple parcels of real estate along the Oregon Lateral Pipeline Route, as depicted in Exhibit B to NCGT's Application, and has significant transmission and distribution right-of-way easements along portions of the proposed route of the Oregon Lateral pipeline. Proposed Intervenor ATSI, moreover, has significant electric transmission facilities located on the TE fee owned properties and easements along portions of the proposed route of the Oregon Lateral Pipeline. To date, TE has been working cooperatively with NCGT to negotiate gas pipeline easement rights upon, over, under and through TE fee property and a consent agreement concerning access upon, over, under and through TE transmission and distribution line easements that NCGT seeks for the project. For these and other reasons described in the attached Memorandum in Support, good cause supports Proposed Intervenorors' intervention in these proceedings.

Respectfully submitted,

s/Robert J. Schmidt

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

The Ohio Revised Code and this Board’s rules anticipate that, upon a showing of good cause, leave will be granted to third parties seeking to participate in proceedings related to proposed natural gas pipelines. North Coast Gas Transmission, LLC (NCGT)’s proposal to construct, operate, and maintain the 22-mile Oregon Lateral pipeline to be located in Wood and Lucas Counties, Ohio, impacts The Toledo Edison Company (TE) and American Transmission Systems, Incorporated (ATSI) (collectively, “Proposed Intervenors”) in multiple ways supporting their intervention in these proceedings. Proposed Intervenors’ request to intervene as parties in this proceeding will not unduly delay the proceedings or prejudice any party. For these and other reasons described below, good cause supports Proposed Intervenors’ timely request to intervene in this matter.

**II. LAW AND ARGUMENT**

R.C. 4906.08 provides that the parties to a certification proceeding shall include the applicant and those permitted by the Board to intervene. Ohio Adm.Code 4906-7-04 provides, in turn, that the Board “shall grant petitions for leave to intervene only upon a showing of good cause” upon consideration of the following four factors:

- (a) The nature and extent of the person's interest.
- (b) The extent to which the person's interest is represented by existing parties.
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding.
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Ohio Adm.Code 4906-7-04(B)(1). The Board's rules also provide that limited participation may be granted, "which permits a person to participate with respect to one or more specific issues." Ohio Adm.Code 4906-7-04(D). The Board's interim rules pertaining to the accelerated review process for natural gas pipelines do not modify the factors considered for intervention.<sup>2</sup> Each of the above-listed factors supports Proposed Intervenors' participation in these proceedings.

The nature and extent of Proposed Intervenors' interests in these proceedings is significant. The Oregon Lateral pipeline is being constructed to supply natural gas to the Oregon Clean Energy Center (OCEC), a planned 799-megawatt natural gas-fired combined cycle generating facility. Once construction of the OCEC is complete and associated conditions relating to its construction are met, ownership of the OCEC switchyard will transfer to ATSI, and OCEC will connect to the electric grid through ATSI's existing 345-kV transmission lines. As such, ATSI has already been granted leave to intervene in separate proceedings now pending before the Board concerning OCEC's certification. *In the matter of the Application of Oregon Clean Energy Center for Amendment of a Certificate of Environmental Compatibility and Public Need*, Case No. 14-1396-EL-BGA. Given that ATSI is the future owner of the switchyard for

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<sup>2</sup> *In the Matter of the Ohio Power Siting Board's Review of Chapters 4906-1, 4906-5, 4906-7, 4906-9, 4906-11, 4906-13, 4906-15, and 4906-17 of the Ohio Administrative Code*, Second Finding and Order (Dec. 17, 2012) (refining the interim processes for applications subject to the accelerated review process under S.B. 315)

the facility that the Oregon Lateral is being built to supply, ATSI has a significant interest in the outcome of this proceeding concerning the construction, operation, and maintenance of the Oregon Lateral pipeline, and no other party to this proceeding is in a position to adequately represent ATSI's interests. Further, and although not specifically identified in the Application, NCGT will need access to, and to cross, numerous existing electric transmission line easements of TE. These easements, many of which have ATSI's existing electric transmission lines and associated infrastructure, and have room for the installation of future infrastructure, will present planning and safety issues for the construction of the Oregon Lateral pipeline, and ATSI is the only party capable of representing its interests concerning such issues in this proceeding.

The same is true with respect to Proposed Intervenor TE. As indicated by Exhibit B to NCGT's Letter of Notification, TE is the owner of record of eight (8) separate parcels of real estate that are adjacent to the Oregon Lateral pipeline's proposed route:

<b>Name</b>	<b>Parcel #</b>	<b>Property Address</b>	<b>Owner/Mailing Address</b>	<b>Status</b>
Toledo Edison Company	44-32064	3920 Brown Road, Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-25857	3921 Brown Road, Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-25334	3830 Navarre Ave., Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-18347	3815 Starr Ave Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-18384	3815 Starr Ave Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-08941	3775 Seaman Rd Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-08887	3849 Seaman Rd Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending
Toledo Edison Company	44-05984	950 N. Lallendorf Rd. Oregon, OH 43616	76 S. Main Street Akron, OH 44308	Pending

(Letter of Notification, Ex. B. at 11-12.) As the owner of these parcels, TE has a compelling interest in the route presented with this LON, the route's impacts on ecology, land uses, and public safety, and any conditions that may be imposed upon the pipeline's construction, maintenance, and operation.

Finally, although both ATSI and TE have been working cooperatively with NCGT to negotiate an agreement concerning access to TE and/or ATSI property that NCGT seeks for the Oregon Lateral pipeline project, NCGT continues to negotiate with property owners along the proposed route. As the negotiations between NCGT and landowners are continuing, there exists a possibility that the proposed route for the gas line may change, raising the possibility that the gas line may impact other properties owned by, or subject to an existing easement in favor of, both TE and ATSI. (Letter of Notification, Ex. B.). Given that NCGT's negotiations remain ongoing, both TE and ATSI also seek to intervene in these proceedings to preserve any and all interests that they have as property owners impacted by the Project.

ATSI and TE will contribute to a just and expeditious resolution of the issues involved in this proceeding, and granting their request to intervene will not unduly delay the proceeding or unjustly prejudice any existing party.

The Board has recently permitted intervention in other circumstances similar to this situation by third parties satisfying the good-cause factors of Ohio Adm.Code 4906-7-04(B)(1). *E.g., In the Matter of the Application of Vectren Energy Deliver of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for the Dayton Airport Z-167 Pipeline Rerouting Project*, Case No. 13-1651-GA-BTX (granting City of Dayton's request to intervene in proceeding related to Vectren Energy's application to re-route a segment of its Z-167 gas pipeline at the Dayton International Airport in portions of the City of Vandalia and Butler

Township, Ohio); *In the Matter of the Application of Columbia Gas of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for the Construction of the Ackerman Road Natural Gas Pipeline Project*, Case No. 11-3534-GA-BTX (granting requests to intervene filed by The Ohio State University, Franklin Soil and Water Conservation District, American Chemical Society, and Sierra Club in proceeding related to Columbia Gas of Ohio, Inc.'s application to construct a natural gas pipeline in Franklin County, Ohio); *In the Matter of the Application of American Transmission Systems, Inc. for a Certificate of Environmental Compatibility and Public Need to Construct the Hayes-West Fremont 138-kilovolt Transmission Line*, Case No. 12-1326-EL-BTX (granting intervention to AMP-Ohio, the owner of the Fremont Energy Center, because of the positive impact of the preferred route for the Project on the deliverability of power from that generating station to the grid).

### **III. CONCLUSION**

For the foregoing reasons, ATSI and TE respectfully ask the Board for leave to intervene as parties in these proceedings pursuant to R.C. 4906.08 and Ohio Adm.Code 4906-7-04. Proposed Intervenors have significant interests in the outcome of this proceeding that are not adequately represented by the only existing party, NCGT. ATSI and TE will contribute to a just and expeditious resolution of the issues before the Board, and their intervention will neither delay the proceeding nor prejudice any party.



Respectfully submitted,

s/ Robert J. Schmidt

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion to Intervene* was served upon the following persons by electronic filing and by mailing a copy, postage prepaid, on October 17, 2014 addressed to:

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Summary: Motion with Memorandum in Support of ATSI and Toledo Edison to Intervene electronically filed by Mr. Robert J Schmidt on behalf of American Transmission Systems Inc. and The Toledo Edison Company