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Sally W. Bloomfield
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September 15, 2015

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

Re: NTE Ohio, LLC, OPSB Case No. 14-534-EL-BGN

Dear Ms. McNeal:

The November 24, 2014, Opinion, Order, and Certificate ("Certificate") approving NTE Ohio, LLC ("NTE") Certificate of Environmental Compatibility and Public Need to Construct the Middletown Energy Center established a set of conditions as part of the Certificate.

Within this set of conditions, **Condition No. 19** requires that:

Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, Applicant shall obtain and comply with such permits or authorizations. Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

Upon final review of the list of permits, it was discovered that several permits had not been filed upon receipt. In compliance with Condition No. 19, attached to this letter is a copy of the following permits:

- Attachment 1: Federal Aviation Administration Determination of No Hazard to Air Navigation
Letter from the Ohio Department of Transportation stating no permit is required
- Attachment 2: Ohio Environmental Agency final permit to install for the drinking water supply
- Attachment 3: Ohio Environmental Agency final permit to install for the sanitary force mains

If you have any questions please call at the number listed above.

Sincerely,

Sally W. Bloomfield

Attachments

cc: Grant Zeto (w/Attachments)

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard Fort
Worth, TX 76193

Aeronautical Study No.
2014-AGL-5981-OE

Issued Date: 05/28/2014

Michael Schuster
NTE Ohio, LLC
24 Cathedral Place
Suite 302
St. Augustine, FL 32084

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Stack Stack #1
Location:	Middletown, OH
Latitude:	39-28-09.36N NAD 83
Longitude:	84-21-14.41W
Heights:	654 feet site elevation (SE) 200 feet above ground level (AGL) 854 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part 1)

☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 11/28/2015 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-VALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power . Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (847) 294-7575. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-AGL-5981-OE.

Signature Control No: 218324183-219285180

(DNE)

Vivian Vilaro
Specialist



June 10, 2014

NTE Ohio, LLC
Attn: Michael Schuster
24 Cathedral Place, Suite 302
St. Augustine, FL 32084

Proposal: Stack
Lat: N39°-28'-9.36"
Lon: W84°-21'-14.41"
Height: 200 ft AGL 854 ft AMSL

Subject: APPLICATION FOR CONSTRUCTION/ALTERATION PERMIT
Aeronautical Study No: 2014-DOT-1161-OE

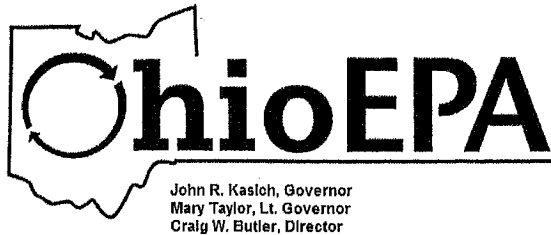
To Whom It May Concern,

The purpose of this letter is to notify you that your application concerning construction at the specified latitude, longitude and proposed height does not require a permit from this office. Your proposal falls outside the limits set forth in Section 4561.32 of the Ohio Revised Code. However, this does not exempt you from filing with the FAA or contacting local zoning authorities regarding compliance with local zoning ordinances.

If you have any questions, please call; (614) 466-6804.

Respectfully,

Brent A. Wharton, Aviator
ODOT Office of Aviation
2829 W. Dublin-Granville Road
Columbus, OH 43235



March 4, 2015

RE: Middletown City PWS
Plan
Approval
Drinking Water Program
Butler County
PWSID: OH0901712

City of Middletown
1 Donham Plaza
Middletown, OH 45042-1932

**Subject: Application No. 1032439-WS; Detail Plans for NTE Energy Sanitary & Water Main Extension;
Plans Received From Kleingers And Associates -West Chester**

Ladies and Gentlemen:

The Ohio Environmental Protection Agency has reviewed the enclosed plans submitted pursuant to Ohio Revised Code Sections 6109.07 et. seq., or accepted the certification of plan review by an authorized professional engineer pursuant to a contract therefore. These plans are approved subject to the condition of compliance with all applicable laws, rules, regulations, and standards. The applicant is responsible for obtaining all other necessary approvals, waivers or releases required by state, federal or local law prior to implementing this plan. Further, all construction must be supervised by a registered engineer, if required by law, or expert qualified in such work.

This approval shall become void five years from the date of this letter unless the facilities are constructed as proposed by that date. By accepting this approval, the applicant acknowledges that this deadline shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio Environmental Protection Agency.

This approval shall apply only to those water supply facilities shown on the plans cited above. Any waste handling facilities shown on these plans must have a separate waste handling approval.

This approval covers only the water supply facilities proposed. Sanitary waste handling facilities may need a separate approval by the Ohio Environmental Protection Agency. Other aspects of the project may need approval by the Ohio Department of Health and/or the local health department.

Lead solder and flux that exceeds 0.2 percent lead content and any pipe or pipe fitting that exceeds a 0.25 percent lead content shall not be used in the installation of the proposed facilities.

The owner shall provide for the proper maintenance and operation of the water supply and distribution system.

Necessary measures shall be taken to ensure that there will be no cross connections between the public water supply and any private water supply. The local health department shall be notified of any private water wells which will no longer be used as sources of potable water and which should be abandoned.

The supplier of water shall ensure that no customer at any one, two or three family dwelling installs a booster pump that is supplied from any pipe connected to the public water supply system unless an air gap separation is provided in accordance with Ohio Administrative Code Rule 3745-95-07(A).

The owner shall contact the appropriate district of the U.S. Army Corps of Engineers regarding each stream or wetland crossing proposed as part of this project. If a 404 permit is determined to be necessary by the Corps of Engineers, the owner shall acquire a Section 404 Permit and 401 Water Quality Certification, before impacting any waters of the state as a part of this project.

Air Pollution Control Requirements: Fugitive dust generated by this water line project shall be controlled as specified in OAC 3745-17-08(B).

A National Pollutant Discharge Elimination System (NPDES) permit will be required if the construction project results in a disturbance greater than or equal to one acre. As a requirement of the permit, a Storm Water Pollution Prevention Plan (SWPPP) must be developed before submitting the Notice of Intent (NOI) for coverage under the permit. The NOI must be submitted 45 days prior to beginning construction. To obtain the application form and relevant information, please contact Ohio EPA's storm water coordinator at (937) 285-6357.

Before any construction is begun, detail plans, drawn in accordance with these general plans and all regulations of the Ohio Environmental Protection Agency, must be submitted to and approved by the director. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations.

The proposed facility may be constructed only in accordance with plans approved by the director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the agency. Any deviation from the approved plans or the above conditions may lead to sanctions and penalties provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities prove to be inadequate or cannot meet applicable standards.

If a Water Supply Revolving Loan Account (WSRLA) loan is desired, it will be necessary to comply with the requirements of Ohio Revised Code 6109.22. If compliance with WSRLA requirements necessitates any revisions to the plans as herein approved, a resubmittal and approval of the plans will be required before construction.

Should there be any questions regarding the requirements, meaning, or interpretation of any of the above which we may clarify, please contact the Division of Drinking and Ground Waters, Southwest District Office, Ohio Environmental Protection Agency.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer of the State of Ohio", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

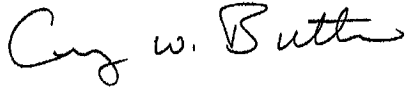
Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, OH 43215

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted us for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio

Middletown City PWS
March 4, 2015
Page 3

EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at www.epa.ohio.gov/survey.aspx.

Sincerely,

A handwritten signature in black ink that reads "Craig W. Butler". The signature is written in a cursive, flowing style.

Craig W. Butler
Director

CWB/cj

cc: Tya Darden, DDAGW
Butler County Health Department
David Wright, P.E., The Kleingers Group



John R. Kasich, Governor
 Mary Taylor, Lt. Governor
 Craig W. Butler, Director
 March 23, 2015

Re: Middletown
 Butler County
 Application No. 1032437
 Application for NTE Energy - Sanitary Force Mains
 Plans Received on February 24, 2015
 Revised Plans Received March 6, 2015
 From: Kleingers & Associates Inc - West Chester
CERTIFIED MAIL

City of Middletown
 Attn: Scott Tadych, Director of Public Works
 1 Donham Plaza
 Middletown, OH 45042

Ladies and Gentlemen:

Enclosed is an approved Ohio EPA Permit to Install. This permit contains several conditions and restrictions, I urge you to read it carefully. A general condition of your permit states that issuance of the permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations. You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 77 South High Street, 17th Floor, Columbus, OH 43215. If you have any questions, please contact the Ohio EPA District Office.

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at <http://www.surveymonkey.com/s/ohioepacustomersurvey>. If you have any questions, please contact the Ohio EPA district office to which you submitted your application.

Sincerely,

Ed Swindall, Supervisor
 Permit Processing Unit, Division of Surface Water

ES/bd
 Enclosure

cc: Southwest District Office
 Kleingers & Associates Inc - West Chester
 Butler County Health Department

Ohio Environmental Protection Agency

Permit to Install

Application No: 1032437

Applicant Name: City of Middletown
Address: 1 Donham Plaza
City: Middletown
State Zip: OH 45042

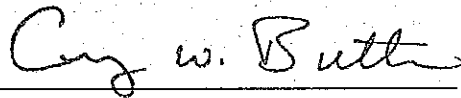
Person to Contact: Scott Tadych, Director of Public Works
Telephone: 513-425-7845

Description of Proposed Source: NTE Energy - Sanitary Force Mains, Middletown, Butler County

Issuance Date: March 23, 2015
Effective Date: March 23, 2015

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency



Craig W. Butler
Director
P.O. Box 1049
50 West Town Street, Suite 700
Columbus, OH 43216-1049

This permit shall expire if construction has not been initiated by the applicant within eighteen months of the effective date of this permit. By accepting this permit, the applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of Section 3745-9-10 of the Ohio Administrative Code or in accordance with the provisions of this plan or as directed by the Director or his representative. For more information please contact: Division of Drinking and Ground Water - Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215 (614) 644-2752.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources
2045 Morse Road Bldg. E
Columbus, OH 43229-6693
(614) 265-6717

1. Installation of 1,693 feet of twelve inch diameter sanitary force main, 1,595 feet of two inch diameter sanitary force main, and 98 feet of twelve inch diameter sanitary sewer.

2. The proposed wastewater disposal system shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of these plans and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed system will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed system is inadequate or cannot meet applicable standards.

The leakage and deflection test shall be conducted under the supervision of a professional engineer. A representative of the professional engineer may supervise the deflection and leakage tests, but the professional engineer must sign off on the results of the deflection and leakage tests. Results of the deflection and leakage tests shall be kept on file at least 180 days by the entity responsible for the sewerage system, and shall be available upon request by the Ohio Environmental Protection Agency. Any lines which fail the deflection or leakage test must be repaired and retested until they meet the requirements which have been set forth within this condition.

14. Fugitive dust generated by this sewer construction project shall be controlled as specified in OAC 3745-17-08 (B).

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/15/2015 12:12:51 PM

in

Case No(s). 14-0534-EL-BGN

Summary: Correspondence of NTE Ohio, LLC in Compliance with Certificate Condition No. 19
electronically filed by Teresa Orahod on behalf of Sally Bloomfield