

FILE

PUCO EXHIBIT FILING

73

Date of Hearing: 4-30-13

Case No. 12-1685-GA-AIR

PUCO Case Caption: In the Matter of the Application
of Duke Energy Ohio

Volume II

PUCO

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List of exhibits being filed:

^{DEO}
Company 27

OCC 5

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[REDACTED]

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8

9

Kroger 2

Staff 3

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7

Reporter's Signature: Karen Sue Gibson
Date Submitted: 5-8-13

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Technician SM Date Processed MAY 14-2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the Application :
of Duke Energy Ohio, Inc., for : Case No
an Increase in Gas Rates. : 12-1685-GA-AIR

In the Matter of the Application :
of Duke Energy Ohio, Inc., for : Case No.
Tariff Approval. : 12-1686-GA-ATA

In the Matter of the Application :
of Duke Energy Ohio, Inc., for : Case No.
Approval of an Alternative Rate : 12-1687-GA-ATA
Plan for Gas Distribution :
Service. :

In the Matter of the Application :
of Duke Energy Ohio, Inc., for : Case No.
Approval to Change Accounting : 12-1688-GA-AAM
Methods. :

- - -

PROCEEDINGS

before Ms. Christine M. T. Pirik and Ms. Katie
Stenman, Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-A,
Columbus, Ohio, called at 9:00 a.m. on Tuesday, April
30, 2013.

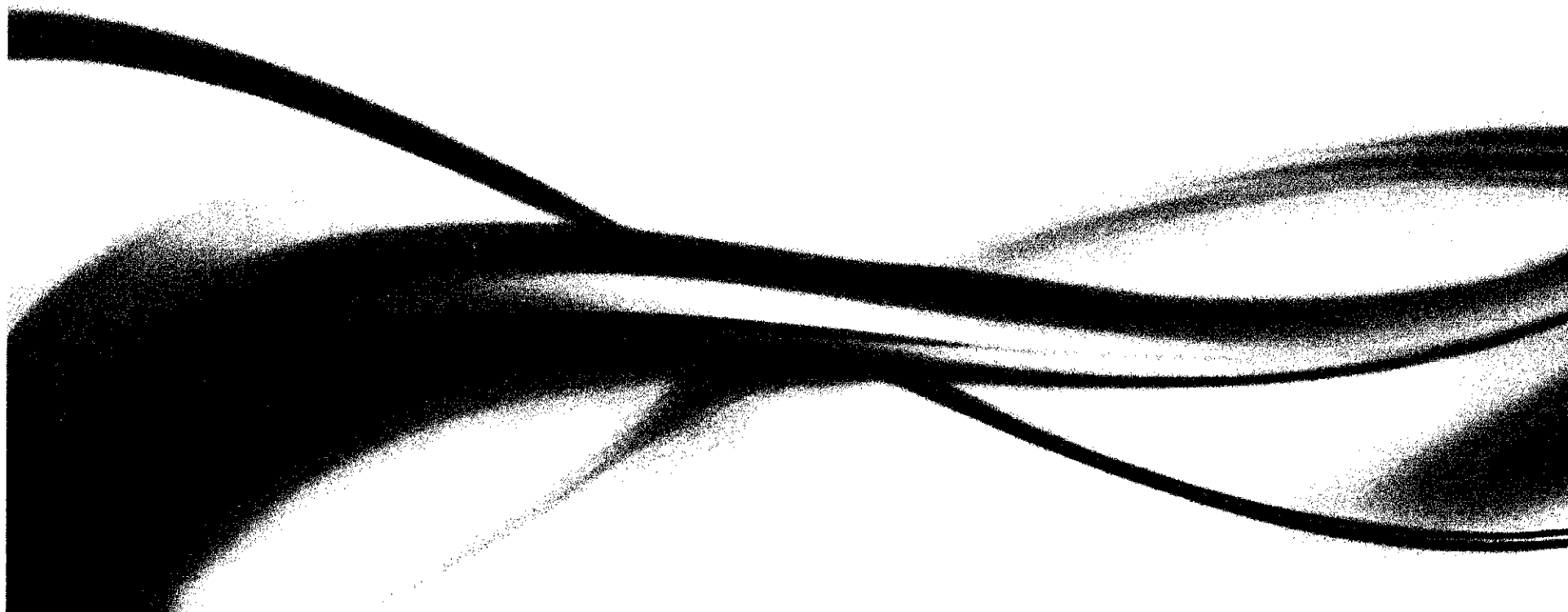
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VOLUME II

- - -

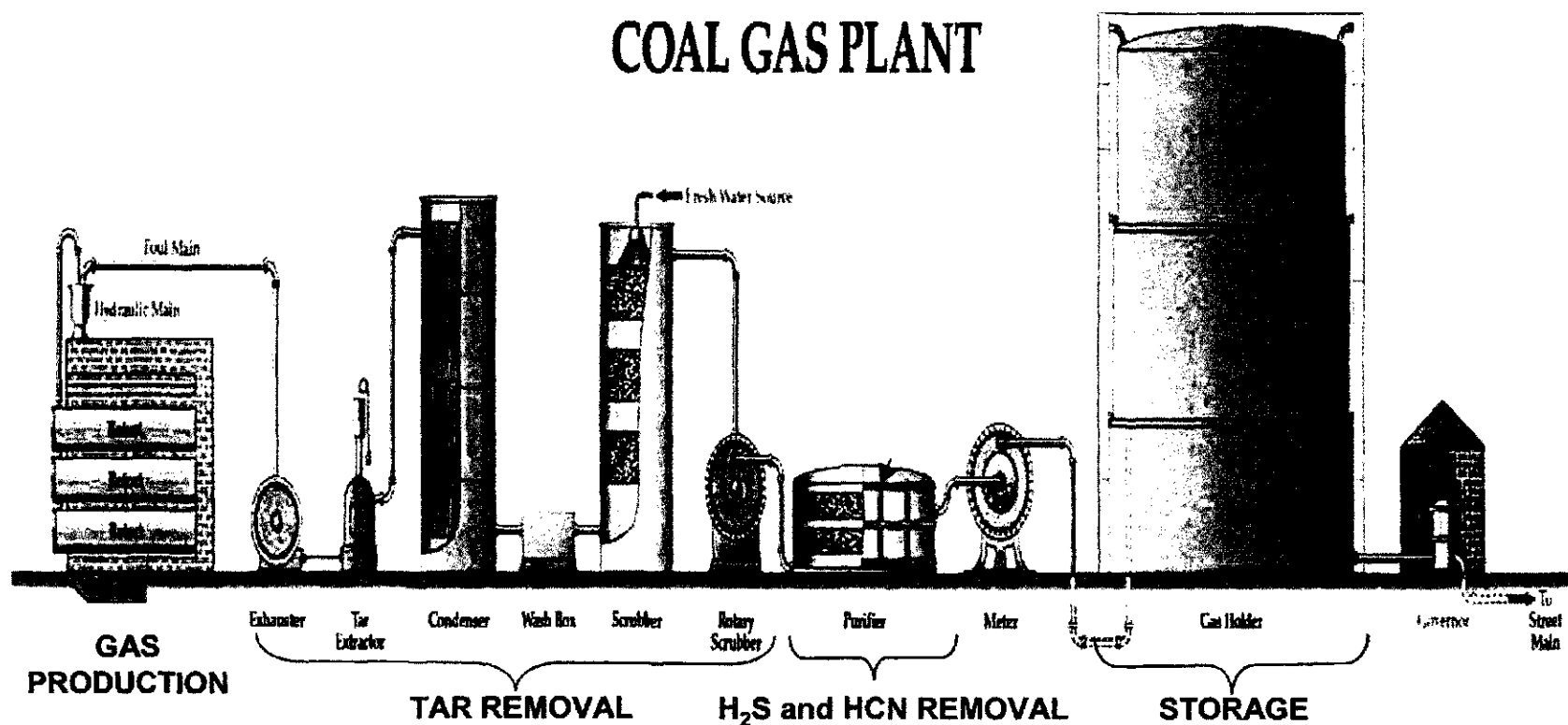
ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

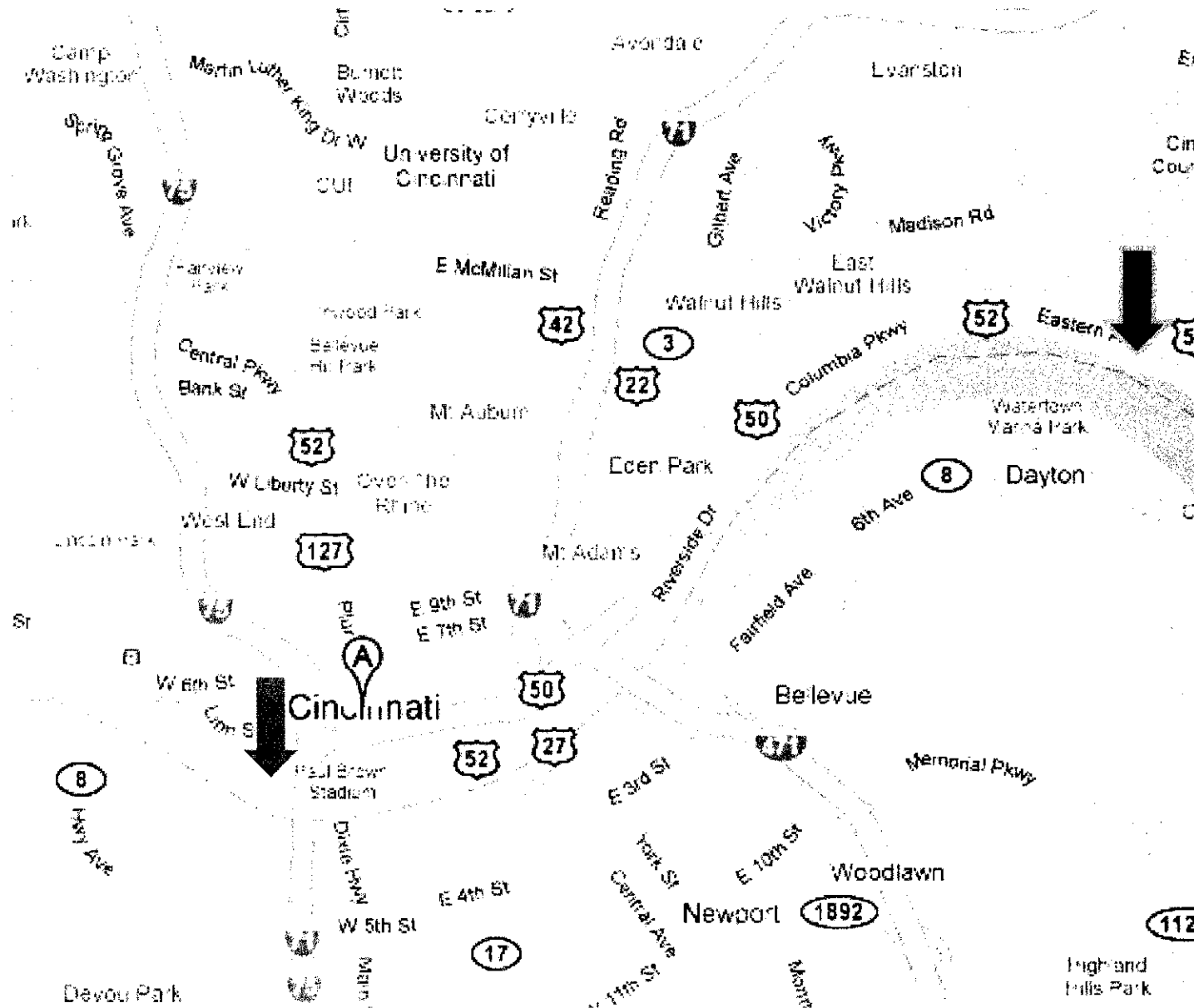


Ohio MGP Sites – PUCO Staff Visit 10/10/12

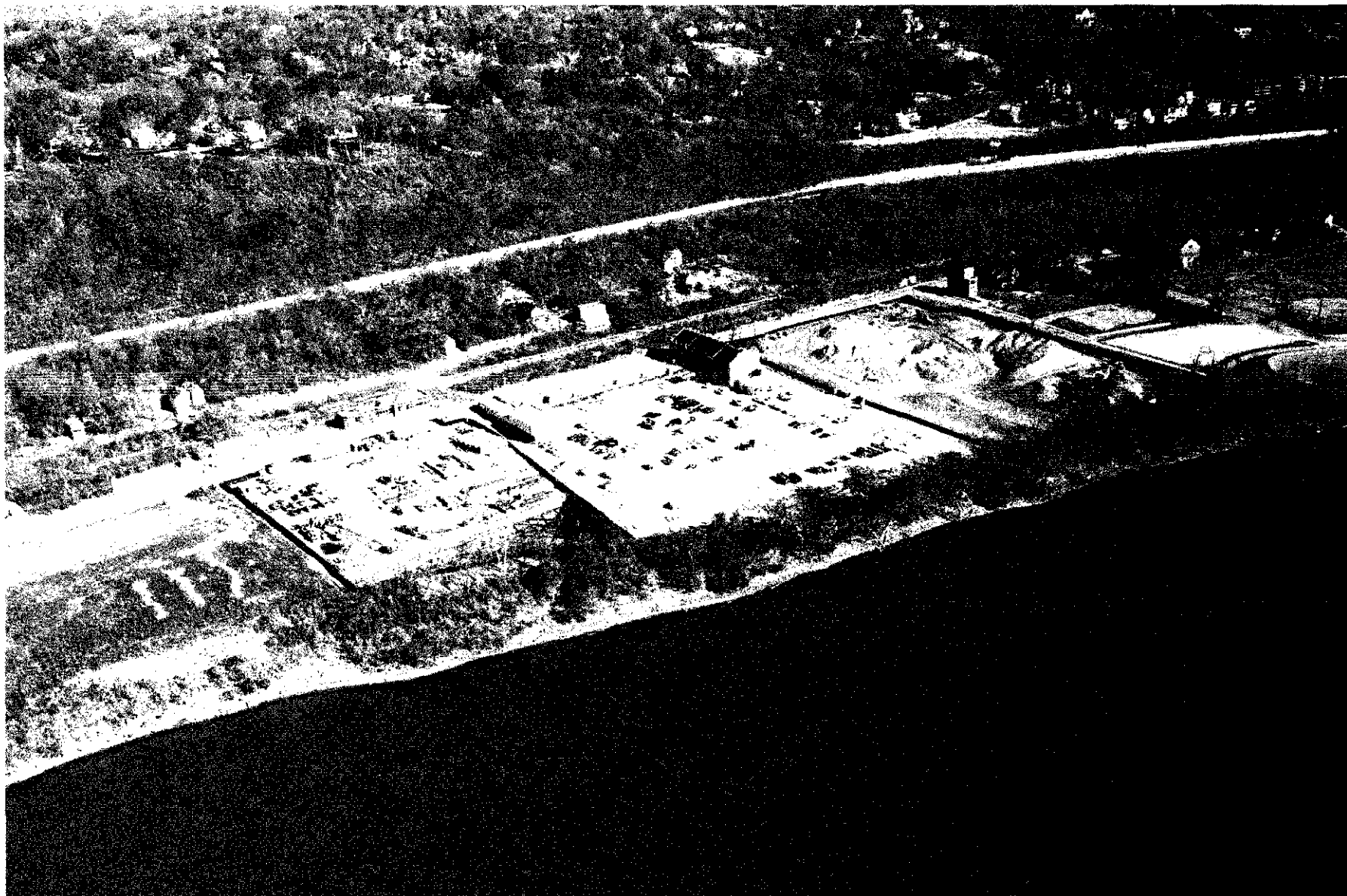
Process Flow Diagram



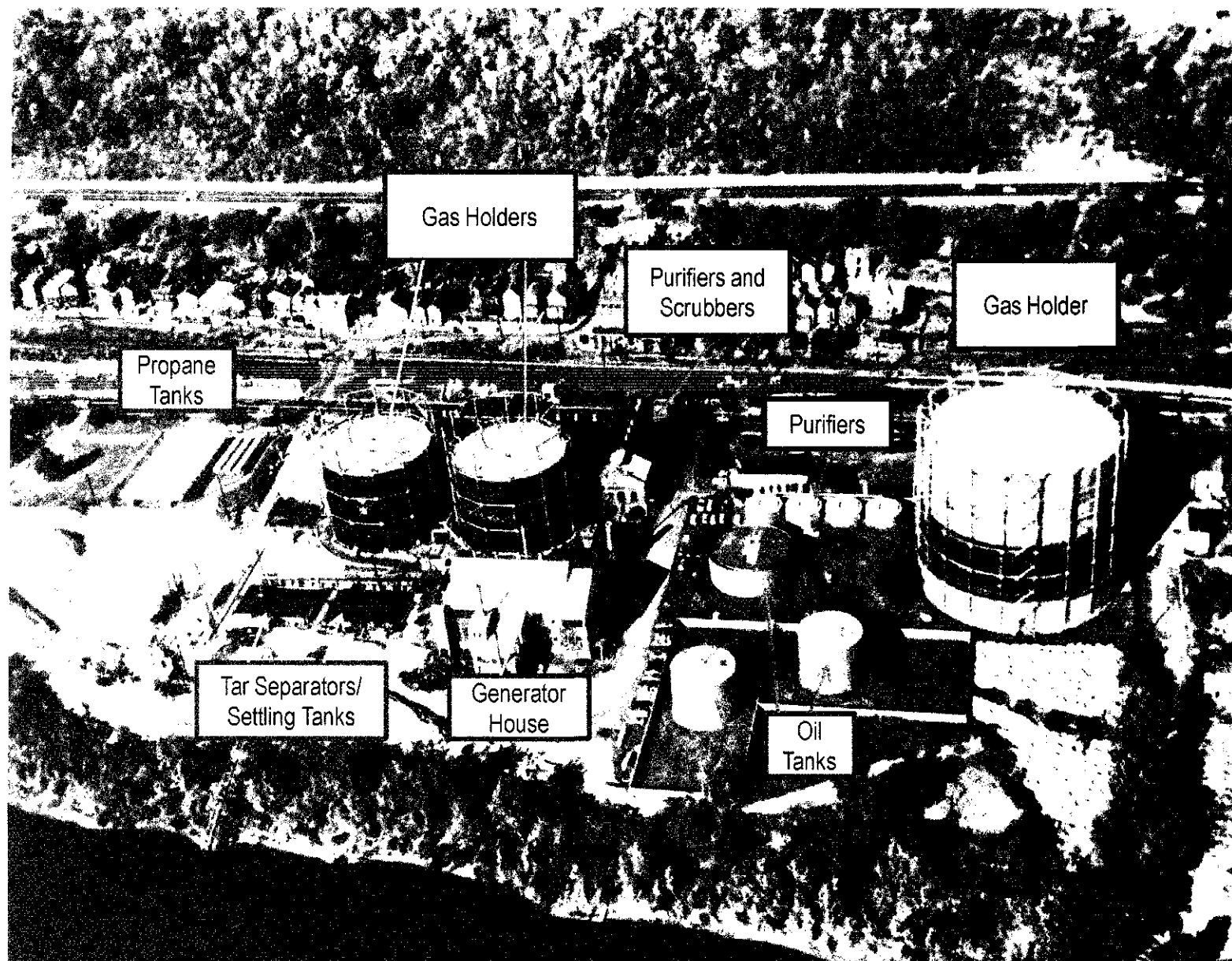
Site Locations



East End Gas Works 4/1/2010



East End Gas Works ~1940s

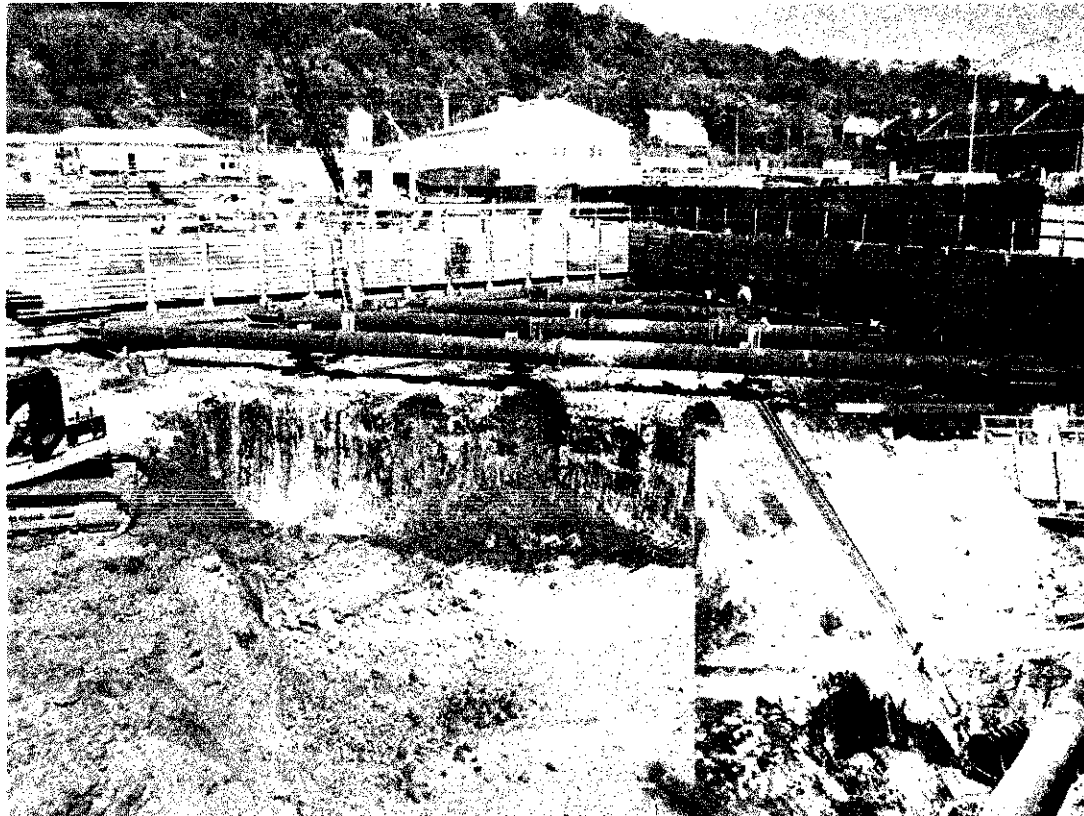


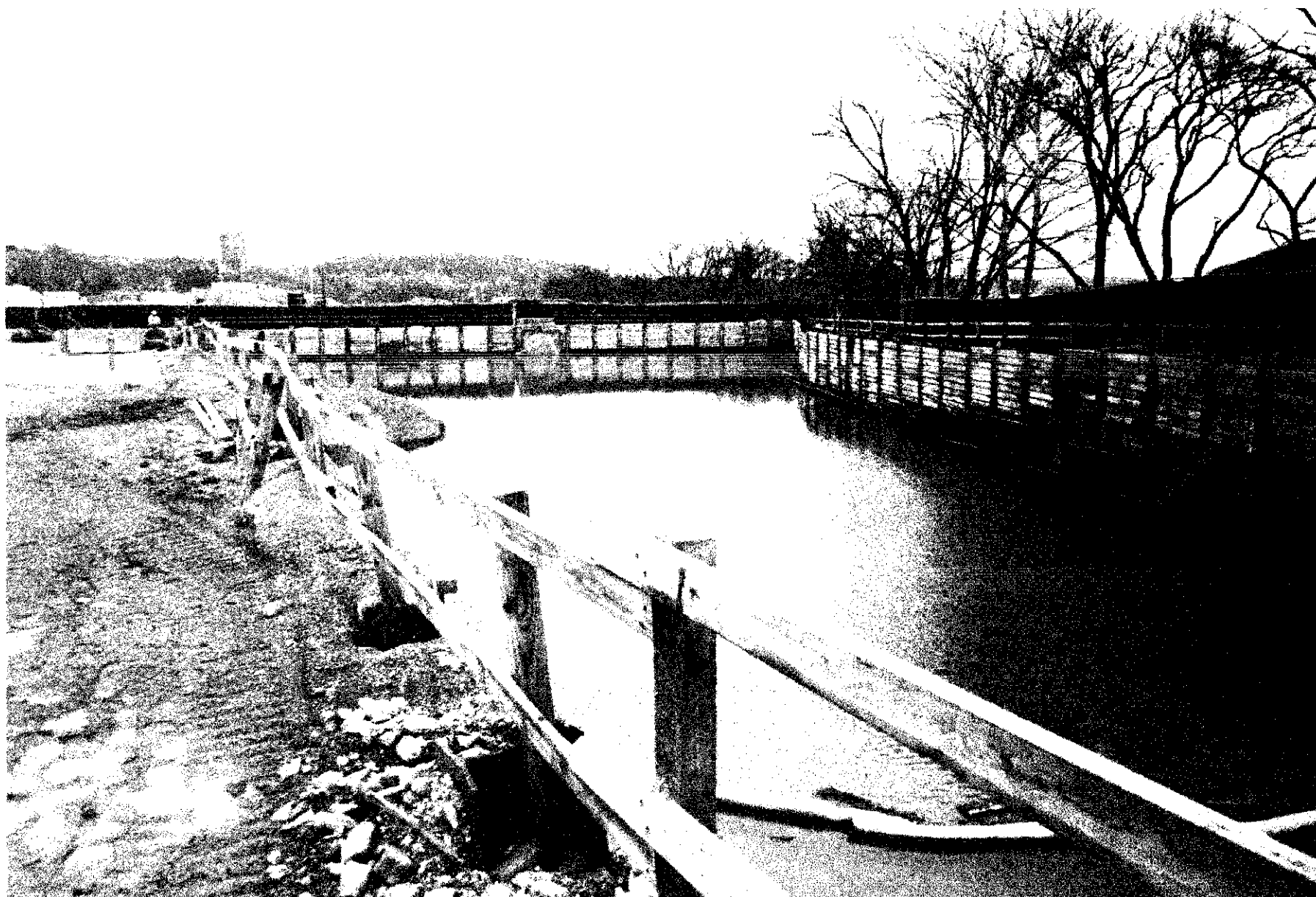
Core Samples



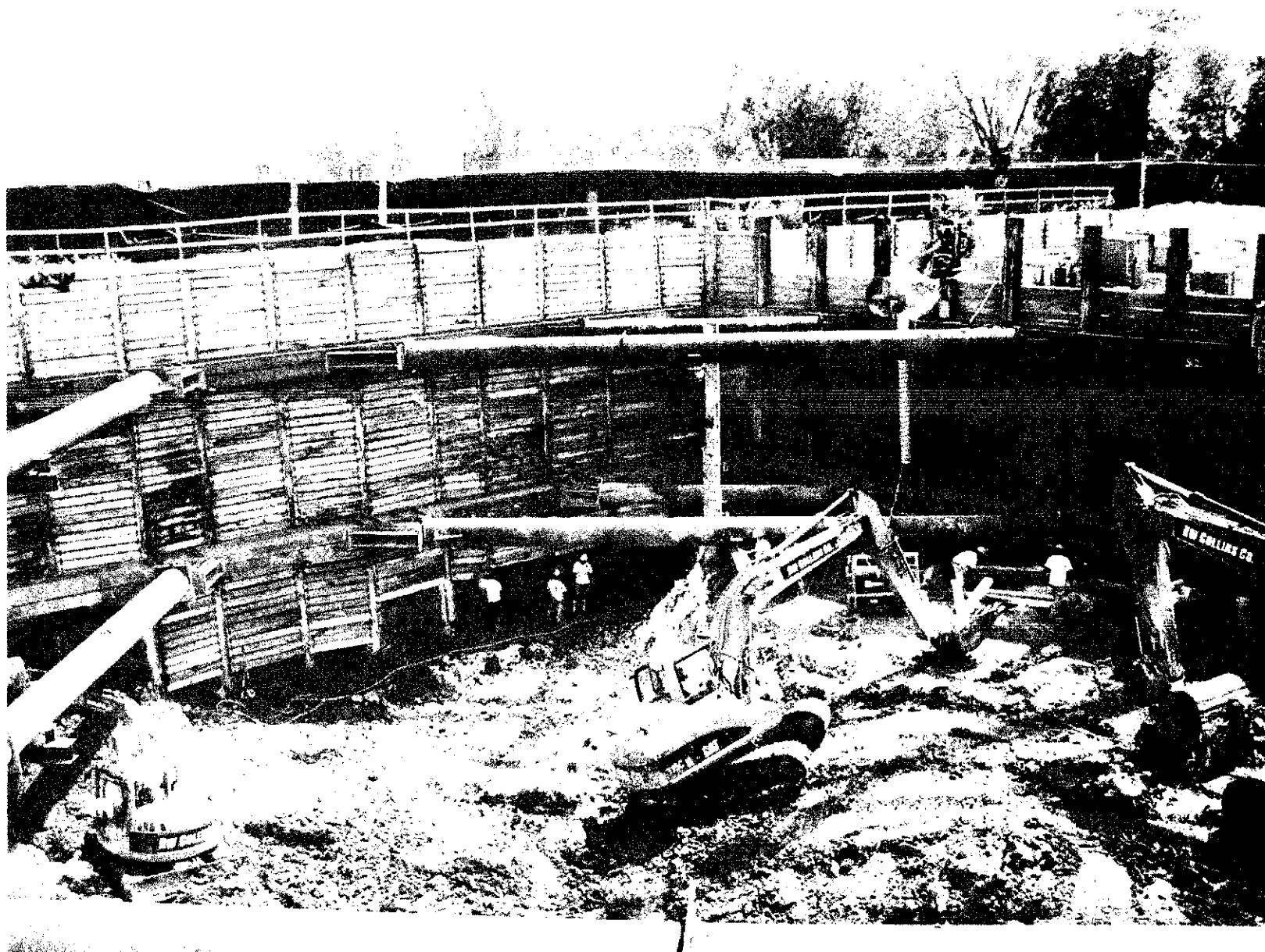


Site Activities – 9/20/10



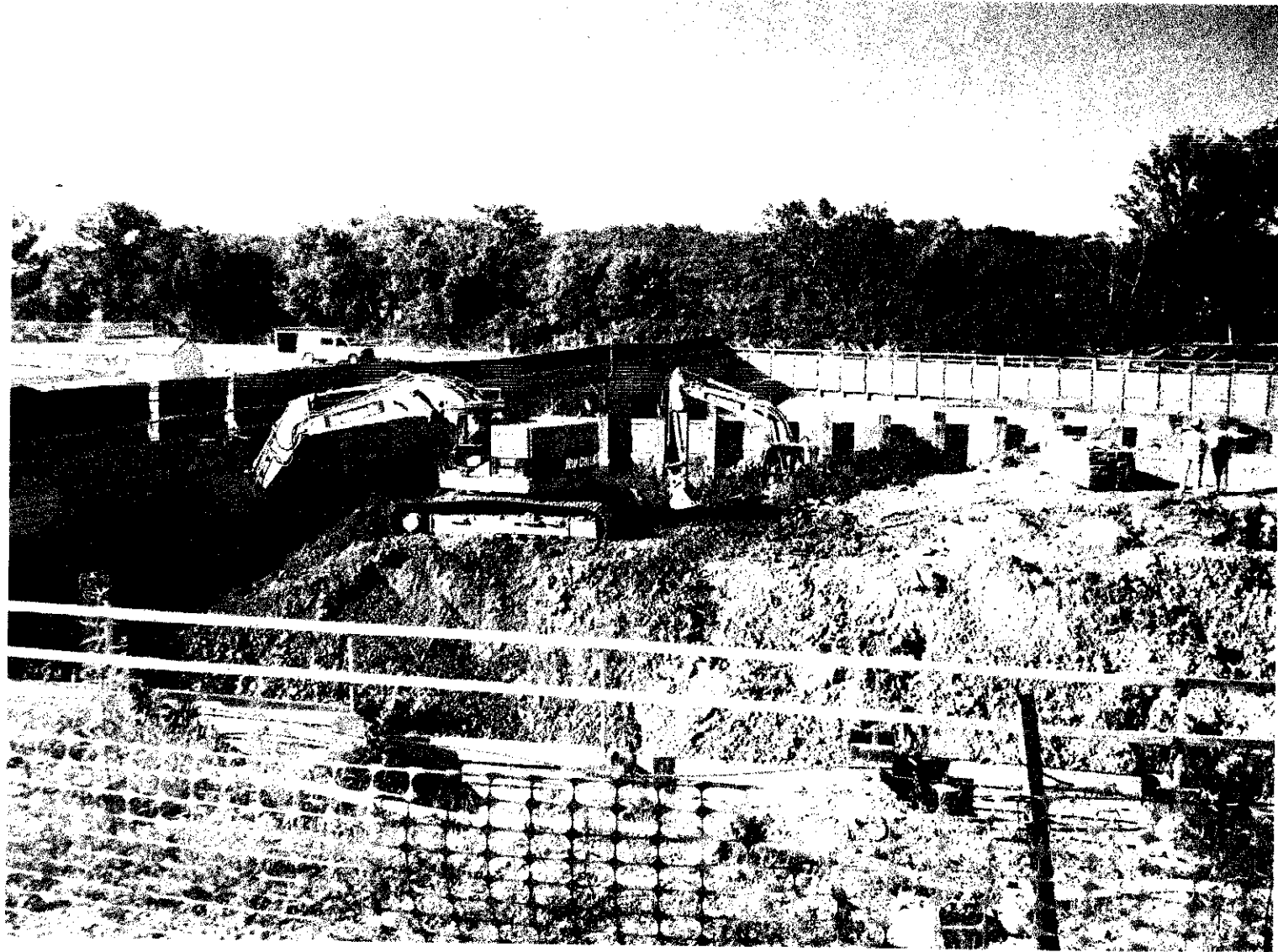


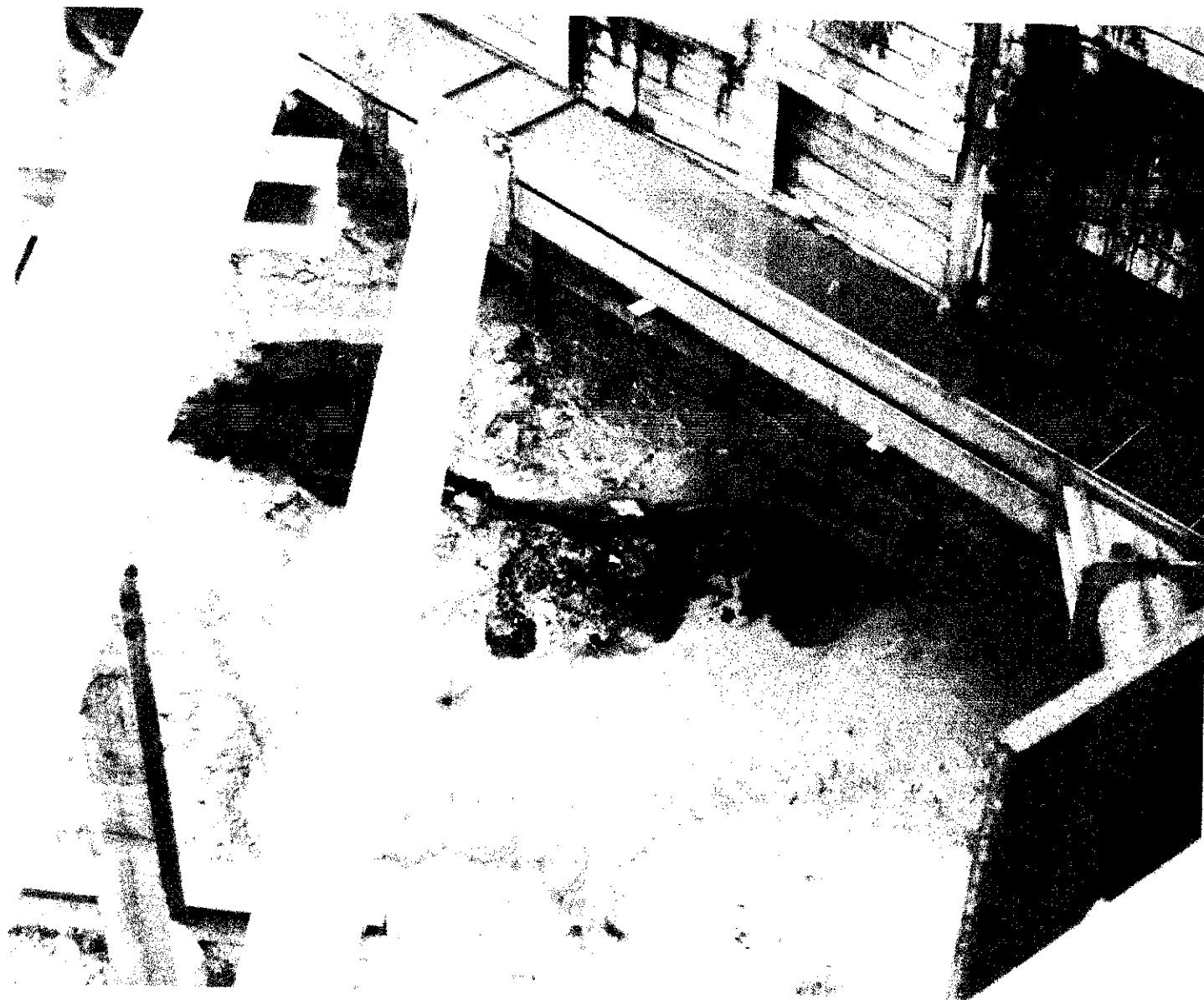
East End West Parcel 0/44





Site Activities – 6/2014







East End East Parcel 9/11



Solidification Around Lines "D" and "E"

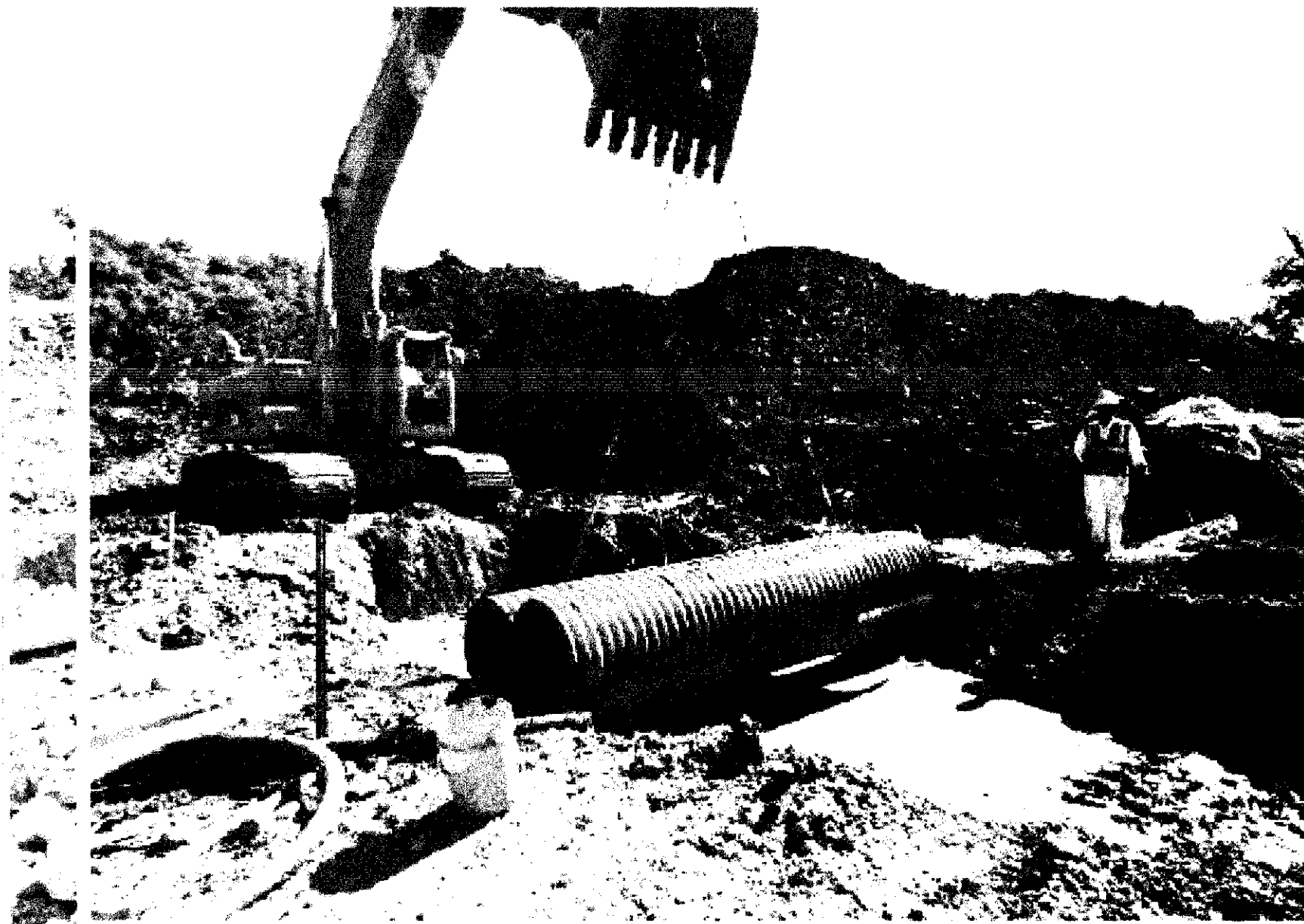
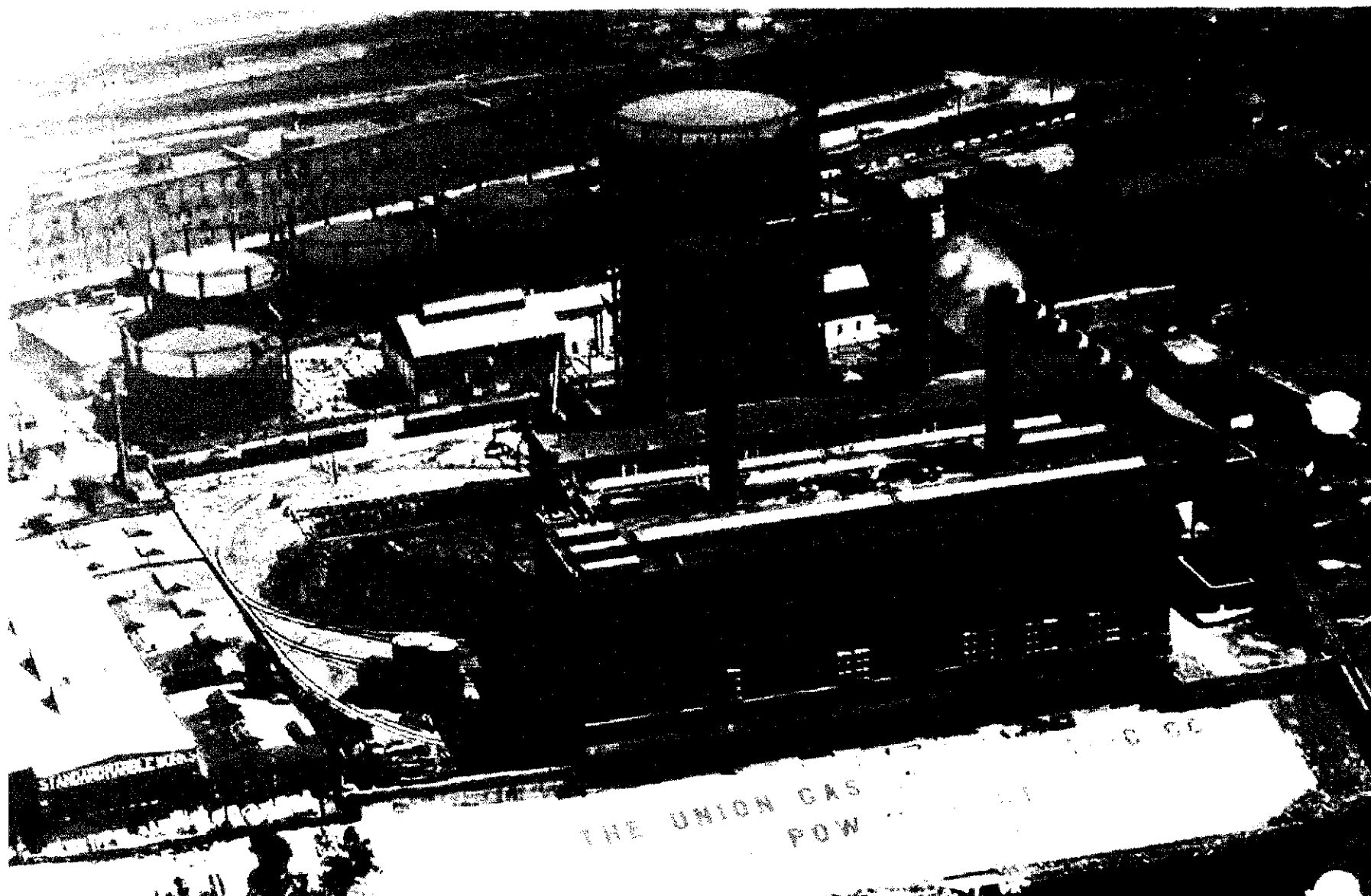


Figure 1: Digging, Backfilling, and Compacting Around Line "D"

East End East Parcel 9/11



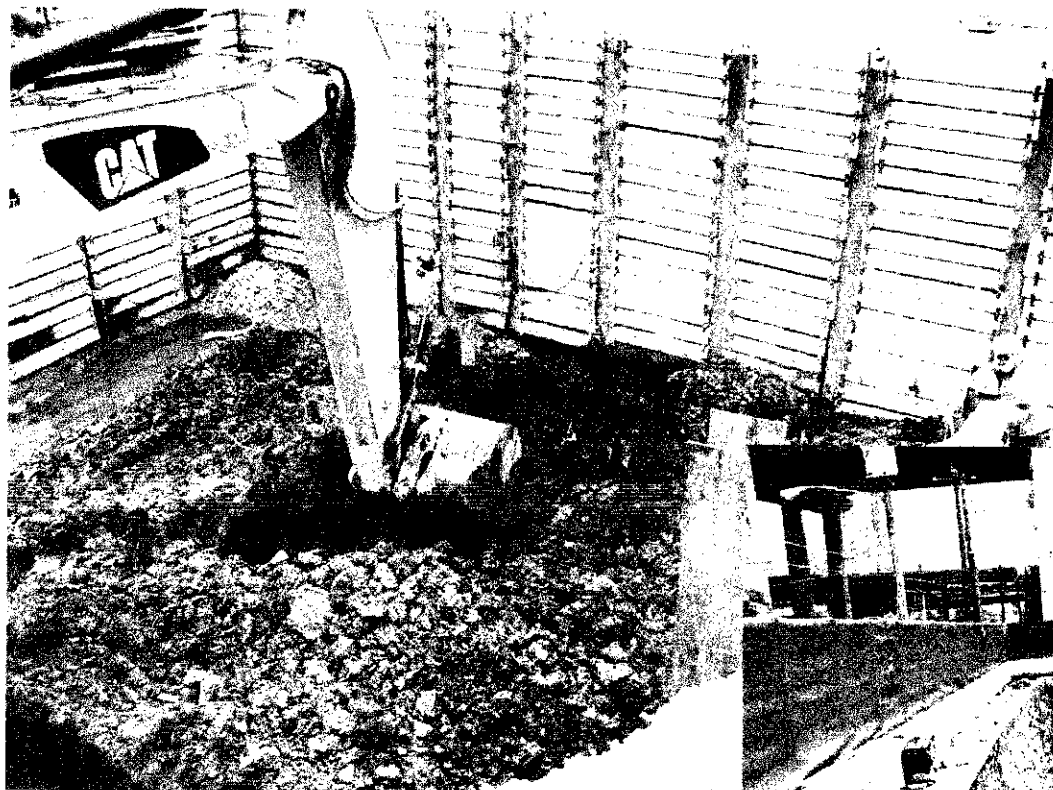
West End Gas Works 1035



West End 11/2010



Site Activities – 6/2014

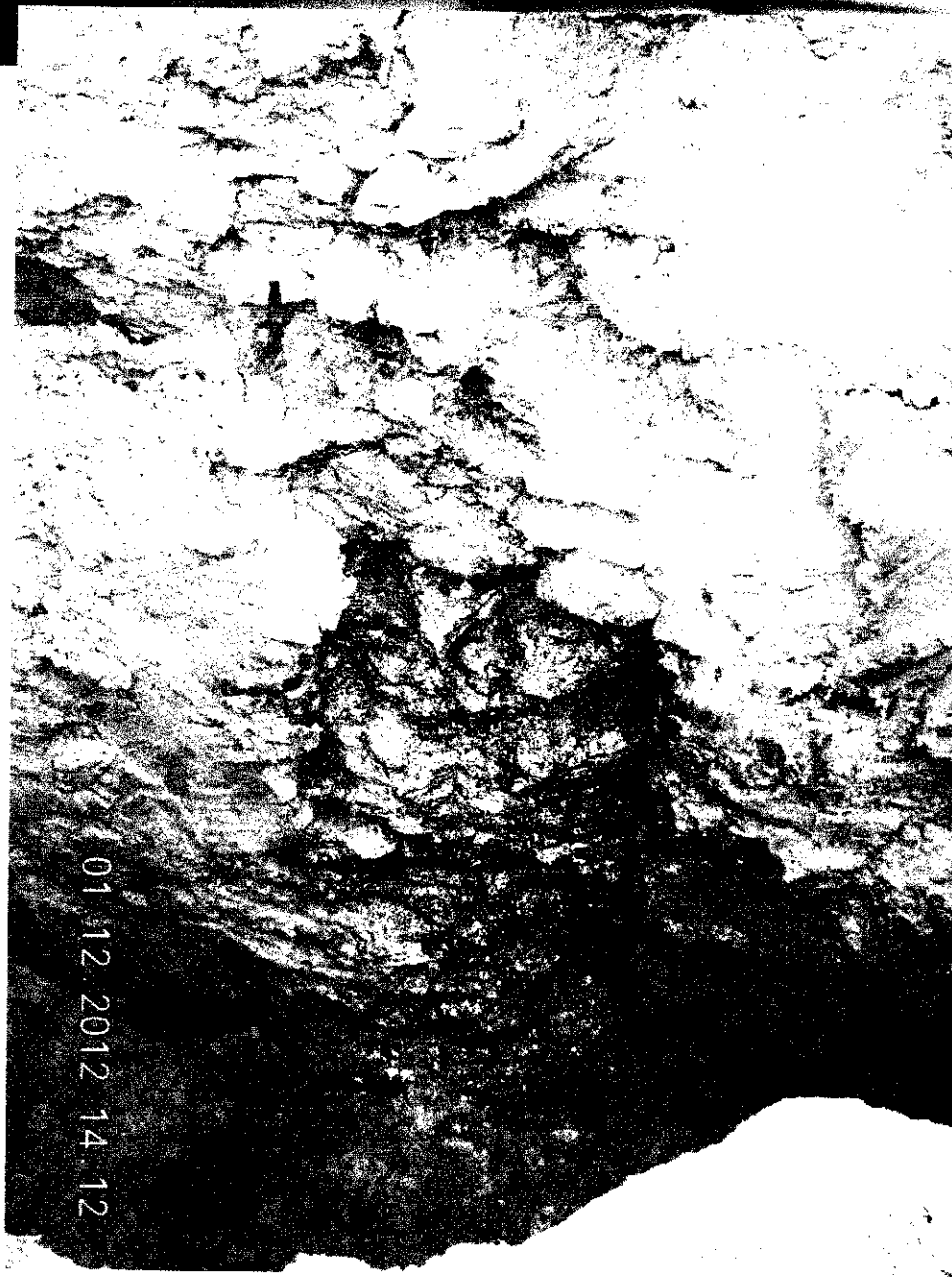


West End 9/11



West End 8/11



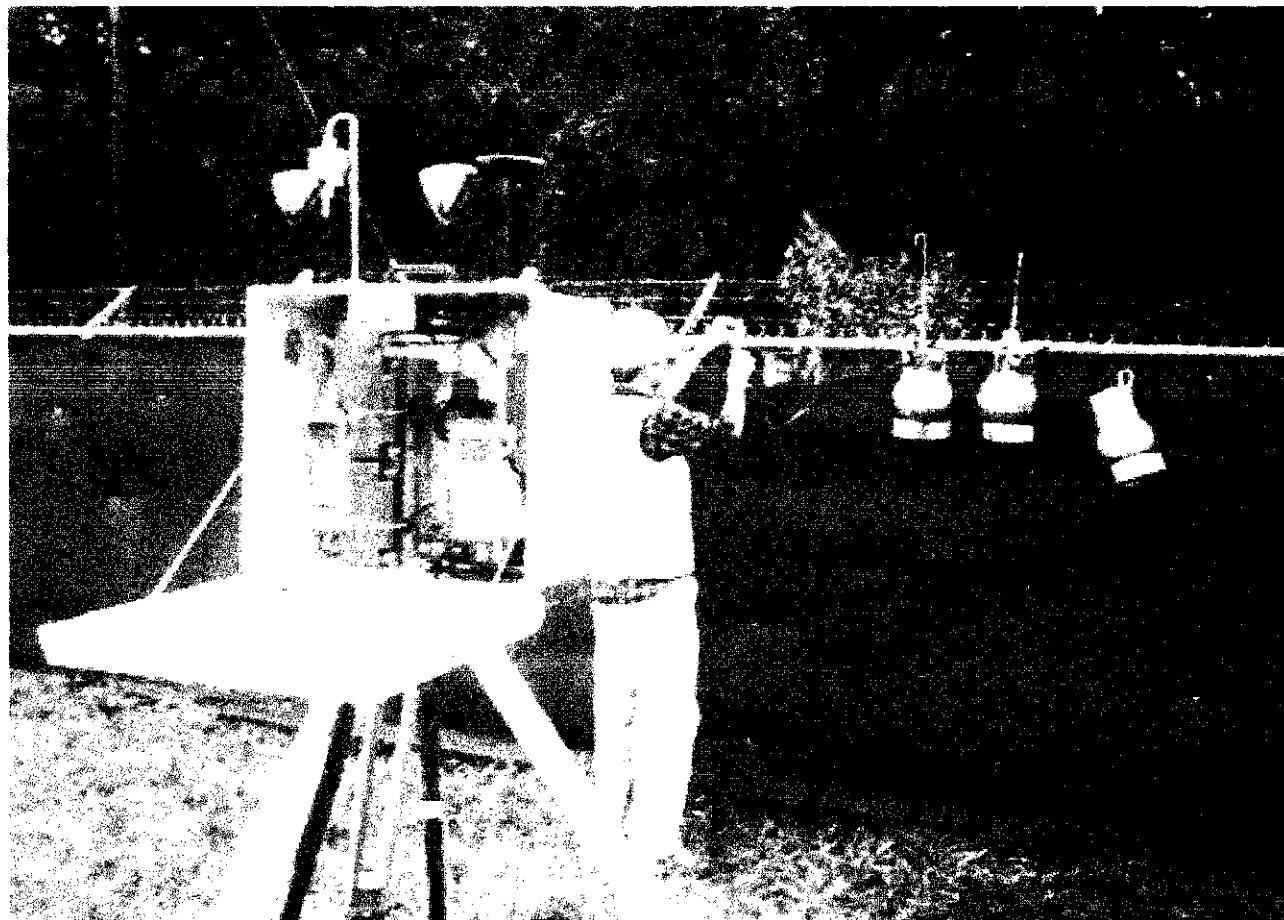


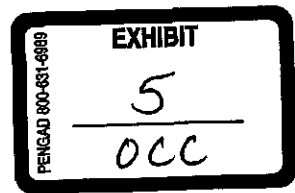


Air Monitoring Program



- TO-15 VOCs + Naphthalene, 72 hr continuous
- TVOC
- Benzene
- PM10
- Odors
- Dust
- NIOSH





Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Third Set of Interrogatories
Date Received: September 4, 2012

OCC-INT-03-056

REQUEST:

Please identify the location of all Manufactured Gas Plant ("MGP") facilities in the Duke Ohio service territory.

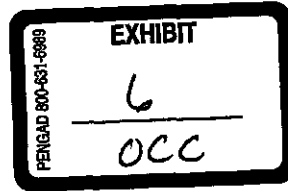
RESPONSE:

East End Gas Works is located at 2801 Riverside Drive in Cincinnati, Ohio. It is bounded by Riverside Drive (f/k/a Eastern Avenue) to the north, Corbin Street to the east and the Ohio River to the south. Duke Energy Ohio currently owns the majority of the properties to the west of the site, up to Gotham Place, as well as a few parcels to the west of Gotham Place.

West End is located at 646 Mehring Way (f/k/a First Street) in Cincinnati, Ohio. It is bound by Pete Rose Way (f/k/a Second Street) to the north and the Ohio River to the south. North of Mehring Way, the site is bound by Rose Street to the east and Gas Alley to the west. South of Mehring Way, the site is bound by Hilltop Basic Resources to the east and a property owned by the University of Cincinnati to the west.

Although Duke Energy Ohio had identified West End, East End, Carthage, Hamilton, Middletown, Avondale, Glendale, Lebanon, Longview, Ripley and Wilmington as potential historic MGP sites, based upon currently known information, West End and East End are the only sites with known MGP liability. The other sites, and any sites not currently identified will be addressed if and when additional information indicates Duke Energy Ohio has liability.

PERSON RESPONSIBLE: Jessica L. Bednarcik



"Privileged and Confidential, Prepared at the Request of Legal Counsel"

REMEDIAL ACTION PLAN

**East End Gas Works
East and West Parcels
Cincinnati, Ohio**

prepared for

Duke Energy Ohio, Inc.

August 2009

Burns & McDonnell Project No. 50615

prepared by

Burns & McDonnell Engineering Company, Inc.

St. Louis, Missouri

1.0 INTRODUCTION

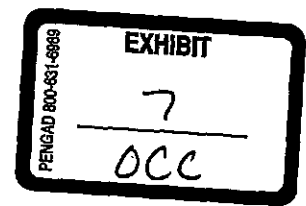
Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) has been retained by Duke Energy Ohio, Inc. (Duke) to prepare this Remedial Action Plan (RAP) for the east and west parcels of the East End Gas Works located in Cincinnati, Ohio (the Site).

The East End Gas Works is bounded to the north by Riverside Drive (formerly Eastern Avenue); to the south by the Ohio River; to the east by residential and recreational areas including a residential development (Corbin Park), a boat launch area and athletic fields (Schmidt Fields); and to the west by undeveloped land owned by a third party. The East End Gas Works is divided into three relatively equal parcels: the east parcel (the parcel positioned between Corbin Street and the vacated Pittsburgh Street), the middle parcel (the parcel positioned between the vacated Pittsburgh Street and the vacated St. Andrews Street) and the west parcel (the parcel positioned between the vacated St. Andrews Street and the western border of the property). The majority of this RAP is for remedial activities on the west and east parcels (collectively referred to herein as the Site). The location of the Site relative to the surrounding area is depicted on Figure 1-1. A Site Plan illustrating the three parcels is included as Figure 1-2.

The RAP activities described herein will be conducted in accordance with the Ohio Voluntary Action Program (VAP), specifically Ohio Administrative Code (OAC) 3745-300-11. This RAP outlines remedial activities and sampling procedures and protocols that will be followed during implementation of this RAP.

1.1 SITE DESCRIPTION

The East End Gas Works is currently utilized as a Duke Gas Operations Center and [REDACTED]. [REDACTED] The east and west parcels are not used and are currently vacant land. A portion of the east parcel was previously utilized as a holding area for clean hard fill (CHF) acquired in Duke's service area. The middle parcel includes the bulk of the Operations Center including storage, equipment, parking, gas distribution and office buildings. Several high pressure natural gas lines transect the East End Gas Works including one of Cincinnati's major pipelines, which crosses the Ohio River near the eastern parcel and is mapped throughout the length of the East End Gas Works. [REDACTED]
[REDACTED]
[REDACTED]



Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Fifteenth Set of Interrogatories
Date Received: December 12, 2012

OCC-INT-15-577

REQUEST:

What was the nature of the historical operation of the other "potentially responsible parties" that Duke is evaluating?

RESPONSE:

Columbia Gas & Electric Company, a predecessor company of Columbia Gas of Ohio, owned a controlling interest in both the Cincinnati Gas & Electric Company and the Union Gas & Electric Company, operators of the West End and East End MGP plants, from approximately 1909 until 1946.

PERSON RESPONSIBLE:

Jessica Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Fifteenth Set of Interrogatories
Date Received: December 12, 2012**

OCC-INT-15-581

REQUEST:

During what periods of time were the other "potentially responsible parties" that Duke is evaluating conducting their historical operation?

RESPONSE:

Duke Energy is investigating the corporate history from the time period between 1909 and 1946 in order to determine if Columbia Gas of Ohio has any potential liability.

PERSON RESPONSIBLE:

Jessica Bednarcik

Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Fifteenth Set of Interrogatories
Date Received: December 12, 2012

OCC-INT-15-582

REQUEST:

On which of the MGP sites did the “potentially responsible parties” that Duke is evaluating conduct the historical operation?

RESPONSE:

Duke Energy is investigating the corporate history as it relates to both East End and West End.

PERSON RESPONSIBLE:

Jessica Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Fifteenth Set of Interrogatories
Date Received: December 12, 2012**

OCC-INT-15-579

REQUEST:

How much has Duke expended remediating the contamination caused by the other potentially responsible parties on the West End MGP site?

RESPONSE:

See response to OCC-INT-15-578. Until the corporate relationship between the two parties has been determined, allocation cannot be determined.

PERSON RESPONSIBLE:

Jessica Bednarcik

Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Fifteenth Set of Interrogatories
Date Received: December 12, 2012

OCC-INT-15-580

REQUEST:

How much has Duke expended remediating the contamination caused by the other potentially responsible parties on the East End MGP site?

RESPONSE:

See response to OCC-INT-15-577. Until the corporate relationship between the two parties has been determined, allocation cannot be determined.

PERSON RESPONSIBLE:

Jessica Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Fifteenth Set of Interrogatories
Date Received: December 12, 2012**

OCC-INT-15-590

REQUEST:

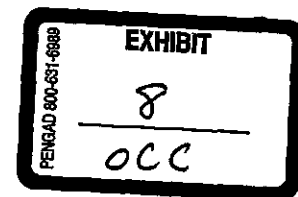
What has the Company done with regards to the "other potentially responsible parties" to put such parties on notice that Duke might pursue a claim against such parties?

RESPONSE:

Duke Energy has met with representatives of Columbia Gas of Ohio; the two companies are currently exchanging historic documents and trying to determine the historic relationship between the two companies.

PERSON RESPONSIBLE:

Jessica Bednarcik



Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff One Hundred Twenty-Seventh Set Data Requests
Date Received: October 23, 2012

STAFF-DR-127-001

REQUEST:

Regarding land purchase(s) adjacent to or associated with the former MGP sites, please provide all of the following:

- A detailed explanation of the approximate 9 acres of property adjacent to the East End site referred to on pages 14-15 of Jessica Bednarcik's Direct Testimony, including identification of all plats purchased (shading or highlighted boundaries on the attached property overlay is sufficient), the date(s) of the purchase(s), identification of the seller(s), and the purchase price(s)

RESPONSE:

The properties purchased on May 13, 2011 are clearly delineated on the figures/maps provided in the response to STAFF-DR-69-001. The properties were purchased from DCI Properties, LLC, for \$4,500,000.

Provided below are the legal descriptions for all of the parcels that were included in the 2011 purchase:

Parcel 1

Parcel 31-5-128, 129 & 130 cons.

Situate in the city of Cincinnati, Hamilton County, State of Ohio, and being known, numbered and designated as Lots Nos. Two (2), Three (3), and Four (4) of the plat of subdivision of the estate of L.M. Rogers, as plat thereof is recorded in Plat Book No. 4, Page 189, Records of Hamilton County, Ohio.

Parcel 2

Parcel 31-6-14 and 15 cons.

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, to wit: Beginning at the Northwest corner of lot No. 25 in Foster's Subdivision; thence running East along the south line of Keck Street thirty (30) feet; thence Southwardly from said two points between parallel lines seventy-five (75) feet to the South line of Lot No. 27, begin thirty (30) feet in width off the West side or rear of lots Nos. 25, 26 and 27 as laid

down on the plat of Subdivision of J. and E. Foster's Estate as recorded in Plat Book 4, Page 3, of Hamilton County, Ohio Records:

ALSO: the following described property in the same city, to-wit:

Commencing at a point in the South line of Keck Street Twenty-five (25) feet West of Drake Street, thence running Westwardly twenty-five (25) feet; thence Southwardly parallel with Drake Street seventy-five (75) feet; thence Eastwardly twenty-five (25) feet; thence Northwardly seventy-five (75) feet to the place of beginning, being twenty-five (25) feet in front by seventy-five (75) feet in depth out of the center parts of Lots Nos. 25, 26 and 27 of the Subdivision of J. and E. Foster's estate as recorded above.

Parcel 3

Parcel 31-5-111

Situated in the County of Hamilton in the State of Ohio and in the City of Cincinnati. Parcel One. Being in the 31st Section, Fourth Township and Second Fractional Range of Townships, in the Miami Purchase, beginning on the southerly side of Eastern Avenue, at a point two hundred and eight-eight (288) feet eastwardly from the east line of the subdivision of the Estate of George P. Torrence, and thirty-eight (38) feet eastwardly from the northeast corner of a tract of land owned by David K. Innes, and running southwardly on a line parallel with said Innes' line and thirty-eight (38) feet there from one hundred and eighty-five (185) feet, more or less, to Keck Street, thence eastwardly along the north line of Keck Street twenty-two (22) feet to a point; thence northwardly on a line parallel with the line first described and twenty-two (22) feet therefrom one hundred and eighty-five (185) feet to the south line of Eastern Avenue, thence westerly along the south line of Eastern Avenue twenty-two (22) feet the place of beginning, and being easterly twenty-two (22) feet of the lot conveyed to Henry Kline by Charles W. Magill and wife by deed dated August 23, 1870 and recorded in Deed Book 363, Page 374, Hamilton County, Ohio records.

Parcel 4

Parcel 31-5-108

Situated in the County of Hamilton, State of Ohio and in the City of Cincinnati: Beginning at a point on the south line of Eastern Avenue 100 feet east of the east line of Queen City Court; thence southerly on a line parallel with the east line of Queen City Court 180 feet to a point; thence eastwardly on a line parallel with Eastern Avenue 24 feet to a point; thence northwardly on a line parallel with the east line of Queen City Court 180 feet to Eastern Avenue; thence westwardly along the south line of Eastern Avenue 24 feet to the place of beginning.

Parcel 5

Parcel 31-5-140, 139 & 138

Situated in the City of Cincinnati, Hamilton County, Ohio, being Lot Numbers Thirteen (13, Fourteen (14) and Fifteen (15) of the James Foster Estate, the same being each

twenty-five (25) feet front on the westerly side of Foster Street between Keck Street and the Ohio River.

Parcel 6

Parcel 31-5-107 and 185 cons.

Situate in the County of Hamilton, State of Ohio and the City of Cincinnati more particularly described as follows:

Parcel Number One: Beginning at a point in the south line of Eastern Avenue, seventy-five (75) feet east of the southeast corner of Eastern Avenue and Queen City Court (now called Gotham Place); thence eastwardly on the south line of Eastern Avenue, twenty-five (25) feet to a point; thence southwardly at right angles with Eastern Avenue, one hundred and ten and 07/100 (110.07) feet to a point; thence westwardly at right angles twenty-five (25) feet to a point; thence northwardly at right angles one hundred and ten and 07/100 (110.07) feet to Eastern Avenue, to place of beginning, and the improvements on which are known and designated as No. 2607 Eastern Avenue in the City of Cincinnati, Ohio.

Parcel Number Two: Situated in Section 31, Township 4, Fractional Range 2, Columbia Township, in Cincinnati, Hamilton County, Ohio and more particularly described as follows: Beginning at a point in the south line of Eastern Avenue, 100 feet east of the southeast corner of Eastern Avenue and Queen City Court (now called Gotham Place); thence southwardly at right angles to Eastern Avenue 110.07 feet to a point and the real point of beginning for the parcel herein conveyed; thence from said real point of beginning continuing southwardly on a line at right angles to Eastern Avenue, 110.07 feet to a street laid out by the Platting Commission; thence westwardly at right angles 25 feet to a point; thence northwardly at right angles 110.07 feet to a point; thence eastwardly at right angles, 25 feet to a point and the place of beginning and being the same premises described a parcel #3 on deed from Aaron L. Horner and Dena Horner to the grantors herein dated October 26, 1932 and recorded in Deed book 1625, Page 265 of the deed records of Hamilton County, Ohio.

Parcel 7

Parcel 31-5-97

Being known and numbered as lot #3 of C.W. Magill's Subdivision of Cincinnati, Ohio, as laid out on the plat of said Subdivision recorded in Plat book 4, Page 122 of the recorded plats of Hamilton County, Ohio. Said lot fronting 25 feet on Gotham Place (formerly Queen City Court) with depth of 75 feet between parallel lines.

Parcel 31-5-98

Situate in the City of Cincinnati, Hamilton County, Ohio and being Lot No. 4 in Charles W. Magill's subdivision, recorded in Plat Book 4, Page 122 of the Hamilton County, Ohio Plat Records. Said Lot fronting 25 feet on the west side of Gotham Place and extending back between parallel lines 75 feet in depth.

Parcel 8
Tract I
Parcel 31-5-120 thru 126

Situated in the City of Cincinnati, Hamilton County, Ohio and being all of Lots Nos. 8, 9, 10, 11, 12, 13, and 14 the plat of Subdivision of the L.M. Rogers estate, as the plat thereof is recorded in Plat Book 4, Page 189 of the records of Hamilton County, Ohio and subject to easements of record.

Tract II
Parcel 31-5-109

Situate in the City of Cincinnati, County of Hamilton, Ohio and being in Section 31, Town 4, Fractional Range 2 and starting at a point on the South Line of Eastern Avenue south $73^{\circ} 25' 30''$ East 150 feet east of the East line of Gotham Place (Queen City Court); thence South $18^{\circ} 34' 30''$ West (parallel to the East line of Gotham Place) 180 feet to the real place of beginning for this tract of land; thence North $73^{\circ} 25' 30''$ West 50 feet; thence South $18^{\circ} 34' 30''$ West (parallel to the East line of Gotham Place to the low water mark of the Ohio River; thence eastwardly along the North line of the Ohio River at low water mark to the southwest corner of Lot No. 8 of the plat of Subdivision of the L.M. Rogers Estate as recorded in Plat Book 4, Page 189, of the records of Hamilton County, Ohio; thence northwardly along the west line of said L.M. Rogers Estate to the place of beginning, subject to easements of record, and owner of this parcel to allow egress to parcels 105, 107 and 108 in Plat Book 31, Page 5 of the Plat Book of Hamilton County, Ohio Records.

Tract III
Parcel 31-5-192

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, to wit: Beginning at a point on the South Line of Eastern Avenue, South $73^{\circ} 25' 30''$ East, one hundred twenty-four feet (124') east of the East Line of Gotham Place (Queen City Court); thence continuing South $73^{\circ} 25' 30''$ East twenty-six feet (26'); thence South $18^{\circ} 34' 30''$ West (parallel to the east line of Gotham Place) one hundred and eighty feet (180'); thence North $73^{\circ} 25' 30''$ West, twenty-six feet (26'), thence North $18^{\circ} 14' 30''$ East one hundred and eighty feet (180'), to the Point of Beginning.

Parcel 9
Parcel 31-5-106

Situate in the City of Cincinnati, Hamilton County, Ohio being a lot of land lying on the south side of Eastern Avenue 25 feet front and 220.14 feet deep lying 50 feet east of Queen City Court (Gotham Place), Sections 31 and 32, Town 4, Fractional Range 2, Miami Purchase.

Parcel 10

Parcel 31-5-115

Situate in the City of Cincinnati, Hamilton County, Ohio, in Section 31, Town 4, Fractional Range 2, of the Miami Purchase and beginning at a point in the South side of Eastern Avenue, 90 feet West of the West line of Foster Street; thence South on a line parallel to Foster Street, 123 feet to a point; thence West on a line parallel with Eastern Avenue 25 feet; thence North on a line parallel with Foster Street 123 feet to Eastern Avenue; thence east along the South line of Eastern Avenue 25 feet to the place of beginning.

**Parcel 11
Parcel 31-5-96**

Situate in the City of Cincinnati, in the County of Hamilton and State of Ohio and being Lot No. 2 of C.W. Magill's Subdivision, as per plat recorded in Plat Book 4, page 122 of the records of Hamilton County, Ohio.

The above described premises are subject to the following: Michael Maloney to the City of Cincinnati - Aqueduct in tunnel recorded in Volume 846, page 622 and Michael Maloney to the City of Cincinnati - Perpetual right of way for the purpose of constructing and forever maintaining an aqueduct in tunnel through and benefit the surface of the real estate recorded in Volume 854, page 216 of the Hamilton County, Ohio Records.

**Parcel 12
Parcel 31-6-37**

Situated in the City of Cincinnati, County of Hamilton and State of Ohio and being more particularly described as follows: Being Lot No. Four (4) in subdivision made by Commissioner in Case No. 27770, Superior Court, Cincinnati, Ohio, a plat of which subdivision is recorded in Plat Book 4, page 3, records of said County. Said Lot No. Four (4) fronting twenty-eight and 42/100 (28.42) feet on Eastern Avenue, formerly called East Front Street, except a small triangular piece of ground described as follows: Beginning at the northeasterly corner of Lot No. Four (4) in the Foster Estate Subdivision, thence South with the East line of Lots No. Four (4) and Five (5) of said subdivision one hundred ninety-two (192) feet more or less to Keck Street, thence West with the North line of Keck Street six feet and one-fourth inches (6' W') to a stake; thence northwardly to the place of beginning as described in Deed recorded in Deed Book 402, page 121 of the Hamilton County, Ohio Deed Records.

**Parcel 13
Parcel 31-5-112**

Situated in Columbia Township, Hamilton County, Ohio in Section 31 Township 4 and Fractional Range 2 of the Miami Purchase and more particularly described as follows to wit: Beginning at a point in the southerly line of Eastern Avenue 165 feet west of Foster Street; thence southerly on a line parallel with Foster Street 185 feet to Keck Street; thence westwardly along the northerly line of Keck Street 25 feet to a point; thence

northerly parallel with Foster Street 185 feet to the south line of Eastern Avenue; thence eastwardly along the southerly line of Eastern Avenue 25 feet to the place of beginning, subject to easement of record.

Parcel 14
Parcel 31-5-180

Situate in the city of Cincinnati, Hamilton County, Ohio and beginning at the southeast corner of Eastern Avenue and Queen City Court; thence eastwardly with Eastern Avenue 25 feet; thence southwardly at right angles to Eastern Avenue 110.07 feet; thence westwardly at right angles to last mentioned line 25 feet; thence northwardly at right angles to said last mentioned twenty-five foot line, 110.07 feet to the place of beginning.

Parcel 15
Parcel 31-5-113

All that certain lot of land situate in the City of Cincinnati, Hamilton County, Ohio in Section 1 and 32, Township 4, Fractional Range 2 of the Miami Purchase, and part of the land conveyed by D.H. Morten and wife to John Johnston by Deed recorded in Deed Book 316, Page 41, Hamilton County, Ohio Records, and more particularly described as follows: Beginning at a point in the South line of Eastern Avenue 50 feet West on the East line of the Lot so conveyed to Johnston by Morten, said point of beginning is 140 feet West of the West line of Foster Street; thence West along the South line of Eastern Avenue 25 feet; thence Southwardly along a line parallel with Foster Street 100 feet; thence Eastwardly parallel with Eastern Avenue 25 feet; thence Northwardly parallel with Foster Street 100 feet to the place of beginning.

Parcel 16
Parcel 31-5-114

Situate in the City of Cincinnati, Hamilton County, Ohio and beginning in the South line of Eastern Avenue, 115 feet West of Foster Street; thence South to the North line of Keck Street; thence West along the North line of Keck Street, 25 feet to a point; thence North to a point in the South line of Eastern Avenue; thence East along the South line of Eastern Avenue, 25 feet to the place of beginning.

Parcel 17
Tract I
Parcel 31-6-19 thru 25 cons.

All those certain lots known, numbered and designated as lots thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40) and forty-one (41) in the subdivision of the lands of James Foster and Elizabeth Foster made by Commissioners in partition in Case No. 27770, Superior Court of Cincinnati, Ohio, as shown by plat recorded in Plat Book 4, Page 3, Hamilton County, Ohio, records.

Tract II

Parcel 31-6-17

Situate in the City of Cincinnati, County of Hamilton, State of Ohio, and described as follows: Being all of that certain tract of land, known, numbered and designated as Lot 33 of J. & E. Foster's Estate Subdivision, a plat of which is recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio Recorder's Records also being Case 27770 of the Superior Court of Hamilton County, Ohio.

Note that Parcel 17 is the tract of land that was sold by Cinergy in 2006 to DCI Properties, LLC.

Parcel 18

Tract I

Parcel 31-6-41

Situated in the City of Cincinnati, County of Hamilton, State of Ohio to-wit: Beginning at a point on the South side of Eastern Avenue 30 feet West of the west line of Lot 3 of Keck's Subdivision, per Sheriff; thence southwardly on a line parallel with and 30 feet West of said West line of said Lot No.3, 192 feet to the North line of Keck Street; thence westwardly along the North line of Keck Street, 35 feet 6 1/4 inches to a point; thence northwardly 192 feet to the South line of Eastern Avenue (which point is 30 feet West of the point of beginning); and thence eastwardly along the South line of Eastern Avenue, 30 feet to the place of beginning.

Tract II

Parcel 31-5-127

Situated in the City of Cincinnati, County of Hamilton, State of Ohio to-wit: Being all of Lot# 1 of L.M. Rogers Estate Subdivision as recorded in Plat Book 4, Page 189 of the Hamilton County, Ohio Recorder's Office.

Tract III

Parcel 31-6-6

Situated in the City of Cincinnati, County of Hamilton, State of Ohio to-wit: Being all of Lot No. 22 of the Subdivision of J. & E. Foster's Estate as made by the Commissioners in Case Number 27770, Superior Court of Cincinnati as shown on Plat records in Plat Book 4, Page 3 Hamilton County, Ohio Recorder's Office.

Tract IV

Parcel 31-6-8

Situated in the City of Cincinnati, County of Hamilton, State of Ohio to-wit: Situate at the Southeast corner of Foster and Keck Streets, fronting 25 feet on Foster Street by 80 feet in depth on Keck Street and being Lot 24 of James and Elizabeth Foster Estate, as recorded in Plat Book 4, Page 3 of the Plat Records of Hamilton County, Ohio.

Tract V
Parcel 31-5-119

Situated in Section 31, Township 4, Fractional Range 2 of the Miami Purchase, Hamilton County, Ohio and being the rear part of the lot conveyed by John Hoff by Noah Smith and Clara Smith by deed dated January 14, 1878 and recorded in Deed Book 480, Page 37 of the Deed Records of Hamilton County, Ohio, and being more particularly described as follows: Beginning at a point in the North line of Keck Street, 50 feet West of the East line of the premises conveyed to D.H. Morten and wife to John Johnstone by deed dated June 1, 1865 and recorded in Deed Book 316, Page 40 of the Hamilton County, Ohio deed records. Said point of beginning being 140 feet West of the West line of Foster Street; thence westerly on the North line of Keck Street, 25 feet to a point; thence North parallel to Foster Street 85 feet, more or less; thence eastwardly parallel to Keck Street, 25 feet; thence South parallel to Foster Street, 85 feet to the place of beginning.

Tract VI
Parcel 31-6-13 & 31-6-16

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being more particularly described as follows: Being all of Lot No. 28 and the East 25 feet of Lots Nos. 25, 26 and 27, all being in the subdivision of James and Elizabeth Foster's Estate as recorded in Plat Book 4, Page 3 Hamilton County, Ohio Record of Plats.

Tract VII
Parcel 31-6-36

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being more particularly described as follows: Being a part of Lot No. 5 on the plat of subdivision of the Estate of Jas. and Elizabeth Foster, deceased, Case no 27770, Superior Court. Said plat is recorded in Plat book 4, Page 3 Hamilton County Recorder's Office and described as follows: Beginning at a point in the northerly line of Keck Street, North 76° 42' West, 6.52 feet from the Southeast corner of said Lot No. 5; thence North 12° 48' 40" East, 90.33 feet to a point in the northerly line of said Lot No 5; thence North 76° 51' West, in the northerly line of said Lot No. 5, a distance of 27.15 feet to the Northwest corner of said Lot No.5; thence South 12° 05' West, in the westerly line of said Lot No. 5, a distance of 90.22 feet to a point in the northerly line of Keck Street, 25.99 feet to the point of beginning.

Tract VIII
Parcel 31-5-132 & 31-5-133

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being more particularly described as follows: Being all of Lots 6 and 7 of the plat of the subdivision of the Estate of L. M. Rogers, as the plat thereof is recorded in Plat Book 4, Page 189 of the records of Hamilton County, Ohio.

Tract IX

Parcel 31-5-131

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being more particularly described as follows: Being known, numbered and designated as Lot No. 5 of L. M. Rogers Estate as shown in Plat Book 4, Page 189 of the Hamilton County, Ohio Plat Records.

Tract X

Parcel 31-5-135

Situate in the City of Cincinnati, County of Hamilton, Ohio and being known and designated as Lot No. 10 on the West side of Foster Street on a plat of subdivision made by the Commissioners in Partition of the Estate of James Foster, deceased, in Case No. 27770 of the Superior Court of Cincinnati. Said plat is of record in Plat Book 4, Page 3 Hamilton County Recorder's Office.

Tract XI

Parcel 31-5-137

Situated in the City of Cincinnati, County of Hamilton, Ohio and being Lot No. 12 of J. & E. Foster's Subdivision made by the Commissioners in Case No. 27770, Superior Court of Cincinnati, Ohio, a plat of which subdivision is recorded in Plat Book 4, Page 3 of the Records of Hamilton County, Ohio. Said Lot No. 12 having a frontage of 25 feet on the west side of Foster Street, running back westwardly between parallel lines 80 feet deep and lying 75 feet South of Keck Street;

Tract XII

Parcel 31-5-136

Situate in the City of Cincinnati, County of Hamilton, Ohio and being all of Lot no. 11 of the J. and E. Fosters' Estate Case No. 27770, Superior Court of Cincinnati as the same appears on the Plat Records of Hamilton County, Ohio, in Plat Book 4, Page 3 in aforesaid mentioned Recorder's Office. Said Lot fronts 25 feet on the West side of Foster Street and 80 feet in depth.

Tract XIII

Parcel 31-5-104

Situated in Sections 31 and 32, Township 4, Fractional Range 2, of the Miami Purchase, Cincinnati, Hamilton County, Ohio and bounded and described as follows: Commencing at a point 110.07 feet South of the Southeast corner of Eastern Avenue and Queen City Court, now Gotham Place (which starting point is the Southwest corner of one of the pieces of the property conveyed to Thomas Linskey by deed recorded in Deed Book 1 087, Page 154 Hamilton County, Ohio Deed Records); thence running eastwardly along the South line of said premises conveyed to Thomas Linskey, 25 feet; thence South at right angles to the last mentioned line, 110.07 feet to a street laid out by the platting commission; thence westwardly at right angles to said last mentioned line, 25 feet; thence

North at right angles to said last mentioned 25 foot line, 110.07 feet to the place of beginning. Subject to a perpetual right-of-way and easement of an underground aqueduct as more fully set forth in Deed Book 852, Page 533 of the Hamilton County, Ohio Deed Records.

Tract XIV
Parcel 31-6-29

Situated in Township 4, Fractional Range 2, of the Miami Purchase, Hamilton County, Ohio, to wit: Commencing at the Southeast corner of Eastern Avenue and Foster Street; thence eastwardly on the South line of Eastern Avenue 41 feet to the West line of the Subdivision of J.E. Foster, as recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio Land Records; thence South along the said West line of said Subdivision, 94 feet to a point; thence westwardly on a line parallel to the South line of Eastern Avenue, 43.48 feet, more or less, to a point in the East line of Foster Street; thence North in the East line of Foster Street, 94 feet, more or less, to a point in the South line of Eastern Avenue, which is the Southeast corner of Eastern Avenue and Foster Street, and the place of beginning.

Parcel 19
Parcel 31-5-186

Situate in Section 31, Township 4, Fractional Range 2, of the Miami Purchase, and beginning at a point in the North line of Keck Street, ninety (90) feet west of the west line of Foster Street; thence North on a line parallel with Foster Street sixty-two (62) feet; thence westerly on a parallel line with Eastern Avenue, twenty-five (25) feet; thence South on a line parallel with Foster Street, sixty-two (62) feet to a point in the West line of Keck Street; thence East along the North line of Keck Street, twenty-five (25) feet to a point, at the place of beginning.

Parcel 20
Parcel 31-6-32-121 cons

Situated in the City of Cincinnati, Ohio, and being Lot 7 and part of Lot 2 of Jos. and Elizabeth Foster Subdivision, as recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio Records, and more particularly described as follows: Beginning at the intersection of the westerly line of the said Lot 7 with the northerly line of Keck Street; thence northwardly along the westerly line of the said Lot 7 and Lot 2 a distance of 99.30 feet to a point; said point being a distance of 91.50 feet southwardly from the southerly line of Eastern Avenue; thence eastwardly parallel with the southerly line of Eastern Avenue a distance of 28 feet to the easterly line of said Lot 2 and Lot 7 a distance of 99.39 feet to the northerly line of Keck Street; thence westwardly along the northerly line of Keck Street a distance of 28 feet to the place of beginning.

Parcel 21
Parcel 31-6-35

Situate in the City of Cincinnati, Hamilton County, Ohio, being known as Lot Number Three (3) of James and Elizabeth Foster's Estate made by Commissioners in Case #27770 of the Superior Court as per plat recorded in Plat Book #4, Page 3 in the office of the Recorder of said County.

Parcel 22

Parcel 31-6-38

Situate in Section 31, Town 4, Fractional Range 2, Miami Purchase, City of Cincinnati, Hamilton County, Ohio, and being parts of Lots 4, 5 and 45 on the plat of subdivision of the Estate of Jas. and Elizabeth Foster, deceased, as the same is recorded in Plat Book 4, Page 3, Hamilton County Recorder's office, and an adjoining tract and described as follows: Beginning at a point in the northerly line of Keck Street six and fifty-two hundredths (6.52) feet west of the southeast corner of said Lot 5 of the subdivision of the Estate of Jas. and Elizabeth Foster, deceased; thence northwardly one hundred ninety (190) feet more or less to a point in the southerly line of Eastern Avenue at the northeast corner of said lot 4 of the subdivision of the Estate of Jas. and Elizabeth Foster, deceased; thence eastwardly in the southerly line of Eastern Avenue thirty and no hundredths (30.00) feet; thence southwardly one hundred ninety (190) feet more or less to a point in the northerly line of Keck Street, said last mentioned point is six and fifty-two hundredths (6.52) feet west of the southeast corner of said Lot 45 of the subdivision of the Estate of Jas. and Elizabeth Foster, deceased; thence westwardly in the northerly line of Keck Street thirty and no hundredths (30.00) feet to the point of beginning.

And

Parcel 31-6-39

Situated in the City of Cincinnati, Hamilton County, Ohio, known numbered and designated as parts of lots forty-four (44) and forty-five (45) of the J. & E. Foster's Estate, in the City of Cincinnati, County of Hamilton, State of Ohio, as recorded in Plat Book 4, page 3, Hamilton County Records, and adjoining tract, being 25 x 190 feet, more or less, on the south side of Eastern Avenue, 85 feet west of Lot 3, George Keck Subdivision.

Parcel 23

Parcel 31-6-1, 2, 3, 4, 5, 9, 10, 11, 12 & 18 and 31-5-141

Situate in the County of Hamilton and State of Ohio, and being more particularly described as follows, to wit: Lots Numbered 16, 17, 18, 19, 20, 21, 29, 30, 31, 32 and 34 of the Subdivision of J. & E. Fosters Estate as made by Commissioners in Case No. 27770, Superior Court of Cincinnati, as shown on plat records in Plat Book 4, Page 3, Hamilton County Recorder's Office.

Parcel 24

Parcel 31-5-118

Situate in the City of Cincinnati, County of Hamilton, and State of Ohio and being more

particularly described as follows: Commencing at the southwest corner of Eastern Avenue and Foster Street; thence westwardly with the south line of Eastern Avenue Twenty-One (21) feet to a point; thence southwardly on a line parallel with the west line of Foster Street One Hundred and Eighty-Three (183) feet, more or less, to the line of lands formerly owned by Mr. Dunham; thence eastwardly Twenty-One (21) feet on a line with the south side of Eastern Avenue to Foster Street; thence northwardly on a line parallel with the west line of Foster Street, One Hundred and Eighty-Three (183) feet, more or less, to the point or place of beginning.

Parcel 25

Parcel 31-5-105

Situated in the City of Cincinnati, County of Hamilton and State of Ohio, to wit: Beginning at a point in the south line of Eastern Avenue Twenty-Five (25) feet East of Queen City Court; thence Eastwardly with Eastern Avenue twenty-five (25) feet; thence Southwardly at right angles with Eastern Avenue, One-hundred and ten and 07/100 (110.07) feet; thence Westwardly at right angles twenty-five (25) feet to Kelley's line; thence with said line Northwardly to the place of beginning, one-hundred and ten and 07/100 (110.07) feet distant lying in Cincinnati, Hamilton County, Ohio.

Also that lot of ground adjoining on the South, described as follows: Beginning at the Southwest corner of the above lot; thence Eastwardly on said South line twenty-five (25) feet; thence Southwardly at right angles one-hundred and ten and 07/100 (110.07) feet to a street; thence Westwardly with said street twenty-five (25) feet; thence Northwardly one hundred and ten and 07/100 (110.07) feet to the place of beginning. Subject to the right of way recorded in Deed Book 848, Page 362 of the records of Hamilton County, Ohio.

Parcel 26

Parcel 31-5-102

Situate in the City of Cincinnati, Hamilton County, Ohio, being Lot 8 of Magill's Subdivision, Hamilton County, Ohio Records.

Parcel 27

Parcel 31-5-116

Situate in Section 31, town 4, Fractional Range 2 of the Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio and described as follows: Commencing at a point in the South line of Eastern Avenue, 66 feet West of Foster Street; thence running West with Eastern Avenue, 24 feet; thence southwardly on a line parallel with Foster Street, 183 feet, more or less, to Keck Street; thence Eastwardly with Keck Street, 24 feet; thence Northwardly on a line parallel with Foster Street, 183 feet, more or less, to Eastern Avenue and the place of beginning.

Parcel 28

Parcel 31-6-30

Situate in the City of Cincinnati, Hamilton County, Ohio to wit: Being lot known and numbered as eight (8) on a plat of subdivision of the estate of James and Elizabeth Foster made by the Commissioners in Partition in Case No. 27770, in the Superior Court of Cincinnati, Ohio duly recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio records. Being the same premises conveyed to the Mortgagor herein by Anthony B. Herking and wife, by deed recorded in Deed Book 2146, Page 382, Hamilton County, Ohio Records.

Parcel 29

Parcel 31-6-40

Situate in the City of Cincinnati, Hamilton County, Ohio, beginning at a point on the south side of Eastern Avenue, 60 feet west of the northwest corner of Keck's Subdivision; thence west along the south line of Eastern Avenue, 25 feet; thence South between parallel lines at right angles with Eastern Avenue, the same width in rear as in front, 190.54 feet, more or less, to the north line of Keck Street, the 25 feet fronting on Keck Street by 20.54 feet, more or less, in depth, being part of Lots 43 and 44 on the plat of James and Elizabeth Fosters Subdivision by Commissioners in Case No. 27770, Superior Court of Cincinnati, Hamilton County, Ohio, duly recorded in Plat Book 4, page 3, Recorder's Office.

Parcel 30

Parcel 31-6-33

Situated in the City of Cincinnati, County of Hamilton and State of Ohio and being part of Lot #2 of Joseph and Elizabeth Foster Subdivision as recorded in Plat book 4, Page 3 of the Hamilton County, Ohio Records, and more particularly described as follows: Beginning at the intersection of the westwardly line of said lot #2 with the southerly line of Eastern Avenue; thence southwardly along the westerly line of said lot #2 a distance of 91.50 feet; thence eastwardly parallel with and southerly line of Eastern Avenue a distance of 28 feet; thence northwardly along the easterly line of lot #2 a distance of 91.50 feet to the southerly line of Eastern Avenue a distance of 28 feet to the place of beginning.

Parcel 31

Tract I

Parcel 31-6-7

Situated in the City of Cincinnati, County of Hamilton, and State of Ohio and bounded and described as follows: Being all that certain tract of land known, numbered and designated as Lot No. 23 of J & E Fosters Estate, a plat of which is recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio Recorder's Records.

Tract II

Parcel 31-6-31

Situate in the City of Cincinnati, Hamilton County, Ohio to wit: Being lot known and numbered as 1 on a plat of subdivision of the estate of James and Elizabeth Foster made by Commissioners in Partition in Case no. 27770 in the Superior Court of Cincinnati, Ohio, duly recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio Records, the said lot fronting 28 feet on the south side of Eastern Avenue and running outwardly between parallel side lines 100 feet in depth.

Tract III
Parcel 31-6-118

Situate in the City of Cincinnati, Hamilton County, Ohio and in Township 4, Fractional Range 2 of the Miami Purchase, and commencing at a point in the east line of Foster Street 94 feet south of the southeast corner of Eastern Avenue and Foster Street; thence eastwardly on a line parallel to the South Line of Eastern Avenue 43.48 feet more or less to a point in the west line of the subdivision of J. and E. Foster as recorded in Plat Book 4, Page 3 of the Hamilton County, Ohio land records; thence south along the said west line of the subdivision 96 feet more or less to a point in the north line of Keck Street; thence westwardly in the north line of Keck Street 46 feet more or less to a point in the east line of Foster Street, being the north east corner of Foster Street and Keck Street; thence northwardly in the east line of Foster Street 96 feet more or less to the point of beginning. The above described property is conveyed subject to an easement for an existing sewer, running from land lying contiguous and to the south of the herein above described land to Keck Street.

Parcel 32
Parcel 31-5-92 & 184 cons.

Situated in Cincinnati, Ohio, in Fractional Section 31, Township 4, Fractional Range 2, Miami Purchase, Beginning at the Northwest corner of a tract of land, formerly owned by Johnson, Morten & Company, and previously owned by James Foster, the point of beginning being on the South side of Eastern Avenue formerly East Front Street, which point is thirty-two (32) feet West of Queen City Court; thence West with the South line of Eastern Avenue, twenty (20) feet; thence Southwardly and parallel to said Johnson & Morten's line one hundred and twenty (120) feet; thence Eastwardly twenty (20) feet; thence Northwardly along said Johnson and Morten's line one hundred and twenty (120) feet to the place of beginning; being the same premises conveyed to Joseph A. Vitt by Mable Van Frank Pond, and Stanley O. Pond her husband, Anna Van Frank (unmarried), Dora J. Hollis, and Joseph Hollis, her husband, Phillip Van Frank and Flora Van Frank, his wife, by deed dated March 12, 1927, and recorded in Deed Book #1378, Page 619, Records of Hamilton County, Ohio, and being the second lot West of Queen City Court. Situate in the City of Cincinnati, County of Hamilton and State of Ohio, to-wit: Beginning at a point in the Westerly line of Gotham Place, formerly Queen City Court, eighty-eight (88) feet South of the intersection of said line with the Southerly line of Eastern Avenue; thence Southwardly along said Westerly line of Gotham Place ten (10) feet to the Southeasterly corner of the property owned by J. Edward Wood; thence Westwardly along said Southerly line thirty-two (32) feet to the Southwesterly corner of said property; thence Northwardly along Wood's West line and parallel with the Westerly

line of Gotham Place ten (10) feet; thence Eastwardly parallel with Wood's South line thirty-two (32) feet to the place of beginning. Begin part of the property conveyed by Mary M. Wood to J. Edward Wood by deed dated June 8, 1926, and recorded in Deed Book 1390, Page 512 of the Records of Hamilton County, Ohio.

Parcel 33

Parcel 31-5-117

Situated in the County of Hamilton, in the State of Ohio and in the City of Cincinnati, and more particularly described as follows: Beginning at a point on the south line of Eastern Avenue 21 feet west of the southwest corner of Foster Street; thence west along the south line of Eastern Avenue, a distance of 45 feet to a point; thence south at right angles to Eastern Avenue to a point in the north line of Keck Street; thence east along the north line of Keck Street 45 feet to a point; thence north to the place of beginning. Being a tract 45 feet wide between parallel lines and 187 feet, more or less, deep.

Parcel 34

Parcel 31-6-26

Beginning at the northwest corner of the lands formerly owned by George Keck on the south side of Eastern Avenue; thence running southwardly with the line of said Keck to the Ohio River; thence down and with the Ohio River thirty (30) feet westwardly; thence northwardly on a line parallel to the first named line to Eastern Avenue; thence eastwardly with said Eastern Avenue thirty (30) feet to the place of beginning.

Parcel 35

Parcel 31-6-34

Situated in the City of Cincinnati, Hamilton County, Ohio, to-wit: Being known as Lot 6 of James and Elizabeth Foster's Estate made by Commissioners in Case# 27770 of the Superior Court as per plat recorded in Plat Book 4, Page 3, in the office of the Recorder of said county.

Parcel 36


Parcel 31-5-110

Situated in the County of Hamilton in the State of Ohio, and in the City of Cincinnati: Being in the Thirty-first section, Fourth Township, Second Fractional Range of townships in the Miami Purchase in Columbia Township, and beginning in the southerly line of Eastern Avenue at a point two hundred and fifty (250) feet eastwardly from the East line of the Subdivision of the Estate of George P. Torrence and at the northeast corner of a lot of land owned by D.R. Innes, running thence southwardly along the Innes line parallel to the said East line of the Torrence Subdivision one hundred and eighty-five (185) feet more or less to a point in the North line of Keck Street; thence eastwardly in the northerly line of Keck Street thirty-eight (38) feet to a point; thence northwardly in a line parallel to the line first described and thirty-eight (38) feet distance therefrom one hundred and eighty-five (185) feet more or less to a point in the South line of Eastern

Avenue; thence westwardly in the South line of Eastern Avenue thirty-eight (38) feet to the place of beginning.

PERSON RESPONSIBLE:

Jessica L Bednarcik



BECK CONSULTING, INC.

SUMMARY APPRAISAL REPORT

Vacant Development Sites
From 2595 to 2729 Riverside Drive
South to the Ohio River, Cincinnati, Ohio
Including 76 separate parcels of land with 7.363 Acres, more or less

Prepared For:

Robert T. Hall
Senior Right-of-Way Specialist
Real Estate Services
Duke Energy Corporation
Fourth and Walnut Center, 1st Floor
Cincinnati, Ohio 45202

Prepared By:

BECK CONSULTING, INC.
Town Hall on the Green – 4B
5380 Pleasant Avenue
Fairfield, Ohio 45014
513.942.5000
FAX – 513.942.9602

Effective Date of Value

As is Market Value As of October 28, 2011

Date of Report

October 28, 2011



Larger Parcel D:

PARCEL ID	ADDRESS	Sq. Ft	Zoning
<u>031-0005-0109-00</u>	2611 RIVERSIDE DR	4850	RF-R
<u>031-0005-0125-00</u>	239 LOUISIANA ST	1266	RF-R
<u>031-0005-0126-00</u>	237 LOUISIANA ST	4792	RF-R
<u>031-0005-0132-00</u>	240 LOUISIANA ST	1586	RF-R
<u>031-0005-0133-00</u>	238 LOUISIANA ST	4443	RF-R
<u>031-0005-0141-00</u>	237 FOSTER ST	8075	RF-R
<u>031-0006-0001-00</u>	228 FOSTER ST	12663	RF-R
<u>031-0006-0009-00</u>	229 MUNSON ST	13938	RF-R
<u>031-0006-0017-00</u>	MUNSON ST	16913	RF-R
<u>031-0006-0018-00</u>	236 MUNSON ST	118	RF-R
<u>031-0006-0026-00</u>	RIVERSIDE DR	494	RF-R

Ownership:

The Duke Energy Corporation

HISTORY OF PROPERTY BEING APPRAISED

The subject property was acquired on 5/20/2011 for \$4,500,000 based on a settlement agreement dated May 13, 2011. The buyer, Duke Energy Ohio, Inc. and the seller, DCI Properties, LLC entered into this agreement as a means of settling a pending lawsuit. In exchange for the seller dropping all legal claims against the buyer, the buyer, Duke Energy Ohio, Inc. paid \$4,500,000 to the seller, DCI Properties, LLC.

This transaction was not arms-length. The buyer had no need of the land acquired and would not have been a buyer save for the fact that the buyer was under duress to acquire the property and thus avoid the uncertainties of having the lawsuit litigated by the courts.

The site had been assembled by the prior owner in the 2005-2006 timeframe at a total cost of \$1,951,600, excluding the cost to raze the improvements.



Duke Energy Ohio
Case No. 12-1685-GA-AIR
OCC Seventeenth Set of Interrogatories
Date Received: December 20, 2012

OCC-INT-17-667

REQUEST:

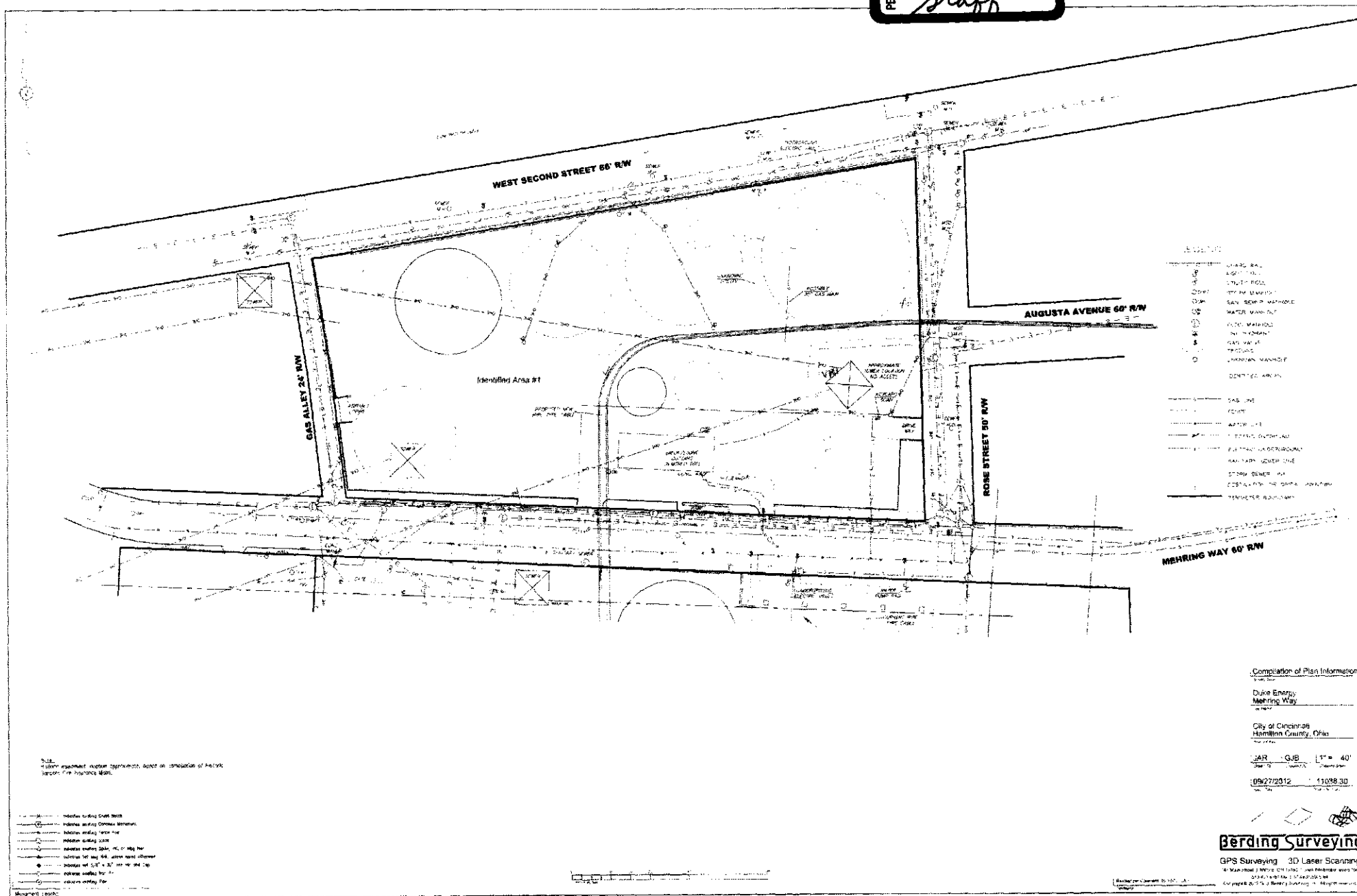
Referring to the Company's response to OCC Interrogatory No. 471, when did the Company give the insurance carriers notice of the MGP sites?

RESPONSE:

Duke Energy Ohio states that notice of occurrence related to the MGP sites has been provided to insurance carriers beginning in August 1996. As additional insurance policies that may provide coverage have been identified, the insurance carriers that sold the coverage have been sent notice. The most recent correspondence to insurance carriers was sent in early December 2012.

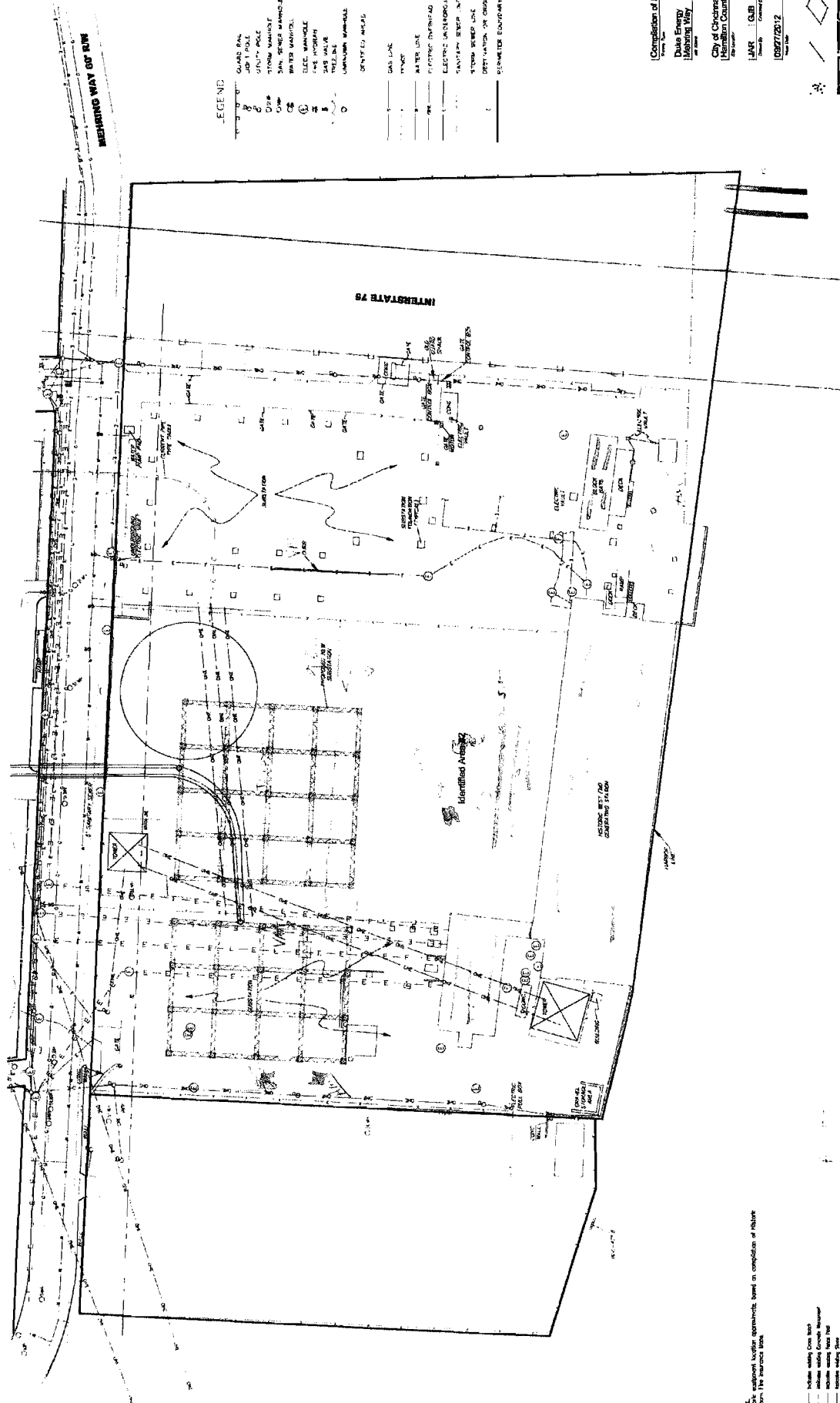
PERSON RESPONSIBLE: Keith Bone

Staff



PENGAD 800-631-6989

4 Staff



Note.—Weighted location approximates based on composition of Atlanta

- [illegible]

Attachment 1 attached

Completion of Plan Information

Duke Energy
Working Way

City of Cincinnati
Hamilton County, Ohio

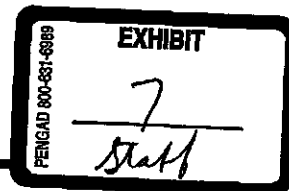
DATE: 1994

JAR	QUB	1° 22' 40"
Drawn By	Entered On	Drawing Scale
09/27/2012		11038.30

Berding Surveying

3DPS Surveying - 3D Laser Scanning
 1611 122nd Street | 4080 East 10th Ave | 4080 122nd Street
 813.825.8747 (Fax) | 813.825.8747 (Cell)
 Copyright © 2012 J. Stalling Surveying, Inc. All Rights Reserved

DATE: 6/25/91. Amount: \$100.00



From: Kuhnell, Dianne B <Dianne.Kuhnell@duke-energy.com>
Sent: Monday, September 17, 2012 4:24 PM
To: Adkins, Kerry
Cc: Duke Gas Case 12-1685-GA-AIR
Subject: RE: DR #68 -- West End MGP -- Due 9/14/12
Attachments: STAFF DR 68 GAS001.pdf

Attached please find Duke Energy Ohio's response to Staff DR#68- 12-1685 gas rate case

Thank you,
Dianne

From: Adkins, Kerry [mailto:Kerry.Adkins@puc.state.oh.us]
Sent: Friday, August 31, 2012 3:34 PM
To: Kuhnell, Dianne B
Cc: Duke Gas Case 12-1685-GA-AIR
Subject: DR #68 -- West End MGP -- Due 9/14/12

For the West End former MGP site please, provide all of the following:

1. A large uniformly scaled drawing, aerial photograph, or series of smaller interconnecting drawings or photos that can be combined to form a larger scaled site drawing/photo that shows all of the following:
 - A. The site property lines and boundaries
 - B. Current use of all adjoining properties (residential housing, planned residential housing, retail space, industrial, etc.)
 - C. The "Identified Areas" (IAs) clearly demarcated
 - D. All easements associated with adjoining properties and easements for utilities such as sewer, water, etc.
 - E. All streets, roads, highways, etc. including public rights-of-way for current, planned, or potential streets, roads, highways, etc.
 - F. Identification, location, and dimensions of all structures and related appurtenances, roads and drives, parking lots, equipment, facilities, etc.
 - G. Identification and location of all underground pipelines, utilities, or other facilities
 - H. A legend of all items identified on the drawing/photo that references a separate document that provides detailed descriptions of the purpose and use of all items identified in the legend
 - I. The location and dimensions of the transmission towers mentioned in Jessica Bednarcik's Direct Testimony, including any associated rights-of-way or line clearances
 - J. The location and voltage of the transmission lines carried by the transmission towers mentioned in Jessica Bednarcik's Direct Testimony, including any associated rights-of-way or line clearances
 - K. The location and voltage of the underground transmission lines mentioned on page 8 of Jessica Bednarcik's Direct Testimony, including any associated rights-of-way or line clearances
2. To the extent not provided in the response to Part 1, please provide a detailed description of the purpose and use of all items identified in the response to Part 1H above.
3. To the extent not provided in the response to Parts 1 or 2, please identify the incoming and outgoing voltages on each side of the substations referred to in Jessica Bednarcik's Direct Testimony.

4. To the extent not provided in the response to Parts 1 or 2, please identify the incoming and outgoing voltages on each side of the transformer bays referred to in Jessica Bednarcik's Direct Testimony.
5. To the extent not provided in the response to Parts 1 or 2, please identify if the electrical relays referred to in Jessica Bednarcik's Direct Testimony are used for electric transmission or for distribution equipment.
6. Referencing the "electrical storage" mentioned on page 7 of Jessica Bednarcik's Direct Testimony, is the "electrical storage" capacitors? If so, are the capacitors used for electric distribution or for transmission? If not, what is the "electrical storage" that is referred to and is it used for electric transmission or for distribution?
7. To the extent not provided in the response to Parts 1 or 2, please identify if the purpose of the "gas generating/pump house" described on page 7 of Jessica Bednarcik's Direct Testimony and identify if the "gas generating/pump house" is used for electric transmission or for distribution or for some other purpose.
8. To the extent not provided in the response to Parts 1 or 2, please identify if the electrical relays referred to in Jessica Bednarcik's Direct Testimony are used for electric transmission or for distribution equipment.
9. To the extent not provided in the response to Parts 1 or 2, who owns and operates the gas pipeline referred to on page 7 of Jessica Bednarcik's Direct Testimony? What is the gas pipeline's:
 - A. Purpose
 - B. Diameter;
 - C. normal operating pressure;
 - D. maximum operating pressure; and
 - E. termination point?
10. Is this gas pipeline referred to on page 7 of Jessica Bednarcik's Direct Testimony part of Duke Ohio's natural gas distribution system?
11. In regards to the employee parking facility referred to on pages 7 & 8 of Jessica Bednarcik's Direct Testimony, what functions did (do) the employees that parked there perform (e.g., they serviced the transmission equipment at the site, they were shuttled to other Duke facilities, etc.).
12. Has Duke applied for or received any funds or non-monetary aid from any governmental agencies designed to defray or reimburse Duke for expenses that have or will be incurred to remediate the West End site? If so, please describe the funds and and/or non-monetary aid including, the source(s), amounts, and when and how (by account) the funds and or aid was recorded in Duke's books of account.
13. Did Duke explore if there were any funds available through the American Recovery and Reinvestment Act or any other federal or state program that could be used for remediation of the West End site? If yes, please list and describe the federal and state programs explored and explain why Duke was either eligible or ineligible to receive funds.

Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012

STAFF-DR-68-001

REQUEST:

For the West End former MGP site please, provide all of the following:

- A large uniformly scaled drawing, aerial photograph, or series of smaller interconnecting drawings or photos that can be combined to form a larger scaled site drawing/photo that shows all of the following:
 - a. The site property lines and boundaries
 - b. Current use of all adjoining properties (residential housing, planned residential housing, retail space, industrial, etc.)
 - c. The “Identified Areas” (IAs) clearly demarcated
 - d. All easements associated with adjoining properties and easements for utilities such as sewer, water, etc.
 - e. All streets, roads, highways, etc. including public rights-of-way for current, planned, or potential streets, roads, highways, etc.
 - f. Identification, location, and dimensions of all structures and related appurtenances, roads and drives, parking lots, equipment, facilities, etc.
 - g. Identification and location of all underground pipelines, utilities, or other facilities
 - h. A legend of all items identified on the drawing/photo that references a separate document that provides detailed descriptions of the purpose and use of all items identified in the legend
 - i. The location and dimensions of the transmission towers mentioned in Jessica Bednarcik’s Direct Testimony, including any associated rights-of-way or line clearances
 - j. The location and voltage of the transmission lines carried by the transmission towers mentioned in Jessica Bednarcik’s Direct Testimony, including any associated rights-of-way or line clearances

- k. The location and voltage of the underground transmission lines mentioned on page 8 of Jessica Bednarcik's Direct Testimony, including any associated rights-of-way or line clearances

RESPONSE:

A drawing is currently being developed in an effort to respond to this request. However, as a responsive drawing does not exist and due to the number of items to be shown on the drawing, it is not yet available. Duke Energy Ohio will submit a drawing, showing the information requested, by no later than October 16. The information below is being submitted in anticipation of the drawing and will be supplemented as needed.

- a. The West End site is bounded by Pete Rose Way (f/k/a Second Street) to the north and the Ohio River to the south. North of Mehring Way (f/k/a First Street), the site is bounded by Rose Street to the east and Gas Alley to the west. South of Mehring Way the site is bound by a property owned by Hilltop Basic Resources to the east and by a property owned by the University of Cincinnati to the west.
- b. Longworth Hall is located to the north of the site; Longworth Hall contains offices. An asphalt plant and a concrete plant are located to the east of the site. South is the Ohio River. West of the site is an industrial property and a coal pile owned by the University of Cincinnati.
- c. The "Identified Areas" will be shown on the drawing that will be submitted in October.
- d. Easements will be shown on the drawing currently being prepared.
- e. Streets, roads and highways will be shown on the drawing currently being prepared.
- f. Structures will be identified on the drawing currently being prepared.
- g. Known underground piping will be shown on the drawing currently being prepared. The pipes are used for city drinking water, sewer services, gas transmission and/or distribution, and electric transmission. Unknown piping has been discovered during the remediation throughout the site and within Mehring Way.
- h. A legend will be included on the drawing currently being prepared.
- i. The location of the transmission towers will be shown on the drawing currently being prepared. The towers located north of Mehring Way are 35 feet by 35 feet at their base. One tower is 185 feet tall and the other is 130 feet tall. The transmission towers are used for electric transmission.
- j. The transmission lines will be shown on the drawing. The transmission lines carry a voltage of 138 kV. The lines are used for electric transmission.
- k. The location of the underground transmission line will be shown on the drawing. The underground transmission line carried a voltage of 138 kV. The lines are used for electric transmission.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-002

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Part 1, please provide a detailed description of the purpose and use of all items identified in the response to Part 1H above.

RESPONSE:

Please refer to the response to STAFF-DR-68-001. The requested information will be provided with the drawing that is being prepared.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-003

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Parts 1 or 2, please identify the incoming and outgoing voltages on each side of the substations referred to in Jessica Bednarcik's Direct Testimony.

RESPONSE:

The high voltage side of the substations is 138 kV and the low voltage side is 13.2 kV.

PERSON RESPONSIBLE:

Jessica Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-004

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Parts 1 or 2, please identify the incoming and outgoing voltages on each side of the transformer bays referred to in Jessica Bednarcik's Direct Testimony.

RESPONSE:

The high voltage side of the transformer bay is 138 kV and the low voltage side is 13.2 kV.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-005

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Parts 1 or 2, please identify if the electrical relays referred to in Jessica Bednarcik's Direct Testimony are used for electric transmission or for distribution equipment.

RESPONSE:

The electrical relays consist of 13kV relays for distribution and 138 kV relays for transmission.

PERSON RESPONSIBLE:

Jessica L Bednarcik

Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012

STAFF-DR-68-006

REQUEST:

For the West End former MGP site please, provide all of the following:

- Referencing the “electrical storage” mentioned on page 7 of Jessica Bednarcik’s Direct Testimony, is the “electrical storage” capacitors? If so, are the capacitors used for electric distribution or for transmission? If not, what is the “electrical storage” that is referred to and is it used for electric transmission or for distribution?

RESPONSE:

The historic West End generating station houses 138 kV and 13kV protective relay equipment, 125V direct current (DC) station batteries, 13 kV circuit breakers, 13 kV capacitors, 13kV reactors, and 13 kV underground circuit exits.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-007

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Parts 1 or 2, please identify if the purpose of the “gas generating/pump house” described on page 7 of Jessica Bednarcik’s Direct Testimony and identify if the “gas generating/pump house” is used for electric transmission or for distribution or for some other purpose.

RESPONSE:

The “gas generating/pump house” referenced in my testimony is the meter and regulator station for the natural gas transmission pipeline that enters Ohio from Kentucky at the West End site. The natural gas from the pipeline feeds the Cincinnati distribution system.

The building also houses the Remote Terminal Units (RTU) equipment, which is part of the SCADA system. This equipment monitors and controls the natural gas distribution system.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-008

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Parts 1 or 2, please identify if the electrical relays referred to in Jessica Bednarcik's Direct Testimony are used for electric transmission or for distribution equipment.

RESPONSE:

The electrical relays are used for both transmission and distribution. The building contains both 138 kV transmission and 13 kV distribution protective relay equipment.

PERSON RESPONSIBLE:

Jessica L Bednarcik

Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012

STAFF-DR-68-009

REQUEST:

For the West End former MGP site please, provide all of the following:

- To the extent not provided in the response to Parts 1 or 2, who owns and operates the gas pipeline referred to on page 7 of Jessica Bednarcik's Direct Testimony? What is the gas pipeline's:
 - a. Purpose
 - b. Diameter;
 - c. normal operating pressure;
 - d. maximum operating pressure; and
 - e. termination point?

RESPONSE:

The pipeline is owned and operated by Duke Energy Ohio.

- a. The pipeline supplies natural gas to the Ohio gas distribution system.
- b. There are current two pipelines that cross the Ohio River and enter Ohio at the West End site. They are both 12-inch diameter pipes. They combine at a valve pit near the riverbank into one 20-inch diameter pipe.
- c. The pipeline has a normal operating pressure of 90 to 95 psig.
- d. The pipeline has a maximum operating pressure of 136 psig.
- e. The termination point of the transmission pipeline is the meter and regulator station located at the corner of Rose Street and Mehring Way, on the south side of Mehring Way. This is the "gas generating/pump house" referred to in my testimony.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-010

REQUEST:

For the West End former MGP site please, provide all of the following:

- Is this gas pipeline referred to on page 7 of Jessica Bednarcik's Direct Testimony part of Duke Ohio's natural gas distribution system?

RESPONSE:

The natural gas pipeline is a transmission line that feeds Duke Energy Ohio's natural gas distribution system.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-011

REQUEST:

For the West End former MGP site please, provide all of the following:

- In regards to the employee parking facility referred to on pages 7 & 8 of Jessica Bednarcik's Direct Testimony, what functions did (do) the employees that parked there perform (e.g., they serviced the transmission equipment at the site, they were shuttled to other Duke facilities, etc.).

RESPONSE:

The employees who parked at the site were shuttled to the Duke Energy office buildings located at the corner of 4th Street and Main Street. Those employees worked in various Duke Energy Ohio business units, including but not limited to Gas Operations, Gas Distribution, Power Delivery, Real Estate, Legal, Finance, Communications, and many more.

PERSON RESPONSIBLE:

Jessica L Bednarcik

**Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012**

STAFF-DR-68-012

REQUEST:

For the West End former MGP site please, provide all of the following:

- Has Duke applied for or received any funds or non-monetary aid from any governmental agencies designed to defray or reimburse Duke for expenses that have or will be incurred to remediate the West End site? If so, please describe the funds and and/or non-monetary aid including, the source(s), amounts, and when and how (by account) the funds and or aid was recorded in Duke's books of account.

RESPONSE:

Duke Energy Ohio did not apply for or receive any non-monetary aid from any governmental agencies designed to defray or reimburse Duke for expenses that have been or will be incurred to remediate the West End site. Duke Energy Ohio is not aware of the availability of any such non-monetary aid with regard to the remediation of the West End site. As to the potential for obtaining funds from governmental agencies designed to defray or reimburse Duke Energy Ohio for expenses that have been or will be incurred to remediate the West End site, see answer to DR-68-013.

PERSON RESPONSIBLE:

Jessica L. Bednarcik
Legal

Duke Energy Ohio
Case No. 12-1685-GA-AIR
Staff Sixty-Eighth Set Data Requests
Date Received: August 31, 2012

STAFF-DR-68-013

REQUEST:

For the West End former MGP site please, provide all of the following:

- Did Duke explore if there were any funds available through the American Recovery and Reinvestment Act or any other federal or state program that could be used for remediation of the West End site? If yes, please list and describe the federal and state programs explored and explain why Duke was either eligible or ineligible to receive funds.

RESPONSE:

Duke Energy Ohio considered whether funds were available under the American Recovery and Reinvestment Act (ARRA) or other federal or state program that may be applied to its remediation efforts at the West End site. It is Duke Energy Ohio's understanding that the programs identified as potential sources of funds, namely, the EPA Brownfields Program under ARRA and the Clean Ohio Fund Program (Assistance and Revitalization Funds), were unfortunately not available to Duke Energy Ohio based upon certain restrictions. The ARRA funds available for remediation efforts, such as those occurring at the West End site, were administered and awarded through the EPA Brownfields Program. Duke Energy Ohio was not eligible for assessment or cleanup grants under the EPA Brownfields Program because it is not among the types of entities eligible for such grants. Entities that are eligible for awards under the EPA Brownfields Program are limited to the following: state, local and tribal governments; general purpose units of local government; land clearance authorities or other quasi-governmental entities; regional council or redevelopment agencies; states or legislatures; and nonprofit organizations. Similarly, Duke Energy Ohio was not eligible for grants under the Clean Ohio Assistance or Revitalization Funds as such funding was available only to certain entities: townships, municipal corporations, counties, port authorities and conservancy districts. Moreover, while for-profit organizations were permitted to enter an agreement with an eligible applicant to seek such funding under the Clean Ohio Fund, entities that caused or contributed to the contamination at the property were not permitted to enter into such an agreement. Thus, it is Duke Energy Ohio's understanding that it was not eligible for any such federal or state funding.

PERSON RESPONSIBLE:

Jessica L Bednarcik
Legal