

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of Columbia Gas of Ohio,)	
Inc.'s Letter of Notification for the)	Case No. 19-2148-GA-BLN
Marysville Connector Pipeline Project)	

**REPLY IN SUPPORT OF PETITION FOR LEAVE TO INTERVENE OF THE
DELAWARE COUNTY BOARD OF COMMISSIONERS**

The Delaware County Board of Commissioners (the "County") readily admitted in its Petition for Leave to Intervene in this matter that it filed the Petition out of time and is required to show good cause and the existence of extraordinary circumstances justifying intervention. The County respectfully asserts that it has met this burden and should be granted leave to intervene.

Columbia makes reference to public transparency in this matter, but Columbia minimizes the unusual efforts undertaken to limit the County's ability to discover and assert its real and substantial interest in the Marysville Connector Pipeline Project (the "Project"). Columbia has publicly stated that the Project is inextricably linked to the Northern Loop project that is partly located in and has significant impacts to Delaware County. Even without that link, the Project standing on its own is in such close proximity to Delaware County that there is a clear nexus to the County's infrastructure and economic development planning efforts. Despite this obvious nexus, Columbia made no attempt to notify the County, formally or informally, that it intended to file its Letter of Notification, instead arguing now that the County should have been constantly monitoring the Board's docket. Contrary to Columbia's arguments, the timing of its filing was almost certain to evade anything but an extraordinary level of due diligence. The Letter of

Notification was filed on a Friday leading into a holiday week. The notice of filing was published during that holiday week, and the County is not within the primary circulation area of the publication. The ten day intervention deadline included four public holidays and two weekend days. Even if Columbia is able to tout its technical adherence to the Board's notice requirements, it has utterly failed to uphold the public policy underlying those requirements. The peculiar timeline alone constitutes good cause for the County's failure to timely file its Petition and extraordinary circumstances justifying the County's intervention out of time, pursuant to R.C. 4906.08(B) and OAC 4906-2-12(C), but there are additional extraordinary circumstances justifying the County's intervention out of time.

While Columbia argues that the County's interest in this matter is "nothing other than a generalized interest...common to every customer of Columbia," Columbia ignores the real and substantial interests in this matter that are unique to the County and constitute extraordinary circumstances justifying intervention out of time. The Project is located less than five miles from the Delaware County boundary, and this proximate area of southwest Delaware County is one of the County's targeted growth corridors that will require ample and reliable supplies of natural gas. The County is not just a customer in this area, with an interest common to any other Columbia customer. The County is responsible for a nearly 400 mile county highway system, the Delaware County Sewer District, countywide emergency communications and emergency medical services, and the Delaware County Office of Economic Development, resulting in the investment of hundreds of millions of dollars in infrastructure to support the rapid development of the fastest-growing county in the State of Ohio. One pertinent example of this investment is the County's Lower Scioto Water Reclamation Facility, which is a 1.4 million GPD facility (with provisions to expand to 2.8 million GPD) less than six miles from the Project. The County

invested over \$30 million in the facility in order to provide sanitary sewer service to an area that exceeds 30 square miles, the vast majority of which is within ten miles of the Project. The County, as the steward of Delaware County taxpayer dollars and the primary economic development entity for Delaware County, has an obligation to ensure that any utility project within or in the immediate vicinity of Delaware County is properly planned and implemented in accordance with the County's various master plans. The Project is not merely a pipeline that is serving a neighbor down the road instead of the County's office building. This Project, and the larger project of which it is a part, is integral to the continued orderly development of Delaware County. Only the County, not any other party, can adequately represent or even comprehend these vital interests.

Finally, the County also directs the Board to the Supreme Court of Ohio's opinion in *Ohio Consumers' Counsel v. PUCO*, 111 Ohio St.3d 384, 2006-Ohio-5853, in which the Court applied the general rule governing intervention in civil cases to public utility matters, supporting the premise that rules governing intervention should be liberally construed in favor of intervention. *Id.* at ¶16.

For the foregoing reasons, the County respectfully asserts that it meets all requirements justifying intervention in this matter and respectfully requests that this Board grant its petition for leave to intervene.

Respectfully submitted,

/s/ Aric I. Hochstettler

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and accurate copy of this document shall be served on February 7, 2020, as follows:

The docketing division's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Reply in Support of Petition for Leave to Intervene of the Delaware County Board of Commissioners electronically filed by Mr. Aric I Hochstettler on behalf of Delaware County Board of Commissioners