

**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.)	
)	

**MOTION FOR SUSPENSION OF
THE ACCELERATED CERTIFICATE APPLICATION AND REQUEST FOR
EXPEDITED RULING**

Pursuant to R.C. 4906.03(F) and Ohio Adm.Code 4906-6-09, the Ohio Gas Access Partnership, Inc. (“OGAP”), Union County Board of County Commissioners, Logan County Board of County Commissioners, Madison County Board of County Commissioners, Millcreek Township Board of Township Trustees, and Jerome Township Board of Township Trustees (collectively, “Intervenors”) move the Ohio Power Siting Board to suspend consideration, for good cause shown, of Columbia Gas of Ohio, Inc. (“Columbia”)’s accelerated Letter of Notification application for the Marysville Connector Pipeline Project (“Application”). Intervenors also request that the Board exercise its discretion under Ohio Adm.Code 4906-6-09(C) to set the matter for hearing to allow for a full presentation of facts and issues that are relevant to the application.¹ Pursuant to Ohio Adm.Code 4906-2-27(C), Intervenors request an expedited ruling on this motion. Counsel for OGAP has contacted counsel for all other parties, and Columbia objects to the issuance of a ruling without the filing of memoranda. The reasons supporting this motion are set forth in the accompanying Memorandum in Support.

¹ OGAP initially requested that the Board suspend consideration of the Application and set the matter for hearing in its initial comments filed in this case January 2, 2020.

WHEREFORE, Intervenor respectfully request that the Ohio Power Siting Board grant this motion on an expedited basis, suspend consideration of Application, and set the matter for hearing.

Respectfully submitted,

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MEMORANDUM IN SUPPORT OF MOTION FOR SUSPENSION

I. INTRODUCTION

Good cause exists to grant the Intervenor's motion for suspension of the Marysville Connector Pipeline Project Letter of Notification Application (the "Application"). OGAP identified concerns in its petition to intervene regarding the need for the Marysville Connector Pipeline Project (the "Marysville Connector") and whether the Marysville Connector will serve the public interest, statutory criteria the Board must ensure are met. *See* R.C. 4906.10(A)(1); R.C. 4906.10(A)(6). OGAP also identified specific concerns as to why the Marysville Connector does not qualify for an accelerated letter of notification certificate application process. Importantly, while the Application necessarily implies that the Marysville Connector will flow gas from the City of Marysville, responses by Columbia to Staff data requests indicate that Columbia will connect the Marysville Connector to Columbia's proposed Northern Loop Project and flow gas to Marysville.² *See* Attachment A (2/14/2020 Columbia Response to Staff Data Request). If accurate, this raises a host of issues such as whether the pipeline is properly sized to meet the future needs of Marysville and areas west of Marysville, including Logan County. It also raises the question of why this was not stated in the Application which presented gas flowing from Marysville (taking gas away from an already constrained area).

These issues, and others, warrant the suspension of the application to allow for a hearing in which the Intervenor can present concerns and challenge Columbia's positions on the statutory criteria. Suspension is warranted in this proceeding and will add no delay, especially as

² Specifically, the Application identifies the need for the Project is "to increase economic development and service reliability near Marysville in Union County. The Project will provide natural gas service to new industry and residential development near the Project alignment and provide existing customers with an increased capacity for reliable natural gas service." Application at 2. Given that the Project does not connect to the existing Columbia system on the west side of Columbus, the only way for gas to reach the Project alignment is **from Marysville**. *See* Application at Figure 2.

Columbia has responded to Staff that it “anticipated that a condition for the Marysville Connector project's construction would be the approval of the Northern Loop....” *See* Attachment A. Finally, this motion should be granted on an expedited basis pursuant to Ohio Adm.Code 4906-2-27(C), given the upcoming deadlines for automatic approval of the Application and completion of a staff report. Counsel for OGAP has contacted counsel for all other parties, but has not been able to confirm prior to the filing of this motion that no party objects to the issuance of a ruling without the filing of memoranda.

II. ARGUMENT

A. The Board should Suspend Consideration of the Application to allow for a Full and Complete Evaluation of the R.C. 4906.10 Criteria

The Intervenors are very concerned that the Marysville Connector is not fully addressing the need for natural gas in Union County and other counties. It is in the public interest to address areas in Ohio that have natural gas constraints such as Union County, Madison County and Logan County. Natural gas constraints have a direct and negative impact on the opportunity for economic development, as experienced by all of the Intervenors. Thus, it is very important that the Board fully consider the need for the Marysville Connector and consider whether the project is designed to meet the needs of the Intervenors, businesses and citizens in those areas, all of which impact the public interest. The Board can allow for a thorough consideration of the criteria with the benefit of a full record by suspending consideration and automatic approval of the Application.³

³ Indeed, even if the Application were to be suspended and subsequently approved by the Board, there would still be more than sufficient time for Columbia to meet the construction and operation schedule for the Project identified in the Application. *See* Application at 4 (“Installation of the proposed pipeline is scheduled to begin on or about February 21, 2022, and the in-service date (completion date) of this Project is expected to be on or about December 26, 2022.”)

The Board considers the criteria enumerated in R.C 4906.10 in all cases in which an applicant seeks a certificate from the Board, both standard certificate applications and accelerated applications. *In re North Coast Gas Transmission, LLC*, Case No. 14-1754-GA-BLN, Entry (Apr. 6, 2015), at 10. Among other factors, the Board is required to find and determine, upon the record in a case, “the basis of the need for the facility if the facility is an electric transmission line or gas pipeline” and “that the facility will serve the public interest, convenience, and necessity”. R.C. 4906.10(A)(1); R.C. 4906.10(A)(6). **The record before the Board currently does not allow the Board to make these determinations.** As Intervenor OGAP noted in its petition to intervene and initial comments, the Marysville Connector may not be the best comprehensive, regional, long-term solution to the area’s energy needs, especially if it precludes other investment from Columbia, either alone or in partnership with other entities, in natural gas supply in the area. Given the ongoing growth in the area, the Intervenors are concerned that the Marysville Connector is an expensive, but short-term approach that will drive up costs for Columbia’s rate-payers without actually solving the natural gas supply issue in the area.

Just as important is the confusion now presented by Columbia’s responses to Staff’s data requests which, although not on the docket, show that Columbia: (1) plans to interconnect the Marysville Connector to the Northern Loop Project, as the Intervenors believed; (2) intends to use the Marysville Connector to move gas into Marysville, and allegedly to areas to the west; and (3) is relying on statements from a Union County Commissioner to support the need criteria. *See* Attachment A. These new developments go directly to the point of the Intervenors’ comments and reason for intervening in this proceeding. Specifically, if Columbia is going to use the Marysville Connector to move gas toward Marysville and areas beyond, has it

appropriately designed the pipeline to address the need, or is the pipeline simply a short-term approach that fails to address the overall needs of the Intervenors, including Union County and Logan County. A hearing will allow for a full presentation and consideration of the Intervenors' positions and concerns as well as Columbia's positions.

At this point in the process, the Board and the public simply have insufficient information to: (1) determine that Columbia has demonstrated a basis of the need for the Marysville Connector, given the apparent conflicting information regarding need provided in the Application and in response to Staff's data requests; and (2) determine that, as designed, the Marysville Connector will be in the public interest or will deliver sufficient new capacity to the region.

In addition to the unanswered questions that both the Application and Columbia's responses to Staff's data requests present, the Application includes no information on the Marysville Connector's capacity, leaving both the Board and Intervenors in the dark as to whether the Marysville Connector will truly be able to meet the demand for "new industry and residential development near the Project alignment and provide existing customers with an increased capacity for reliable natural gas service." Application at 2. The Application does not identify any specific customers but then in data responses Columbia identified the City of Marysville as a customer (but if gas flows from Marysville down the Marysville Connector as presented in the Application then the City may not be a customer). *See* Attachment A. In addition, the Application contains no true discussion or evaluation of potential alternatives for the Marysville Connector, including a potential long-term solution to natural gas supply concerns in the area that could be achieved by developing connections to an existing interstate pipeline.

Without these two critical statutory items being fully evaluated and considered, as well as other deficiencies that Intervenors may identify and bring to the Board's attention through a hearing process, the Board is without the critical information required to make the mandatory statutory findings and determinations under R.C. 4906.10(A). Suspension of the accelerated certificate application and holding an evidentiary hearing, at which Intervenors, Columbia, and any other parties can participate, will allow the development of a more fulsome record to support the Board in complying with its statutory obligations.

B. The Board has Previously Suspended Letter of Notification Applications to Develop a Thorough Record

When faced with questions regarding a project's compliance with accelerated certificate application requirements, the Board has previously suspended consideration of such a project under the accelerated process. For example, in *In re NRG Ohio Pipeline Company LLC*, Case No. 14-1717-GA-BLN ("*NRG*"), the applicant sought accelerated approval of a gas pipeline that was over 20 miles in length, but which the applicant claimed met letter of notification requirements because it "is primarily needed to meet the requirements of a specific customer or specific customers." *NRG*, June 4, 2015 Entry, at 5. A group of local citizens argued that the proposed pipeline did not meet letter of notification requirements, because "the project is not needed to meet the requirements of a specific customer or customers." *Id.* at 5-6.

The Board then suspended the application determining that:

additional investigation was necessary to complete a thorough review of NRG Pipeline's letter of notification application, particularly in light of the issues raised in this case, including the Applicant's assertion in the Certification Case that the proposed pipeline would be used to serve an affiliate, as well as other potential commercial and manufacturing customers along the project route, and the concerns raised by FirstEnergy and LCPO. **The Board, therefore, found good cause to suspend the application and the 90-day automatic certification process**, pursuant to R.C. 4906.03(F), in order for the Board and Staff to further review this

matter, and directed that a local public hearing and an adjudicatory hearing be held, consistent with Ohio Adm.Code 4906-5-02(A)(3)(c).

NRG, Entry (Jun. 4, 2015), at 6 (emphasis added).

The Board, after suspending the process and conducting further review, a local public hearing and evidentiary hearing ultimately concluded that:

In light of the Board's additional review of NRG Pipeline's letter of notification application and supplement, the parties' direct testimony, and the transcripts and exhibits from the local public hearing and the adjudicatory hearing, as evaluated below against the criteria set forth in R.C. 4906.10, **we find that the record is sufficient to enable the Board to make an informed decision in this case** and one that is fully in accordance with R.C. Chapter 4906.

NRG, Entry (Jun. 4, 2015), at 8 (emphasis added).

As it did in *NRG*, the Board should suspend consideration of the Application under the accelerated certificate rules, giving the Board and the Board's staff time to engage in the "rigorous analysis ... consistent with our consideration of standard certificate applications." Part of this rigorous analysis should include an exercise of the Board's discretion to hold an adjudicatory hearing.

C. The Board Should Also Suspend Consideration of the Application to Determine if the Marysville Connector Meets the Criteria for an Accelerated Letter of Notification Application

Columbia's responses to Staff's data requests also confirmed that the Marysville Connector is only a small part of a larger expansion planned by Columbia, including a project that Columbia has termed the Northern Loop Project. *See* Attachment A. The Northern Loop Project is "designed to bring natural gas from pipelines on the eastern side of Franklin County, where supplies are abundant, to areas north and west of Columbus."⁴ Columbia intends to

⁴ <https://www.columbiagasohio.com/services/work-in-your-neighborhood/northern-loop-project> "How does the Northern Loop project answer the need for new gas supplies?" (Last visited March 4, 2020.)

connect the Marysville Connector to the Northern Loop Project which brings into question whether the Marysville Connector and the Northern Loop Project could be considered a single major utility facility, as that term is defined under R.C. Chapter 4906. If so, or if any extension of the Marysville Connector to the Northern Loop Project exceeds five miles, then the use of the letter of notification accelerated certificate application process for the Marysville Connector may be inappropriate.

Supporting this point is that the Marysville Connector is already nearing the five-mile maximum limit for an accelerated letter of notification filing for a gas pipeline under Ohio Adm.Code 4906-1-01, Appendix B. Thus, consideration of the entirety of Columbia's expansion plans, as a whole, may be more appropriate through a standard certificate of environmental compatibility and public need application proceeding, under Ohio Adm.Code Chapter 4906-5. This is especially true if through a need analysis, the pipeline actually should be extended past Marysville to serve constrained areas west of Marysville. It is also true if the actual length of the Marysville Connector will exceed five miles in order to connect to the Northern Loop Project.

A suspension of the Application and a hearing will allow the Board (and the public) to better understand whether the Marysville Connector as designed, if connected to the Northern Loop Project, and if intended to move gas west of Marysville, qualifies for the standard certificate of environmental compatibility and public need application process. If so, that process would result in a more full and comprehensive consideration of the supply issues facing western Central Ohio. It will also afford the Board and the Board's Staff more time to complete a review of the Columbia expansion, including the Marysville Connector. The standard certificate process would also require Columbia to expressly consider alternative routes for the

Marysville Connector, and to identify and discuss an alternate route for the Marysville Connector, in addition to the “preferred” route identified in the Application.

III. CONCLUSION

There are many unknowns about the Marysville Connector as well as contradictions in the information presented in the Application and Columbia’s responses to Staff’s data requests. A suspension of the Application and a hearing will allow the Board and its Staff to evaluate this project on a thorough record rather than allowing for a quick and automatic approval of the application on no record. For all of the above reasons and for good cause shown, Intervenors’ motion to suspend should be granted on an expedited basis pursuant to Ohio Adm.Code 4906-2-27(C), and the Board should set an adjudicatory hearing on this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board’s e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) or otherwise via U.S. regular mail on this 5th day of March 2020 upon all persons/entities listed below:

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/s/ Michael J. Settineri

Re: Marysville Connector Data Requests (Need) 

Melissa L Thompson to: grant.zeto@puco.ohio.gov

02/14/2020 05:16 PM

Grant,
Thank you for sending your questions, and I will be following up with a phone call next week to discuss Columbia's responses to (6) and (7) below.

Thanks again and have a great three-day weekend!

Best regards,
Melissa

(1) Columbia's website indicates that a Northern Loop gas pipeline project with a similar schedule and location as the Marysville Connector project will be submitted soon to the OPSB. Please fully explain why the Marysville Connector project was not included in the Northern Loop project.

The Northern Loop project is not dependent on the Marysville Connector. Columbia designed the Northern Loop as a project that will bring gas from the east side of Columbus to connect to Columbia's west side high pressure system. The Marysville Connector is not necessary to achieve this goal. The Marysville Connector pipeline is intended bring gas to Marysville and the US 33 corridor. Therefore, Columbia considers the Marysville Connector a separate and distinct project from the Northern Loop project.

(2) Is the Marysville Connector project dependent or contingent on construction of the Northern Loop project?

The Marysville Connector is not physically dependent on the construction of the Northern Loop. Columbia proposes to connect the Marysville Connector to its existing system in Marysville. Without the Northern Loop project, Columbia could still have service flowing to the US 33 corridor.

(3) If the Northern Loop project is not constructed, is the Marysville Connector project still a viable project.

The pipeline can be constructed, but the benefit of the Marysville Connector is diminished because without connecting the Northern Loop, the additional capacity is not available to Marysville. Without the Northern Loop, the Marysville Connector will be a pipeline extension of the existing Marysville system in the US 33 corridor. Columbia anticipated that a condition for the Marysville Connector project's construction would be the approval of the Northern Loop because this pipeline is anticipated to connect to the Northern Loop on the southeast end of the pipeline.

(4) Please provide a listing of the factors upon which Columbia relied to reach the conclusion that the Marysville Connector pipeline is needed.

Some of the factors include the increased economic development needs in Marysville, and the increased pipeline capacity to Marysville. The Project will help serve the 33 Innovation Park, which is an economic development space on the southeast side of Marysville along the US 33 corridor. A description of the 33 Innovation Park can be found on Marysville's website (<https://www.33innovationpark.com>). The pipeline will also provide existing Marysville customers (on the northern and western parts of Marysville) with an increased capacity for reliable natural gas service in Marysville.

(5) Please provide specific projections of system conditions, local requirements, or any other pertinent factors that impacted Columbia's opinion on the need for the proposed Marysville Connector project.

Columbia designed the Marysville Connector with the history of the capacity constraints of Marysville in mind. As Commissioner Schmenk explained in the First Natural Gas Access Forum, Marysville has struggled to receive increased natural gas capacity for several years. This pipeline will bring gas to the US 33 corridor leading to Marysville.

(6) Please provide relevant load flow studies and contingency analyses, identifying the need for system improvement.

Columbia considers its studies as highly confidential. Columbia will be reaching out separately to OPSB Staff to determine an appropriate way to answer OPSB Staff's questions.

(7) Please provide an electronic copy of

- a. the current system base case model (without the Marysville Connector and forthcoming Northern Loop projects), and
- b. a system model with only the proposed Marysville Connector project installed, and
- c. a system model with both the proposed Marysville Connector and forthcoming Northern Loop projects installed.

Columbia considers its system models as highly confidential. Columbia will be reaching out separately to OPSB Staff to determine an appropriate way to answer OPSB Staff's questions.

(8) Please explain how the Marysville Connector project fits into regional expansion plans.

The Marysville Connector will help serve the city of Marysville, which is currently capacity constrained. As Commissioner Schmenk explained in the First Natural Gas Access Forum, Marysville has struggled to receive increased natural gas capacity for several years. This pipeline will bring gas to the US 33 corridor leading to Marysville.

(9) As referenced on page 2 of the Application, please list the new industrial customers that would be served by the Marysville Connector.

The Marysville Connector will help serve the Innovation Park off of US 33. As Commissioner Schmenk explained in the First Natural Gas Access Forum, Marysville has struggled to receive increased natural gas capacity for several years, including to this industrial park. Additionally, the website for the 33 Innovation Park (<https://www.33innovationpark.com>) describes the proposed uses for customers who locate to Innovation Park.

(10) As referenced on page 2 of the Application, please list the new residential subdivisions planned that would be served by the Marysville Connector. For each subdivision, please provide the approximate number of residential units and date when the subdivision would be under construction.

The Marysville Connector will provide gas service to the US 33 corridor. As Commissioner Schmenk explained in the First Natural Gas Access Forum, Marysville has struggled to receive increased natural gas capacity for several years. While Columbia is not aware of any particular subdivision coming online, Union County is trying to develop this corridor, as is detailed as the following sites:

<https://www.unioncountyworks.org>
<https://www.33smartcorridor.com/grow>

Likewise, the Mid-Ohio Regional Planning Commission ("MORPC") is anticipating population growth in this corridor as is shown at the following link:
<https://public-morpc.hub.arcgis.com/app/c931f8493eaa464491180da967909742>

(11) As referenced on page 2 of the Application, please list the existing customers that have requested an increased demand or increased capacity of gas service.

The first customer that has requested increased capacity of natural gas service is the City of Marysville and Union County. As Commissioner Schmenk explained in the First Natural Gas Access Forum, Marysville has struggled to receive increased natural gas capacity for several years.

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Subject: Marysville Connector Data Requests (Need)

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Hey Melissa,

Please provide responses to the following.

1. Columbia's website indicates that a Northern Loop gas pipeline project with a similar schedule and location as the Marysville Connector project will be submitted soon to the OPSB. Please fully explain why the Marysville Connector project was not included in the Northern Loop project.
2. Is the Marysville Connector project dependent or contingent on construction of the Northern Loop project?

3. If the Northern Loop project is not constructed, is the Marysville Connector project still a viable project.
4. Please provide a listing of the factors upon which Columbia relied to reach the conclusion that the Marysville Connector pipeline is needed.
5. Please provide specific projections of system conditions, local requirements, or any other pertinent factors that impacted Columbia's opinion on the need for the proposed Marysville Connector project.
6. Please provide relevant load flow studies and contingency analyses, identifying the need for system improvement.
7. Please provide an electronic copy of
 - a. the current system base case model (without the Marysville Connector and forthcoming Northern Loop projects), and
 - b. a system model with only the proposed Marysville Connector project installed, and
 - c. a system model with both the proposed Marysville Connector and forthcoming Northern Loop projects installed.
8. Please explain how the Marysville Connector project fits into regional expansion plans
9. As referenced on page 2 of the Application, please list the new industrial customers that would be served by the Marysville Connector.
10. As referenced on page 2 of the Application, please list the new residential subdivisions planned that would be served by the Marysville Connector. For each subdivision, please provide the approximate number of residential units and date when the subdivision would be under construction.
11. As referenced on page 2 of the Application, please list the existing customers that have requested an increased demand or increased capacity of gas service.

Thanks,
Grant

Grant Zeto

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Case No(s). 19-2148-GA-BLN

Summary: Motion for Suspension and Request for Expedited Ruling electronically filed by Mr. Michael J. Settineri on behalf of Ohio Gas Access Partnership, Inc. and Union County Board of County Commissioners and Logan County Board of County Commissioners and Madison County Board of County Commissioners and Millcreek Township Board of Township Trustees and Jerome Township Board of Township Trustees