

**BEFORE THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting Board’s            )  
Review of Ohio Adm.Code Chapters 4906-1,                )            Case No. 21-902-GE-BRO  
4906-2, 4906-3, 4906-4, 4906-6, and 4906-7.            )

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**REPLY COMMENTS OF GENERATION PIPELINE LLC**

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Generation Pipeline LLC (“Generation Pipeline”) submits these reply comments to clarify and/or support comments filed by other commenters in the above-referenced matter. Generation Pipeline’s silence on comments not addressed in these reply comments should not be construed as agreement to those comments. Instead, Generation Pipeline is replying to certain comments to further assist the Ohio Power Siting Board (the “Board”) in its rulemaking process. Although not discussed below, Generation Pipeline continues to believe that any change in the Board’s rules should not impose additional burdens on the development, construction and operation of natural gas pipelines. For example, that is why Generation Pipeline urges the Board to keep the application requirements for natural gas pipelines and electric transmission facilities separate from generation facility application requirements. Other commenters, such as American Transmission Systems, Incorporated (“ATSI”) and Columbia Gas of Ohio, Inc. (“Columbia Gas”), noted the negative impacts that would occur if the application requirements were consolidated as proposed in the rules.<sup>1</sup> Rather than consolidate the chapters for the application requirements, the Board should keep the chapters separate (4906-4 and 4906-5) to avoid any and all negative impacts that will be created by consolidating the application requirements. Generation Pipeline’s remaining reply comments are as follows.

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<sup>1</sup> ATSI Initial Comments at pg. 12 and Columbia Gas Initial Comments at pg. 10.

(1) Proposed Rule 4906-1-01(MM) – Definition of “Route”

A number of public utilities (natural gas companies and electric distribution utilities) commented on the Board’s proposed definition of “Route.” That term is not currently defined in the Board’s rules. The Board proposes defining the “Route” for an electric transmission line or a natural gas pipeline as the proposed centerline and a proposed distance on either side, not to exceed the proposed right-of-way width. ATSI and Columbia Gas propose a set five-hundred foot corridor.<sup>2</sup> Duke Energy Ohio recommends revisions that would set the corridor width to no more than the proposed right-of-way or easement and that it not be based off the facility centerline.<sup>3</sup> In reply, Generation Pipeline notes that easement widths can vary greatly for natural gas pipelines versus electric transmission facilities. Because of that fact, Generation Pipeline suggests that the rule be revised to allow the “Route” to be the lesser of a five-hundred foot corridor or the width of the proposed right-of-way or easement. That revision would avoid the additional burden of imposing a set five-hundred foot corridor on a natural gas pipeline that may only have a 100 foot pipeline right-of-way.

(2) Proposed Rule 4906-4-03(C)(1) – Statement of Need

The Board is proposing to maintain its rule requirement that would require an applicant for an electric transmission line or natural gas pipeline to explain the need for the facility. Columbia Gas recommended revised language in its initial comments offering six alternative ways an applicant can “prove need” and a seventh alternative way of showing “other good cause.”<sup>4</sup> The basis for need arises under R.C. 4906.10(A)(1) which requires the Board to determine the “basis of the need for the facility if the facility is an electric transmission line or gas pipeline.” Columbia

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<sup>2</sup> ATSI Initial Comments at pgs. 3-4 and Columbia Gas Initial Comments at pg. 2.

<sup>3</sup> Duke Initial Comments at pgs. 6-7.

<sup>4</sup> Columbia Gas Initial Comments at pg. 11.

Gas' language as written could be viewed as restricting what constitutes need. To the extent the Board wishes to clarify what constitutes need (which Generation Pipeline does not believe is necessary), Generation Pipeline suggests inserting language stating "Need can be shown by establishing that the project will a) serve an Ohio consumer(s); b) provide additional capacity for future growth; c) meet the requirements of a mandatory relocation; d) meet a policy of the State of Ohio; e) improve the provision of adequate, safe, and reliable utility service; or f) satisfy any other basis sufficient to show need."<sup>5</sup>

(3) Proposed Rule 4906-1-01(KK) – Replacement of Existing Facility with Like Facility

Generation Pipeline agrees with Columbia Gas' and ATSI's objections to the limitation in the proposed definition for "Replacement of an existing facility with a like facility."<sup>6</sup> The proposed rule as drafted would remove the ability to utilize different material sizes and specifications if the material and specifications are no longer used by the applicant. Both Columbia Gas and ATSI presented the same revisions to the rule that would provide flexibility to replace pipeline and transmission line components with functionally equivalent components as well as material that is no longer consistent with the applicant's engineering standards.<sup>7</sup> Generation Pipeline supports those revisions.

(4) Proposed Rule 4906-3-12(D)(2) – Application Fees

Generation Pipeline supports the Ohio Power Company and AEP Ohio Transmission Company's recommendation to include a reasonable cap on the fees for a standard application for natural gas pipelines and electric transmission lines.<sup>8</sup> As proposed by the Board, the maximum fee would be one percent of the most costly estimated route cost. Electric transmission lines and

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<sup>5</sup> Generation Pipeline also maintains that this rule requirement should remain in Chapter 4906-5.

<sup>6</sup> See ATSI Initial Comments at pg. 3 and Columbia Gas Initial Comments at pg. 3.

<sup>7</sup> *Id.*

<sup>8</sup> Ohio Power Company and AEP Ohio Transmission Company Initial Comments at pgs. 24-25.

natural gas pipelines are costly to construct and install, and can easily be well over \$5 million, if not over \$50 million in costs. Under the Board’s current rules, the maximum fee for a \$50 million project would be \$65,000. Under the proposed rules, that fee would increase to \$500,000, an increase of 669%. Unless the Board can justify that type of fee increase, Generation Pipeline believes that AEP Ohio’s recommendation of a maximum fee of \$85,000 is reasonable. If that fee is not sufficient, the Board’s proposed rules give the Chair the ability to charge additional fees (see proposed Rule 4906-3-12(I)).

(5) Proposed Rule 4906-7-06 – Self Reporting of Incidents

Generation Pipeline urged the Board in its initial comments that this proposed rule not apply to natural gas pipelines and electric transmission lines given that it could easily lead to the shutdown of operating facilities and impose delays on the repair of critical infrastructure. Columbia Gas also recommended that the Board not apply this rule to natural gas pipelines noting the “robust reporting requirements in existing PHMSA and Public Utilities Commission of Ohio rules[.]”<sup>9</sup> Ohio Power Company and AEP Ohio Transmission Company also “strongly” recommended that “these reporting requirements be eliminated” for a number of valid reasons including halting construction, delaying planned outages, and disruptions to the electric grid.<sup>10</sup> Generation Pipeline fully supports these comments. The proposed rule should not apply to natural gas pipelines and electric transmission facilities. To do otherwise would result in increased regulatory burdens, increased costs and the likely (and unnecessary) shutdown of natural gas

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<sup>9</sup> Columbia Gas Initial Comments at pgs. 17-18.

<sup>10</sup> Ohio Power Company and AEP Ohio Transmission Company Initial Comments at pgs. 16-18.

pipelines and electric transmission lines to the detriment of end users such as consumers, especially in the winter months.

In conclusion, Generation Pipeline appreciates the opportunity to submit both initial and reply comments in this proceeding. The comments provided by Generation Pipeline and other utilities have highlighted the significant difference between the construction and operation of electric generation facilities compared to the construction and operation of natural gas pipelines and electric transmission lines. That distinction should be recognized and addressed in the Board's rules to ensure additional burdens are not imposed on the utilities that construct and operate the natural gas pipelines and electric transmission lines serving consumers throughout Ohio.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

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Summary: Comments - Reply Comments electronically filed by Mr. Michael J.  
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