

**From:** [Puco ContactOPSB](#)  
**To:** [Puco Docketing](#)  
**Subject:** comment 16-0253-GA-BTX  
**Date:** Wednesday, June 5, 2019 9:55:53 AM  
**Attachments:** [Staff Brief critique.pdf](#)

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Subject: Comment for Filing in Docket for Case number: 16-0253-GA-BTX

Matt Butler  
PUCO

Mr. Butler,

The online form for filing comments still does not accept comments of more than 3976 characters. In the case of the comment I wish to file, that was only 632 words.

Please post the attached document (Staff Brief Critique.PDF) to the docket. If you need more information, please let me know.

Thank you.

Alan Ullman  
Blue Ash, OH

The Brief filed by the OPSB Staff after the Adjudicatory Hearing in April (and the two Staff Reports issued 5/31/17 and 3/5/19) clearly demonstrate that the Staff did not do a thorough investigation of the Duke application in this case.

In fact, Staff barely investigated at all. In most every instance, Staff concurred with Duke's statements, even when a simple Internet search would have disproved Duke's assertions. It is no wonder that the Staff Brief says, "Duke, with two minor exceptions, agrees with the Amended Staff Report and its conditions." It is remarkable that Staff believes every statement by Duke, despite Duke's history of violations, fines, and sloppy work. Here are some examples:

- PUCO fined Duke \$500,000 citing "compliance with natural gas pipeline safety standards" in 2010 Lebanon gas explosion<sup>1</sup>.
- Duke paid a \$1 million fine for an Ohio River spill<sup>2</sup>.
- Duke's own data reports ~600 corrosion-related leaks, ~25 damage incidents due to poor records and or maps, ~150 leaks due to operator error, and ~600 3<sup>rd</sup> party damage incidents per year on average in recent years<sup>3</sup>.
- In 2018, Duke or its subsidiary received two Notices of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order<sup>4-5</sup>.
- In preparing the application for this project, Duke completely missed the presence of the Pristine Superfund site in Reading and needed to halt the application process while it studied the route in detail.
- Finally, Duke filed with OPSB for permission to extend a pipeline on Winton Road in Hamilton County and install a regulator station, then had to revise the application because they left out an entire segment of pipe, and finally withdrew the entire application when they realized permission wasn't needed because the pipe length and cost were below OPSB thresholds<sup>6-8</sup>.

This Brief filed after the Adjudicatory Hearing acts as a defense of the shoddy job done by Staff. **It does not acknowledge any of the evidence presented in the Adjudicatory Hearings or the Pre-filed testimony. Staff has completely ignored the evidence.**

Here are just a few of the problems with Staff's assessment:

- Agreed with Duke that the Propane-air peaking plants should be retired despite the fact that Staff's Mr. Conway **did not** visit the East Works (River Road) Peaking plant until nearly two years **after** agreeing with Duke!
- Ignored Duke's agreeing that it can and has replaced/repared its lines without the proposed pipeline.
- Agreed with Duke's incorrect model that projects needed gas volume growth, even though an outside assessment required by OPSB several years ago states that Duke's modeling is flawed and overstates demand. (Testimony at one of the hearings in Blue Ash demonstrated this as well.)
- Ignored census studies that show Hamilton County (the core of Duke's area) is **not** increasing in population.
- Ignored the fact that new furnaces are more efficient requiring **less** gas.
- Staff's discussion of Public Interaction and Participation discusses the large number of document records filed in the public comments, the lengthy list of Intervenor, and the government officials expressing opposition. However, Staff appears to have ignored that input with only a condescending comment!
- Staff appears to commend Duke for holding public meetings, though these are required by OPSB.
- Staff appears to commend Duke for establishing a website about the project but ignores the inaccuracies and inconsistencies of the website.
- Staff's "discussion" of the ecological impact of the proposed pipeline, in particular, the Alternate Route that Staff prefers, is deeply flawed. Staff had no comment concerning Duke's assessment of toxic materials in the areas near the Pristine Site and brownfield sites further south on the route. Most anyone

can see that this “study” was cursory at best. Very few samples were taken and none by Ohio EPA or any other State Agency. There was no discussion in the Application of possible sinkholes, subsurface water flow along the pipe “channel,” and the survey and discussion of wildlife in the area was also cursory at best. Staff conducted no research of its own; it just accepted Duke’s word.

- Staff concurs with every statement Duke puts forth, even the preposterous assertion that changing north/south balance from 45/55 to 50/50 is meaningful. Anyone with common sense can see that loss of 55% or 50% of gas flow would be catastrophic and that the difference is trivial.

While I could go on, I’ll keep this short in the hope that a member of the OPSB will actually read it.

Alan Ullman  
Cincinnati  
6/4/19

## References

1. <http://www.puco.ohio.gov/puco/index.cfm/media-room/media-releases/puco-fines-duke-energy-500000-following-investigation-of-lebanon-apartment-explosion/#sthash.F4hj8mbx.dpbs>
2. <http://www.charlotteobserver.com/news/local/article116383368.html>
3. DEO Integrity Management Cost Deferral Program Audit, 16-387-GA-AAM, Attachment C, 11/28/17.
4. NOPE Adjudicatory Hearing Exhibit #6, Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order, CPF 2-2018-6002, Discussed in Adj. Hearing Testimony Transcript Day 1, p. 81–86.
5. NOPE Adjudicatory Hearing Exhibit #7, Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order, CPF 2-2018-1004, Discussed in Adj. Hearing Testimony Transcript Day 1, p. 81–86.
6. Construction Notification for the Station 854 Natural Gas Regulator Station Installation Project PUCO Case Number 18-1455-GA-BNR, October 15, 2018.
7. Construction Notification for the Station 854 Natural Gas Regulator Station Installation Project PUCO Case Number 18-1455-GA-BNR, November 2018.
8. Correspondence of Duke Energy Ohio, Inc. Withdrawing Application for Project PUCO Case Number 18-1455-GA-BNR, November 28, 2018.

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Public Comment received via website electronically filed by Docketing Staff on behalf of Docketing.