

FILE

BEFORE  
THE OHIO POWER SITING BOARD

RECEIVED-DOCKETING DIV  
2015 APR -6 AM 11:07

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  
Hearing: 4/6/2015

PUCO

### MICHAEL TILLER'S RETROACTIVE MOTION TO INTERVENE

**COMES NOW**, MICHAEL TILLER, a landowner whose real property is effected by the Oregon Lateral Gas Pipeline and whom has legal standing to contest a taking of his real property for the Oregon Lateral Gas Pipeline and whom petitioned for a rehearing in the above encaptioned matter and whose petition for rehearing in this matter was approved for review by the Ohio Power Siting Board (hereinafter referred to as the OPSB) by order dated March 3, 2015 to retroactively file his motion to intervene as a procedural technicality and because he never knew that this administrative proceeding existed until on or about January 31, 2015 therefore, a brief explanation of the reason for this request follows, to wit;

**Note: NCGT refers to North Coast Gas Transmission, LLC**  
**OPSB refers to the Ohio Power Siting Board**  
**OLGP refers to Oregon Lateral Gas Pipeline**

1. THAT NCGT has repeatedly objected to Michael Tiller's pleadings into this matter stating that Michael Tiller did not or failed to intervene in this proceeding.
2. THAT Michael Tiller did not know about this administrative proceeding until on or about January 31, 2015. See Affidavit at Exhibit A previously filed on 2-25-2015 with Objection to the OLGP.
3. THAT Michael Tiller hereby incorporates his affidavit which was incorporated into his supplement to his objection to proposed Oregon Lateral Gas Pipe Line filed on 2/25/2015 and which a copy is attached hereto as Exhibit A and incorporated herein.

4. THAT Michael J. Tiller asks that the OPSB (this tribunal) allow him to intervene and to retroactively grant his right to intervene in this matter based upon the lack of notice by NCGT concerning the OLGP.
5. THAT Michael J. Tiller asks this tribunal (OPSB) to consider all his pleadings including but not limited to those pleadings filed and docketed on 2/3/2015, 2/25/2015 and 3/9/2015 which were entitled:
  - i: "Objection to proposed Oregon Lateral Gas Pipeline" filed 2/3/2015
  - ii: "Supplement to application of rehearing original objection/ application for rehearing filed on 2/25/2015
  - iii: Motion to compel discovery, request for production of documents and memorandum in support filed on 3/9/2015.
6. THAT the Brief In Support Of Retroactive Motion To Intervene set forth below is incorporated into this motion just as if set forth hereunder.

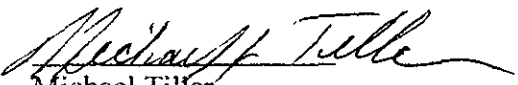
**PRAYER FOR RELIEF**

WHEREFORE, Michael Tiller, and effected land owner and a concerned party to the matters before this tribunal request that the OPSB grant the intervening [arty, Michael Tiller, a landowner effected by the NGCT's construction of the OLGP requests that this court grant Michael Tiller the retroactive right to intervene in this administrative case dating to the NCGT's Letter of Notification filed on October 7, 2014.

WHEREFORE Michael Tiller, and effected land owner and a concerned party to the matters before this tribunal request that the OPSB grant any other relief deemed appropriate and reasonable.

Dated: April 3, 2015

Respectfully Submitted,

  
Michael Tiller  
7559 Summerfield Road  
Lambertville, Michigan 48144  
(419) 466-6296

**BRIEF IN SUPPORT OF RETROACTIVE MOTION TO INTERVENE**

THAT the OPSB and the NCGT, LLC are quite aware of Michael Tiller's filings and have filed objections thereto so that any prejudice to a party has been purged by prior notice therefore pursuant to ORC 4903.221 Michael Tiller is permitted to retroactively intervene in to this matter to wit:

4903.221 Intervention by party who may be adversely affected by commission proceeding.

Any other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding, provided:

(A) That such other person files a motion to intervene with the commission no later than:

(1) Any specific deadline established by order of the commission for purposes of a particular proceeding; or, if no such deadline is established;

(2) Five days prior to the scheduled date of hearing. The public utilities commission may, in its discretion, grant motions to intervene which are filed after the deadlines set forth in divisions (A)(1) and (2) of this section for good cause shown.

(B) That the commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(1) The nature and extent of the prospective intervenor's interest;

(2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;

(3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;

(4) the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues. Effective Date: 01-11-1983 ORC  
4903.221

In conclusion, the OPSB has the power to grant Michael Tiller intervention rights into this action as a party in interest.

### **PROOF OF SERVICE**

I hereby certify that a copy of the foregoing Mike Tillers motion entitled:

### **MICHAEL TILLER'S RETROACTIVE MOTION TO INTERVENE**

was served upon the following persons by mailing a copy, postage prepaid, on April 3, 2015 addressed to:

Stephen M. Howard  
Gretchen L. Petrucci  
Michael J. Settineri  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay St., P.O. Box 1008  
Columbus, OH 43216-1008

Michael E. Calderone  
North Coast Gas Transmission LLC  
445 Hutchinson Ave., Ste. 830  
Columbus, OH 43235-8614

Robert J. Schmidt  
L. Bradfield Hughes  
Porter Wright Morris & Arthur  
41 South High St.  
Columbus, OH 43215

Anne Rericha  
FirstEnergy Service Company  
76 S. Main St.  
Akron, OH 44308

American Transmission Systems Inc.  
76 S. Main St.  
Akron, OH 44308

William R. Ridmann  
Toledo Edison  
76 S. Main St.  
Akron, OH 44308

Yvonne W. Cooper  
Matt Butler  
Vesta Miller  
Grant T. Zeto  
Donielle M. Hunter  
Public Utilities Commission of Ohio  
180 East Broad St.  
Columbus, OH 43215

  
Carrie Tiller

# **Exhibit A**

BEFORE  
THE OHIO POWER SITING BOARD

In the matter of the Application of	)	
North Coast Transmission, LLC for	)	Case No. 14-1754-GA-BLN
A Letter of Notification to Construct,	)	
Operate, and Maintain the Oregon	)	
Lateral to be located in Wood and	)	
Lucas Counties, Ohio	)	

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**AFFIDAVIT OF MICHAEL TILLER REGARDING LACK OF NOTICE OF THE HEARING JANUARY 6, 2015 IN  
CASE NUMBER 14-1754-GA-BLN BEFORE THE OHIO POWER SITING BOARD**

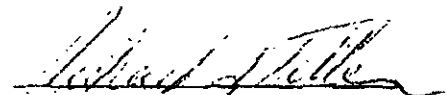
1. THAT my name is Michael J. Tiller.
2. THAT I live at 7559 Summerfield Road, Lambertville, Michigan 48144.
3. THAT I own parcel number P57-300-350000026001 which is an 11.92 acre parcel located in Perrysburg Township at 8252 Avenue Road, Perrysburg, Ohio 43551 and is in the projected path of the Oregon Lateral Gas Transmission Line approved by the Ohio Power Siting Board on January 6, 2015 at a hearing.
4. THAT Parcel No. P57-300-350000026001 located at 8252 Avenue Road, Perrysburg, Ohio 43551 was identified in North Coast Gas Transmission LLC Letter of Notification in the above encaptioned case filed on October 7, 2014.
5. THAT my wife and I check the mail at 7559 Summerfield Road, Lambertville, Michigan 48144 daily and there was no notice of a hearing on the Oregon Lateral Gas Pipeline sent to that address.
6. THAT the street address for the property subject to the Oregon Lateral Gas Transmission line is 8252 Avenue Road, Perrysburg, Ohio 43551.
7. THAT my wife and I check the mail at 8252 Avenue Road daily and there was no notice of a hearing on the Oregon Lateral Gas Pipeline sent to that address.
8. THAT the listed address with Perrysburg Township and Wood County for the tax bills on P57-300-350000026001 (8252 Avenue Road) are sent to 14729 Lake Diane, Camden, Michigan 49232.
9. THAT my wife and I check the mail at Lake Diane daily and there was no notice of a hearing on the Oregon Lateral Gas Pipeline sent to 14729 Lake Diane, Camden, Michigan 49232.
10. THAT I had no notice, oral or written, of the hearing on January 6, 2015 regarding the submits the Ohio Power Siting Board's January 6, 2015 Approval, Order, and Certificate issued to North Coast Gas Transmission LLC ("NCGT") letter of notification dated October 7, 2014.
11. THAT on June 13, 2014 we received a letter from North Coast Gas Transmission that they may enter our property to make a study and survey our underground utilities. At this point I had no idea what was going on and no notice of a pipeline. (See attached letter at page 3)

12. THAT on September 17, 2014 I received a letter from West Erie Realty Solutions stating that Oregon Clean Energy Center project might utilize a "small portion" my real property. That letter is attached hereto at page 4)
13. THAT on or about January 22, 2015 I received an E-Mail from Scott Bernhard of West Erie Realty to the effect that I missed a public hearing the previous Tuesday where re-routing the pipeline was discussed. I did not know about that hearing or where it was. Scott Bernhard's communication was deliberately after the fact as I had no idea nor was I informed of any meetings concerning the Oregon Lateral Gas Pipeline Project.
14. THAT on or about January 31, 2015 I became aware that the Oregon Lateral Gas Pipeline was approved because my Wife and I searched on the internet for information on North Coast Gas Transmission and the Oregon Lateral Gas Pipeline and found the Ohio Power Siting Board website where I saw the approval and the case file on this matter.
15. I immediately objected and requested a rehearing because I had only a few days before 30 days expired within which to request a rehearing.
16. THAT I was completely taken aback by the approval of the pipeline and was led to believe by West Erie Realty that the path of the pipeline was still being scrutinized and was not yet approved.
17. THAT I believe this was deliberate on the North Coast Gas Transmission LLC and West Erie Realty (their agents in fact) to fail to inform me of the hearing so that no objections could be logged against the Oregon Lateral Gas Pipeline.
18. THAT the approved/proposed pipeline cuts through the middle of my underground utilities, my fire suppression system, water lines, drainage system and most importantly, my site plan which was approved by Perrysburg township and calls for nine more storage buildings.
19. THAT the potential depreciation of my property as a result of the pipeline could exceed one million dollars.
20. THAT I hereby supplement and incorporate my request for rehearing with an application for rehearing and a memorandum in support thereof as set forth below.
21. THAT I will further supplement this pleading with an appraisal of my property with the pipeline considered and without the pipeline considered when such an appraisal can be completed by a qualified appraiser.

### VERIFICATION

I, MICHAEL J. TILLER HEREBY CERTIFY THAT THE FOREGOING 20 PARAGRAPH ARE IS TRUE AND CORRECT AND IF CALLED ON TO TESTIFY TO THESE FACTS I WILL DO SO UNDER OATH AND UNDER PENALTY OF PERJURY PURSUANT TO THE LAWS IN THE STATE OF OHIO.

Dated: February 20, 2015

  
Michael J. Tiller Affiant

Subscribed in my presence this 20<sup>th</sup> day of February 2015  
by Michael James Tiller.



**NORTH COAST GAS TRANSMISSION, LLC.**

445 Hutchinson Ave.  
Suite 830  
Columbus, OH 43235

Phone: (614) 505-7210  
Fax: (614) 505-7212

June 13, 2014

Michael J. Tiller  
8252 Avenue Road  
Perrysburg, OH 43551

Dear Michael J. Tiller,

We would like to keep you informed regarding continued work that is being conducted in your area. You may recall receiving a similar notice from us in March to notify you of some studies being performed on or near your property. We appreciate your cooperation as we complete our initial work. North Coast Gas Transmission, LLC is an underground pipeline company that operates under the authority of the Public Utilities Commission of Ohio and has been safely and reliably delivering natural gas to your community for many years.

Under Ohio law, North Coast is required to inform you that over the next few weeks, our personnel and/or representatives may be entering your yard/property located at 8252 Avenue Road, Perrysburg, OH 43551 to conduct several surveys, identify property boundaries, and mark existing underground utilities. We kindly ask that you excuse us as we perform our work in your area. North Coast is proud to service your community and will remediate or repair any damage caused to your property by our presence.

If you have any questions or concerns, please do not hesitate to contact us at (614) 505-7210.

Regards,

North Coast Gas Transmission

Reference Parcel: P57-300-350000026001





**EXHIBIT A**

122 S. St. Clair Street, Suite 2 | Toledo, Ohio 43604 | 419.214.3743

September 17, 2014

Michael J. Tiller  
14729 W Diane Drive  
Camden, MI 49232

Project: North Coast Gas Transmission  
Parcel(s): 94  
Property Address: 8252 Avenue Road, Perrysburg, OH 43551

Dear Michael J. Tiller:

This letter is to advise you of an upcoming natural gas pipeline project designed to support the Oregon Clean Energy Center project. This proposed project may involve a small portion of your real property. In the very near future, a representative of West Erie Realty Solutions, Ltd. will be contacting you to explain the exact nature of the area impacted and the amount of compensation involved.

We sincerely appreciate your time in this important matter and we look forward to further discussing this in the very near future. If you have any questions, please do not hesitate to contact our office.

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Vriezelaar", written over a horizontal line.

Greg Vriezelaar, Project Manager  
West Erie Realty Solutions, LTD

c: File

Subject **NCGT Oregon Lateral**  
From Scott Bernhard <scottb@WestErieRealty.com>  
To toolman47@bex.net <toolman47@bex.net>  
Date 2015-01-22 13:43

Dear Mr. & Mrs. Tiller:

I did not see you at the public informational meeting on Tuesday night, but do know that you have rejected the proposed pipeline and current route. Much of the discussion at the meeting revolved around parcels that were in your area and the procedure for re-routing consideration. The procedure involves suggested locations for pipeline re-routing and what amount the owners would be willing to accept for the different right of way required for the re-route. North Coast will consider the cost to re-route and compare it to the damage done to properties as currently proposed. Many owners have demanded a re-route without saying what they would accept for the re-routed easement. North Coast will not consider a plan change unless they know if the owners will agree to the necessary easement and at what cost.

I have not seen a diagram or plan of your proposed property development, therefore, if you have one, could you please send it to me. This would help me greatly in discussing proposed alternatives. I know you have said that you would donate the easement if it could be re-routed along your easterly property line, however, we should discuss a counter-offer if that cannot be done because of the overpass abutments. Thank you for your patience.

Sincerely,

Scott Bernhard  
West Erie Realty  
419-214-3747 office  
419-387-8178 cell  
scottb@westerierealty.com

