

**BEFORE  
THE OHIO POWER SITING BOARD**

**In the Matter of the Application of NRG Ohio )  
Pipeline Company, LLC, for a Letter of )  
Notification to Construct, Own, and Operate ) Case No. 14-1717-GA-BLN  
a Natural Gas Pipeline to be Located in Lorain )  
County, Ohio )**

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**MOTION FOR EXTENSION OF TIME  
AND REQUEST FOR EXPEDITED RULING  
BY  
LORAIN COUNTY PROPERTY OWNERS**

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The Lorain County Property Owners (“Property Owners”)<sup>1</sup> respectfully move the Ohio Power Siting Board or Administrative Law Judge for an extension of time to file direct testimony in this proceeding.<sup>2</sup> Additional time is necessary for the Property Owners to prepare focused testimony for submission in this case in response to NRG Pipeline LLC’s (“NRG” or “Company”) testimony, filed on April 6, 2015. Property Owners also respectfully request an expedited ruling by the Board or the Administrative Law Judge. The Property Owners cannot certify that no party objects to this motion. The reasons for this request are more fully described in the Memorandum in Support.

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<sup>1</sup> The Lorain County Property Owners are: Lawrence R. Plas; Mary B. Miller; Richard & Carol Petersen; Richard & Ellen Braatz; Thomas & Johanna Julius; Louis & Gale Betzel; Fathers of St. Joseph Church; Samuel Dennis; Matthias & Joanne Helfrich; Mark & Darlene Julius; Marty & Irene Kaulins; Robert & Debra Kubasak; Edward Kurianowicz; George Mekker; Irene Noster; Parker Holdings, Ltd.; Brandon & Mary Thorne; Stephanie Unger; Sherly Vajda; Joan Kerecz; Albert Kelling; William & Anna Marie Holt; Teresa Wukie; Avon Development, LLC; and K. Hovnanian Oster Homes, LLC.

<sup>2</sup> Pursuant to Ohio Administrative Code Rule 4906-7-13.

Respectfully submitted,

/s/ Michael Braunstein

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**MEMORANDUM IN SUPPORT**

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The Property Owners seek an Extension of Time to file their testimony in this case. In the March 9, 2015 Entry in this case, the Ohio Power Siting Board (“OPSB” or “Board”) issued a procedural schedule which included: NRG filing testimony on April 6, 2015; Intervenor and Staff Testimony due on April 10, 2015, and; the Adjudicatory Hearing to begin on April 14, 2015. The Hearing date was subsequently changed upon the motion of NRG. The Property Owners did not object to the Company’s request. Property Owners now request that the date for Intervenor and Staff testimony be changed to April 17, 2015 – a one week extension. The Property Owners are not requesting a modification of the April 23, 2015, hearing date.

The motion is for good cause. Upon receipt of the Company’s testimony less than two days ago, Property Owners conclude that more time is necessary to develop specific testimony that is appropriate, responsive and representative of the twenty-six Property Owners. The additional time will benefit this proceeding in several ways.

First, John Eavenson of K. Hovnanian Homes (intervenor), an important witness for intervenors, is out of town on vacation until April 10. Second, the additional time will

allow the Property Owners to sufficiently and succinctly present evidence in response to the testimony filed by the Company. Counsel for the Property Owners will narrow evidentiary testimony to those witnesses that represent the overall concerns of the group as a whole. Submitting representative testimony will provide for an efficient development of the record and reduce the amount of time required to conduct the hearing. In order to accomplish this task, the additional time is needed in order to complete written, direct testimony.

Third, Property Owners are not necessarily familiar with the specifics of Ohio Power Siting Board proceedings. In particular, several of the Property Owners have not previously filed written, direct testimony. Thus, the amount of time required to prepare representative testimony is greater than originally estimated to produce appropriate, focused testimony beneficial to this proceeding.

Fifth, Intervenors are seeking to retain an expert witness to opine on the issue of pipeline safety. Intervenors have contacted Mr. Robert Eiber who is expert in this area, but there is a tremendous amount of material to consider, and that cannot be accomplished within the time frame as it presently exists.

Finally, the Property Owners have concerns over several of the statements of Company witnesses contained in the recently-filed testimony. In order to understand the underlying foundation for the broad, conclusory testimony submitted, Property Owners will conduct depositions of NRG's witnesses. These depositions are necessary in order to assist the Property Owners in understanding and narrowing the issues to be presented in their testimony and to be explored at the adjudicatory hearing.

The Property Owners respectfully request that the Board or the Administrative Law Judge issue an expedited ruling.<sup>3</sup> To accommodate this request, the Property Owners request that the Board or Administrative Law Judge shorten the amount of time allowed for any Memorandum Contra so that a ruling may be issued ahead of the current April 10, 2015 deadline. The Company, Staff and other intervenors are aware of the request.<sup>4</sup> Property owners cannot certify that no party objects to this request. The cooperation provided by the Property Owners in response to the previous requests to amend the procedural schedule was not returned in-kind. The additional week will prejudice no party. The Property Owners are not requesting a continuance of the hearing date, so the commencement of adjudicatory proceedings will not be delayed. Therefore, the twenty-six Lorain County Property Owners respectfully move the Board for this one-week extension to file testimony and request an expedited ruling.

Respectfully submitted,

/s/ Michael Braunstein

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<sup>3</sup> Pursuant to Ohio Adm. Code 4906-7-12(C).

<sup>4</sup> Pursuant to Ohio Adm. Code 4906-7-12.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail this 8th day of April, 2015.

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Summary: Motion FOR EXTENSION OF TIME AND REQUEST FOR EXPEDITED RULING BY LORAIN COUNTY PROPERTY OWNERS electronically filed by Mr. MICHAEL BRAUNSTEIN on behalf of K. Hovnanian Oster Homes LLC and Betzel, Louis & Gale and Borling, Charles & David and Braatz, Richard & Ellen and Carter, Edmund & Angie and Conlin, Gary & Kathleen and Dennis, Samuel and Julius, Thomas & Johanna and Kurianowicz, Edward and Llado, Carlos & Sonia and Miller, Mary B. and Parker, Wesley A. and Petersen, Richard & Carol and Plas, James A. and Plas, Lawrence R. and Fathers of St. Joseph and Thorne, Brandon & Mary and Unger, Stephanie K. and Vajda, Sheryl L. and Demaline, Thomas and Barbara and Holt, William and Anna and Julius, Mark and Darlene and Kaulins, Marty & Irene and Kelling, Albert and Kerecz, Joan and Kubasak, Robert & Debra and Mekker, George and Wukie, Theresa and Helfrich, Matthias & Joanne