

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Suburban Natural Gas Company,)	
)	
Complainant,)	
)	
v.)	Case No. 17-2168-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

**MOTION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND
DELAWARE COUNTY ENGINEER FOR LEAVE TO FILE THE DIRECT
TESTIMONY OF ROBERT M. RILEY OUT OF TIME**

In accordance with Ohio Adm. Code 4901-1-12, the Delaware County Board of Commissioners (the “Board”) and the Delaware County Engineer (the “Engineer”) (collectively, the “County”), by and through the Delaware County Prosecuting Attorney, respectfully request issuance of an order granting leave for the County to file the Direct Testimony of Robert M. Riley out of time. A Memorandum in Support follows, and a copy of the proposed Prepared Direct Testimony is attached hereto.

MEMORANDUM IN SUPPORT

On March 16, 2018, the County filed a Motion to Intervene and was made aware that direct testimony was also to be filed by March 16, 2018. Accordingly, the County prepared the direct testimony of the Delaware County Chief Deputy Engineer, Robert M. Riley, P.E., P.S., and provided a draft copy to the other parties in this matter. Undersigned counsel expressed that the County would seek leave to file the testimony in the event its Motion to Intervene was granted. The Motion to Intervene was granted on March 28, 2018, and in order to avoid any

delay to this proceeding, the County respectfully requests leave to file the prepared direct testimony. The County has also agreed to make Mr. Riley available for deposition on April 2, 2018, if either of the other parties wishes to take his deposition.

Respectfully submitted,

CAROL HAMILTON O'BRIEN
DELAWARE COUNTY
PROSECUTING ATTORNEY

/s/ Aric I. Hochstettler

Aric I. Hochstettler (0081081)
Assistant Prosecuting Attorney
140 North Sandusky Street, 3d Floor
P.O. Box 8006
Delaware, Ohio 43015
740.833.2690 – *Telephone*
740.833.2689 – *Facsimile*
AHochstettler@co.delaware.oh.us

*Counsel for Delaware County Board of
Commissioners and Delaware County
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**PREPARED DIRECT TESTIMONY OF ROBERT M. RILEY, P.E., P.S.,
ON BEHALF OF INTERVENORS DELAWARE COUNTY
BOARD OF COMMISSIONERS AND DELAWARE COUNTY ENGINEER**

CAROL HAMILTON O'BRIEN
DELAWARE COUNTY
PROSECUTING ATTORNEY

/s/ Aric I. Hochstettler
Aric I. Hochstettler (0081081)
Assistant Prosecuting Attorney
140 North Sandusky Street, 3d Floor
P.O. Box 8006
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740.833.2690 – *Telephone*
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*Counsel for Delaware County Board of
Commissioners and Delaware County
Engineer*

**PREPARED DIRECT TESTIMONY
OF ROBERT M. RILEY, P.E., P.S.**

Q: Please state your name and business address.

A: My name is Robert M. Riley. My business address is 50 Channing Street, Delaware, Ohio 43015.

Q: By whom are you employed?

A: I am employed by the Delaware County Engineer's Office.

Q: What is your current position with the Delaware County Engineer's Office?

A: I am currently the Chief Deputy Engineer.

Q: How long have you held this position?

A: I was appointed as Chief Deputy Engineer on May 31, 2010.

Q: Did you hold any positions with the Delaware County Engineer's Office prior to your appointment as Chief Deputy Engineer?

A: Yes, I held the positions of Engineer Intern, Design Engineer and Project Engineer between May 1997 and May 2010.

Q: What are your duties as Chief Deputy Engineer?

A: My duties include general oversight of the day-to-day operation of the Engineer's Office under direct report to the County Engineer. I supervise approximately 8 employees directly and 30 indirectly. I act in responsible charge and oversee the work of deputy engineers that review and inspect the design and construction of all public road and bridge construction projects, including new land developments which construct new public infrastructure. I act in responsible charge and oversee the work of deputy engineers and staff assigned to acquisition of land and right of way for road and bridge construction. I oversee the work of the utility coordination and permitting department which regulates the work of utility companies and other entities performing work within public right of way under Delaware County jurisdiction. I approve, on behalf of the County Engineer, new subdivision plats in Delaware County. I perform inter-governmental coordination and act as the County Engineer's representative when required.

Q: Would you please briefly state your educational background and licenses or registrations held?

A: I hold a Bachelor of Science in Civil Engineering from Ohio Northern University, conferred May 21, 2000. I am a registered professional engineer (P.E.) since February 2003 and registered professional surveyor (P.S.) since 2015 in the State of Ohio.

Q: Who is the current Delaware County Engineer?

A: Chris Bauserman.

Q: Who are the current Delaware County Commissioners?

A: Jeff Benton, Barb Lewis, and Gary Merrell.

Q: Are you authorized to appear and testify on behalf of the Delaware County Engineer and Delaware County Board of Commissioners in this proceeding?

A: Yes.

Q: Are you familiar with the allegations contained in the Complaint filed by Suburban Natural Gas against Columbia Gas of Ohio in this matter?

A: Yes.

Q: Of the allegations contained in the Complaint, do any particular allegations impact the interests of the Delaware County Engineer and Delaware County Board of Commissioners and, if so, which ones?

A: First, Delaware County is a natural gas customer, and as such, Delaware County is concerned that increased costs due to the recovery of construction costs and ongoing monitoring and maintenance will be passed on to all users, including Delaware County. If the allegation in the complaint regarding incentives is true, then Delaware County would also be subsidizing the incentive program. Second, Delaware County is concerned about the unnecessary duplication of natural gas facilities.

Q: Why is it a concern to duplicate natural gas facilities?

A: Delaware County has seen rapid population growth, and one result is the need for continual improvements to and expansion of the county road system. A large component of road construction costs is relocation of utilities when the utilities are in conflict with the planned roadway improvements. Duplicative installations only increase the cost. While utility installations within road rights-of-way are typically at the public utility's expense, public utilities can also locate in private easements parallel to the road and just outside of the public right of way, which would require relocation at county expense in the event of a conflict with the planned roadway improvements. Regardless of whether relocation is reimbursed or not, the delays encountered during utility relocations can have a significant impact on the cost of road improvements as a result of delays. The statutory remedy to enforce prompt relocation has proven difficult or impractical, leaving the county essentially powerless when confronted with relocation delays. Duplication of natural gas facilities within road rights-of-way also utilizes valuable space that makes it more difficult or impossible to install additional utilities without acquiring additional right-of-way. Duplication of natural gas facilities also causes confusion when county personnel respond to emergency situations, such as when a pipeline is struck in the course of work conducted within the right-of-way.

Q: Could you give an example of a situation in which the presence of natural gas facilities increased costs for Delaware County or delayed a project?

A: Delaware County has recently undertaken improvements to South Old State Road located in Orange Township, Delaware County, Ohio involving widening of the roadway to accommodate new traffic lanes, sidewalks and bike paths. The work required the relocation of a gas line owned and operated by Suburban Natural Gas, which was located

1 in a private utility easement owned by Suburban Natural Gas running parallel to the road.
2 The cost to relocate the gas line was in excess of One Million Dollars (\$1,000,000),
3 adding approximately seven percent (7%) to the construction cost of the project.
4

5 **Q: Are there any other recent projects where similar gas line relocation costs were**
6 **incurred?**

7 A: Yes, Delaware County recently completed a project on Sunbury Road in Westerville,
8 Ohio, involving widening of the road and adding new traffic lanes, sidewalks and paths.
9 Similar to the South Old State Road project, Columbia Gas owns a gas line running along
10 the road in a private easement which also had to be relocated for the road construction,
11 costing over Twenty Thousand Dollars (\$20,000). Delaware County is also making
12 intersection improvements at Liberty Road and Jewett Road near Powell, Ohio which just
13 recently required a Thirty Nine Thousand Dollar (\$39,000) relocation of Columbia Gas
14 facilities in a private easement.
15

16 **Q: Are there other projects which caused some other problem other than additional**
17 **cost?**

18 A: Yes, Delaware County is making improvements to South Old 3C Highway near
19 Westerville, Ohio requiring a relocation of a high pressure Columbia Gas pipeline in the
20 existing right of way. The additional time required to relocate the gas pipeline ahead of
21 storm sewer construction has delayed the start of the project by at least eight (8) months.
22

23 **Q: You've mentioned several projects that have resulted in either additional costs or**
24 **delays. Based on your experience, are these projects representative of future**
25 **projects Delaware County is planning, and do you believe similar additional costs or**
26 **delays would result from gas pipeline relocations as a part of those projects?**

27 A: Yes, the County Engineer has numerous other road improvement projects planned
28 involving road widening that will likely impact existing gas pipelines with high potential
29 for relocation costs or delays as a result.
30

31 **Q: Previously you stated that you believe the duplicative installation of gas pipelines**
32 **would only increase relocation costs on road projects. Do you believe these costs**
33 **would be significant?**

34 A: Yes. I certainly consider One Million Dollars to be a significant cost for one gas
35 pipeline. Adding a second one of the same size would basically double the cost.
36

37 **Q: Aside from costs and delays, are there other concerns you would have with**
38 **duplicative gas pipeline installations?**

39 A: Gas pipelines have been hit during excavations on numerous projects. In 2017 a gas
40 pipeline was struck on the South Old State project which forced a road closure and I
41 believe an evacuation of at least one home. Fortunately, there were no injuries, but as the
42 number of gas pipelines in a location increases, the risk of hitting them during excavation
43 also goes up. I am very concerned about the safety of having more gas pipelines out there
44 than absolutely needed.

1 **Q: Despite these concerns, has your office approved right-of-way utility work permits**
2 **in the area identified in the complaint in this matter?**
3 A: Yes. While our office has concerns related to the duplication of utility facilities within the
4 road right-of-way, we continue to address each permit application in accordance with our
5 standards and applicable laws and regulations.
6
7 **Q: Does this complete your prepared direct testimony?**
8 A: Yes. I reserve the right to file rebuttal testimony as warranted based upon further
9 developments in this case.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was served by electronic mail this 28th day March, 2018, upon the following:

Mark A. Whitt, Esq. – whitt@whitt-sturtevant.com
Attorney for Suburban Natural Gas

Mark S. Stemm, Esq. – mstemm@porterwright.com
Attorney for Columbia Gas of Ohio, Inc.

/s/ Aric I. Hochstettler

Aric I. Hochstettler (0081081)

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Summary: Motion for Leave to File Direct Testimony of Robert M. Riley electronically filed by Mr. Aric I Hochstettler on behalf of Delaware County Board of Commissioners and Delaware County Engineer