

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of NRG Ohio Pipeline Company LLC for Approval of a Letter of Notification for the Avon Lake Gas Addition Project in Lorain County, Ohio. )  
)  
) Case No. 14-1717-GA-BLN  
)

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**MOTION TO EXTEND THE DURATION OF THE CERTIFICATE FOR  
THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A  
NATURAL GAS PIPELINE, METERING STATION, AND REGULATING STATION  
IN LORAIN COUNTY, OHIO**

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Now comes NRG Ohio Pipeline Company LLC (“NRG Pipeline” or “Company”) and, by its attorney, respectfully moves the Ohio Power Siting Board (“OPSB” or “Board”) for an Order extending the authorization of its of its letter of notification certificate for the construction of a natural gas pipeline, metering station, and regulating station in Lorain County, Ohio. The Company requests the extension of its certificate from June 4, 2017 to June 4, 2018 in order for the certificate to be consistent with the Board’s revised rules concerning certificate expiration.

Respectfully submitted on behalf of  
NRG OHIO PIPELINE COMPANY LLC



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**BEFORE  
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In the Matter of the Application of NRG Ohio )  
Pipeline Company LLC for Approval of a Letter )  
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**MEMORANDUM IN SUPPORT**

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On June 4, 2015, the Ohio Power Siting Board (“OPSB” or “Board”) issued an Opinion, Order, and Certificate (“Order”) in the above referenced case authorizing NRG Ohio Pipeline Company LLC (“NRG Pipeline” or “Company”) to construct, operate, and maintain approximately 20 miles of high pressure steel pipeline in Lorain County, Ohio subject to the conditions set forth in the Order.

The Company is actively pursuing the pipeline project. Much of the development, engineering and planning work for the project is complete. The Company is currently acquiring easements along the pipeline route.

At the time when the Board issued the Order approving the Company’s Certificate, the Board’s rules governing accelerated applications stated: “If a continuous course of construction has not commenced within **two years** of the letter of notification approval date, the board's approval of the letter of notification project shall automatically expire.”<sup>1</sup> Emphasis added. Under this standard, the Company’s certificate will automatically expire on June 4, 2017 if a continuous course of construction has not commenced.

Subsequent to the issuance of the Company’s certificate, the Board completed a comprehensive review and revision of its rules. As part of this revision, the Board adopted a new rule, O.A.C. 4906-6-12(B), extending the period of time before an accelerated application

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<sup>1</sup> Ohio Administrative Code (“O.A.C.”) 4906-5-02(4) (rescinded December 11, 2015).

certificate expires, from two years to three years.<sup>2</sup> The Board made this change because it agreed with stakeholders' comments in the rulemaking process that "if condemnation is necessary to procure easements for a pipeline, the condemnation process alone consumes approximately two years; therefore, the time period stated in rule should be changed to three years, rather than two."<sup>3</sup>

The Company respectfully requests that the Board or administrative law judge grant its motion to extend the term of its certificate to June 4, 2018, thereby reflecting the three year time period in O.A.C. 4906-6-12(B). The extension will eliminate any potential confusion among regulators or the public as to which rule applies to the Company's certificate. Further, such an extension is consistent with the reasons for the rule revision in the first place, namely that pipeline condemnation activities require a substantial period of time before construction may begin. For these reasons, NRG Pipeline respectfully requests that the Board or administrative law judge grant its motion to extend the term of its certificate.

Respectfully submitted on behalf of  
NRG OHIO PIPELINE COMPANY LLC



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<sup>2</sup> *In the Matter of the Ohio Power Siting Board's Review of Chapters 4906-1, 4906-5, 4906-7, 4906-9, 4906-11, 4906-13, 4906-15, and 4906-17 of the Ohio Administrative Code*, Case No. 12-1981-GE-BRO (Feb. 18, 2014) (the rules became effective December 11, 2015).

<sup>3</sup> *Id.* at ¶ 135.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion was served electronically upon the parties listed below this 5<sup>th</sup> day of October 2016.



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Summary: Motion of NRG Ohio Pipeline Company LLC to Extend The Duration of The Certificate For The Construction, Operation and Maintenance of a Natural Gas Pipeline, Metering Station, and Regulating Station electronically filed by Teresa Orahood on behalf of Dylan F. Borchers