

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE C314V CENTRAL CORRIDOR PIPELINE
EXTENSION PROJECT.

CASE NO. 16-253-GA-BTX

ENTRY

Entered in the Journal on April 13, 2017

{¶ 1} Duke Energy Ohio, Inc. (Duke) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On September 13, 2016, Duke filed with the Board an application for authority to construct a major utility facility and a motion for waiver of certain provisions of Ohio Adm.Code 4906-3-03(B), to the extent that such a waiver was necessary.

{¶ 4} By Entry issued October 6, 2016, Duke's motion for waiver was denied and Duke was directed that another public informational meeting was required pursuant to Ohio Adm.Code 4906-3-03(B).

{¶ 5} By correspondence filed January 31, 2017, Duke notified the Board that an additional public informational meeting had been held on January 26, 2017. On February 2, 2017, Duke filed its proof of publication of the public informational meeting.

{¶ 6} On January 20, 2017, as amended and supplemented on February 13, 2017, February 24, 2017, and March 3, 2017, Duke filed with the Board an amended application for a certificate of environmental compatibility and public need for a certificate to construct an approximately 14-mile, 20-inch natural gas pipeline extension from Duke's WW Feed Station to an existing gas pipeline in the village of Fairfax or the city of

Norwood area (project). The gas pipeline project would be located entirely in Hamilton County, Ohio.

{¶ 7} By letter dated March 3, 2017, the Board notified Duke that its amended application had been certified as complete and directed Duke to serve appropriate government officials and public agencies with copies of the complete, certified application.

{¶ 8} On March 21, 2017, Duke submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-07(A)(5).

{¶ 9} On March 30, 2017, Duke filed its proof of compliance with the requirements of Ohio Adm.Code 4906-3-07(A), service of its accepted and complete application. Pursuant to Ohio Adm.Code 4906-3-08, the effective date of the filing of the application shall be April 13, 2017.

{¶ 10} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 days nor more than 90 days after such receipt.

{¶ 11} In light of the significant interest in this application and the number of individuals that have submitted comments, the Board will conduct the local public hearing in this matter on June 15, 2017, commencing at 3:00 p.m. and continuing until 8:00 p.m., at the University of Cincinnati-Blue Ash, 9555 Plainfield Road, Muntz Hall, Room 119, Blue Ash, Ohio 45236. The purpose of the local public hearing is to allow interested persons in the local community affected by the project, who are not parties to the case, to provide written or oral testimony regarding the project.

{¶ 12} The adjudicatory hearing will commence on July 12, 2017, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room A, Columbus, Ohio 43215-3793. The purpose of the adjudicatory hearing is for Duke, Staff, and intervenors to provide evidence regarding the project.

{¶ 13} Petitions to intervene in the proceeding will be accepted by the Board up to 30 days following publication of the initial notice in newspapers of general circulation in the project area as required pursuant to R.C. 4906.06(C), or by May 31, 2017, whichever is later.

{¶ 14} Duke should issue public notices of the application and the hearings, pursuant to Ohio Adm.Code 4906-3-09(A)(1) and (2) and publish an initial notice in newspapers of general circulation in accordance with R.C. 4906.06(C). As part of the information to be included in the notices, Duke shall include a statement that the hearings in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from members of the public, on June 15, 2017, commencing at 3:00 p.m. and continuing until 8:00 p.m., at the University of Cincinnati-Blue Ash, 9555 Plainfield Road, Muntz Hall, Room 119, Blue Ash, Ohio 45236.
- (b) An adjudicatory hearing to commence on July 12, 2017, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room A, Columbus, Ohio 43215-3793.

{¶ 15} Further, regarding the initial public notice required under Ohio Adm.Code 4906-3-09(A)(1), and the initial newspaper notice in accordance with R.C. 4906.06, Duke shall include the following statement as part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-2-12(A), or by May 31, 2017, whichever is later. However, the Board strongly

encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite Case No. 16-253-GA-BTX.

{¶ 16} Ohio Adm.Code 4906-2-09(B) provides that the administrative law judge(s) (ALJs) shall regulate the course of the hearing, including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following process should be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before May 31, 2017.
- (b) On or before June 23, 2017, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by Duke shall be filed by June 28, 2017.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by July 5, 2017.

{¶ 17} The parties are encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide electronic copies to the ALJs.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraphs 11 and 12. It is, further,

{¶ 20} ORDERED, That notices of the application and hearings be published by Duke in accordance with Paragraph 14. It is, further,

{¶ 21} ORDERED, That Staff file its report of investigation pursuant to Paragraph 16. It is, further,

{¶ 22} ORDERED, That all parties file their issue(s) lists and expert and factual testimony in accordance with Paragraph 16. It is, further,

{¶ 23} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Greta See

By: Greta See
Administrative Law Judge

JRJ/dah

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-0253-GA-BTX

Summary: Administrative Law Judge Entry orders hearings in this matter be scheduled at the times and places designated in Paragraphs 11 and 12; that notices of the application and hearings be published by Duke in accordance with Paragraph 14; that Staff file its report of investigation pursuant to Paragraph 16; and that all parties file their issue(s) lists and expert and factual testimony in accordance with Paragraph 16. Entry electronically filed by Debra Hight on behalf of Greta See, Administrative Law Judge.