

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of NRG Ohio Pipeline)	
Company LLC for Approval of a Letter of Notification)	
for the Avon Lake Gas Addition Project in Lorain)	Case No. 14-1717-GA-BLN
County, Ohio)	

REPLY TO MOTION TO INTERVENE

I. INTRODUCTION

On December 19, 2014, NRG Ohio Pipeline Company LLC (“NRG Ohio Pipeline”) initiated this proceeding by filing a Letter of Notification (“LON”) for the Avon Lake Gas Addition Project in Lorain County, Ohio (“Project”).¹ Pursuant to Ohio Administrative Code (“OAC”) Rule 4906-7-12(B)(1), NRG Ohio Pipeline respectfully submits a reply to the Ohio Power Siting Board (“Board”) in response to the Lorain County Property Owners’² (“Property Owners”) Motion to Intervene, late-filed on January 9, 2015.³ While NRG Ohio Pipeline does not oppose Property Owners’ motion, NRG Ohio Pipeline submits this reply to state for the record its continued commitment to working with the Property Owners.

¹ The Project is a 20-mile high pressure pipeline that is being constructed to supply natural gas to the Avon Lake Generating Plant in Avon Lake, Ohio.

² The Lorain County Property Owners include: Wesley Parker; Brandon & Mary Thorne; Charles Borling; Samuel Dennis; Carlos & Sonia Llado; Edmund & Angie Carter; Gary & Kathleen Conlin; Stephanie K. Unger; Edward Kurianowicz; Lawrence R. Plas; Mary B. Miller; Richard & Carol Petersen; Richard & Ellen Braatz; Thomas & Johanna Julius; Louis & Gale Betzel; Fathers of St. Joseph Church; and K. Hovnanian Oster Homes, LLC.

³ Property Owners’ counsel attempts to justify the late-filed motion by stating that it only learned of the proceeding on January 8, 2015, after NRG Ohio Pipeline filed notices of publication on January 8, 2015 and accuses NRG Ohio Pipeline Company of using the holidays to obscure the two newspaper notices (published December 22, 2014 and December 29, 2014) indicating the interim rules governing intervention. Property Owners’ counsel has been well-aware of the project and this proceeding for months.

II. NRG OHIO PIPELINE’S REPLY

As stated in NRG Ohio Pipeline’s LON, the Project will require a new permanent right-of-way (“ROW”) of 50-feet in width for operation and maintenance and a temporary ROW of 100-feet for construction.⁴ NRG Ohio Pipeline has already obtained easements for many of the affected properties.

Other properties, however, may be subject to appropriation, including those of the Property Owners. Where appropriation is ultimately necessary, NRG Ohio Pipeline is diligently following the various steps required by Ohio’s condemnation laws. As the Board is aware, the condemnation process under Ohio law is separate and distinct from the LON application process. Thus, the Board should be wary of attempts by parties to gain leverage in outside negotiations by manipulating the Board process. That is not the purpose of the Board’s application review process.

It is NRG Ohio Pipeline’s position that appropriation of private properties is an ultimate last resort. In practice, this has meant that NRG Ohio Pipeline has incorporated hundreds of route adjustments requested by landowners.⁵ NRG Ohio Pipeline remains committed to working with landowners and is open to agreeing to concessions requested by landowners where economically reasonable and environmentally sound. This commitment continues to extend to the Property Owners.

However, the opportunity for cooperation between NRG Ohio Pipeline and the Property Owners has been repeatedly stymied by Property Owners’ counsel. For example, Property Owners’ counsel has prohibited NRG Ohio Pipeline’s agents to communicate with Property Owners but has refused to accept appraisal service on behalf of their clients. Additionally,

⁴ LON Application page 14.

⁵ *Id.* at 12.

Property Owners' counsel has missed important settlement discussions it scheduled and failed to make a settlement offer, despite promising to do so by January 9, 2015.

It is NRG Ohio Pipeline's hope that these issues are the result of miscommunications on part of Property Owners' counsel and not the deliberate erection of unnecessary barriers by Property Owners' counsel. Furthermore, NRG Ohio Pipeline assumes, for the time being, that Property Owners' Motion to Intervene in this proceeding is in good faith and not with the purpose of highjacking the Board's review process in order to gain some kind of leverage in the condemnation process. Indeed, such tactics will not sway NRG Ohio Pipeline. Rather, NRG Ohio Pipeline remains committed to working with the Property Owners throughout this process.

III. CONCLUSION

NRG Ohio Pipeline has no objection to intervention by the Property Owners and reiterates its commitment to work with the Property Owners in this process.

Respectfully submitted on behalf of
NRG OHIO PIPELINE COMPANY LLC



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Memo Contra has been served upon the following parties listed below via electronic mail, this 23rd day of January 2015.



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Summary: Reply of NRG Ohio Pipeline Company LLC to Motion to Intervene electronically
filed by Teresa Orahod on behalf of Sally Bloomfield