

**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 County, Ohio)
Case No. 14-1717-GA-BLN

NRG OHIO PIPELINE COMPANY LLC’S REPLY TO LORAIN COUNTY PROPERTY OWNERS FIELDSTONE LAKES’ RESPONSE IN OPPOSITION TO NRG’S MOTION TO EXTEND THE DURATION OF THE CERTIFICATE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A NATURAL GAS PIPELINE, METERING STATION, AND REGULATING STATION IN LORAIN COUNTY, OHIO; MOTION TO ENFORCE THE CODIFIED EXPIRATION OF THE CERTIFICATE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A NATURAL GAS PIPELINE IN LORAIN COUNTY, OHIO, AND MOTION FOR ORAL HEARING

I. INTRODUCTION

Pursuant to Ohio Administrative Code (“OAC”) Rule 4906-2-27(B)(2), NRG Ohio Pipeline Company LLC (“NRG”) respectfully submits a reply to the Ohio Power Siting Board (“OPSB” or “Board”) in response to Lorain County Property Owners (“Property Owners”), Fieldstone Lakes Ltd. and Fieldstone Lakes Homeowners Association’s (together “Fieldstone Lakes”):

1. Response in Opposition To NRG’s Motion To Extend The Duration of The Certificate For The Construction, Operation And Maintenance of A Natural Gas Pipeline, Metering Station, and Regulating Station In Lorain County, Ohio;
2. Motion To Enforce The Codified Expiration of The Certificate For The Construction, Operation And Maintenance Of A Natural Gas Pipeline In Lorain County, Ohio; and
3. Motion for Oral Hearing

Fieldstone Lakes’ response should be stricken as Fieldstone Lakes does not have standing to file a response in opposition to NRG’s motion. Even if the Board were to consider the

substance of Fieldstone Lakes' response, the response lacks any merit and should be denied accordingly.

II. ARGUMENT

A. Fieldstone Lakes lacks standing to object to NRG's motion.

Fieldstone Lakes lacks the proper party status to file a response in opposition to NRG's motion and for this reason alone, Fieldstone Lakes' response should not be considered by the Board. The Board's rules could not be clearer: "Any *party* may file a memorandum contra [to a motion] within fifteen days" ¹ Emphasis added. And, "[f]or purposes of this rule, the term "party" includes all persons who have filed notices or petitions to intervene which are pending at the time a motion or memorandum is to be filed or served."²

On April 22, 2015, the administrative law judge granted Property Owners' motion to intervene which included the following property owners that are a part of this intervention: Barbara & Thomas Demaline; Matthias & Joanne Helfrich; Mark & Darlene Julius; Marty & Irene Kaulins; Thomas Oster, President, Avon Development, LLC.; Robert & Debra Kubasak; George Mekker & Irene Noster; Joan Kerecz; Albert Kelling; William & Anna Marie Holt; and Theresa M. Wukie.³ Fieldstone Lakes was not listed as a property owner, never obtained party status, and has not filed a notice or petition to intervene.

B. Fieldstone Lakes' request to join Lorain County Property Owners' opposition to NRG's request should be denied.

Even if the Board accepts Fieldstone Lakes' request to join with the other Lorain Property Owners' opposition were to be considered by the Board, Property Owners Motions

¹ OAC Rule 4906-2-27(B)(1).

² OAC Rule 4906-2-27(E).

³ ALJ October 27, 2016 Entry, footnote 1, p. 2.

should be denied for the reasons forth in NRG's Reply to Property Owners' Response and Motions that was filed on October 27, 2016, which NRG incorporates herein.

III. CONCLUSION

For the reasons given above, the Fieldstone Lakes' request to join with the other Lorain Property Owners' opposition should be denied. If the Board should accept Fieldstone Lakes' request, the Property Owners' Motions should be denied and NRG's motion to extend the duration of its certificate be granted.

Respectfully submitted on behalf of
NRG OHIO PIPELINE COMPANY LLC



Dylan F. Borchers (0090690)
BRICKER & ECKLER, LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-4914
Facsimile: (614) 227-2390
E-mail: dborchers@bricker.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Reply has been served upon the following parties listed below via electronic mail, this 9th day of November 2016.



Dylan F. Borchers (0090690)

Robert J. Schmidt, Jr.
L. Bradfield Hughes
Porter Wright Morris & Arthur, LLP
41 South High Street
Columbus, OH 43215
rschmidt@porterwright.com

Anne Rericha
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
arericha@firstenergycorp.com

Michael Braunstein
Clinton Stahler
Goldman & Braunstein, LLP
500 South Front Street, Suite 1200
Columbus, OH 43215
Braunstein@GBlegal.net
Stahler@GBlegal.net

Jay R. Carson
Robert W. McIntyre
Wegman Hessler & Vanderburg
6055 Rockside Woods Blvd., Suite 200
Cleveland, OH 44131
jrcarson@wegmanlaw.com
rwmcintyre@wegmanlaw.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/9/2016 2:04:15 PM

in

Case No(s). 14-1717-GA-BLN

Summary: Reply of NRG Ohio Pipeline Company LLC'S Reply to Lorain County Property Owners Fieldstone Lakes' Response in Opposition electronically filed by Teresa Orahood on behalf of Dylan F. Borchers