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September 30, 2015

Mr. James O'Dell
Ohio Power Siting Board
180 East Broad Street, 6th Floor
Columbus, Ohio 43215-3793

Re: Commencement of Construction for Phase II of 345 kV Interconnection
Correspondence regarding ODOT Permit
Case No.: 14-0591-EL-BLN

Dear Mr. O'Dell:

As you are aware, Carroll County Energy LLC ("CCE") recently held a preconstruction conference related to Phase II of the transmission line that will interconnect the CCE generation facility with the existing American Electric Power Canton Central – Tidd 345 kV transmission line. Please be advised that CCE anticipates commencing construction on Phase II of the transmission line on Thursday October 1, 2015.

Also, for your records, please find enclosed a permit from the Ohio Department of Transportation allowing for work within the State Highway Right of Way. This permit was necessary to allow for the installation of a temporary field drive to support the Phase II construction.

By copy to Ms. Barcy McNeal, a copy of this correspondence will be filed on the docket in the above-referenced proceedings.

Please call me or Amy Frazier, Associate General Counsel and Manager,
Environmental Permitting, Advanced Power Services (NA) Inc. at 617-456-2209 if you have any
questions regarding this correspondence.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mike Settineri", with a stylized flourish at the end.

Michael J. Settineri

MJS/vssp
Enclosure

cc: Ms. Barcy McNeal

Attachment 1



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 11 • 2201 REISER AVE. • NEW PHILADELPHIA, OHIO 44663 • (330) 339-6633
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • LLOYD MACADAM, P.E., P.S., DISTRICT DEPUTY DIRECTOR

September 24, 2015

Rusty Vance
Kenny Construction Company
2107 Farmbury Drive
Reynoldsburg, OH 43068

Re: Permit # 11-2015-0644 --- CAR-9-16.64±

Dear Mr. Vance:

Enclosed herewith is the approved permit to perform work within the State Highway Right of Way. Please read it carefully and comply with all the provisions. Any and all costs involved with this project and its maintenance shall be borne by the applicant or his successors in title.

The Federal Highway Administration and the State of Ohio will be saved harmless from any claims arising as a result of granting this permit. This permit is granted and enforced under Article 5515.01 of the Ohio Revised Code and will be revoked any time work is found to be non-compliant with the conditions contained in this permit.

The Ohio Department of Transportation's Highway Manager for the county in which this work is to be performed has been notified that this permit has been granted. Prior to starting any work in the State's right of way, please contact **Vince Carter, Carroll County Manager, Ohio Department of Transportation, Carrollton, OH Phone 330-627-4660 (or by e-mail) D11.Permits.CarrollCounty@dot.state.oh.us.**

Failure to do so will result in the revocation of this permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Lloyd MacAdam", is written over a horizontal line.

Lloyd MacAdam, P.E., P.S.
District 11 Deputy Director

LM/clm
Enclosures

c:

Carroll Co.
File

I:\common\PERMITS\2015\Carroll\11-2015-0644CoverLetter.docx

MR 509

Permit No. 11-2015-0644

State of Ohio
Department of Transportation
Permit

Office Use Only

County or
Jurisdiction CAR
Rte 2 Log Pt 16.68
AccCat _____

[1] Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name Kenny Construction Company c/o Rusty Vance

Address 2107 Farnbury Drive Reynoldsburg, OH 43068

Phone (614) 530-7422 is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform work necessary in the manner described and at the location indicated in the following or as attached to this permit.

Install a temporary field drive on the West side of State Route 9 in Carroll County. The drive is located approximately 1.1 miles South of State Route 171 and State Route 9 intersection. The drive opening shall be constructed as per ODOT standard roadway drawing BP-4.1. The apron profile and pavement build up shall be constructed as per ODOT L&D Manual, volume 1, section 803.2 and section 805.2 and Figure 401-2E. All work shall comply with State and Federal guidelines and in no way should the work adversely affect the travelling public. The field drive shall be removed and restored to its original or better condition when work is complete. Flaggers to be used when sight is an issue. "See Additional Permit Requirements".

[2] This permit shall be in the possession of employees on site at all times who are in charge of the work and shall be shown, upon request, to any employee of the Department of Transportation.

[3] No work authorized by this permit shall begin until the permittee has contacted and received instructions from

Vince Carter, Carroll County Manager

Phone 330-627-4660

(Authorized ODOT Employee)

NOTE: Any work performed by the permittee may be stopped if the above requirements are not met.

[4] To the extent applicable, this permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by 6/23/2016

[5] All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[6] The permittee accepts the conditions, terms, and requirements printed, written on, or attached to this permit and understands that failure to comply fully with those conditions, terms, and requirements or any change in the use of this permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation, if applicable, at the permittee's expense.

[7] Performance Bond Required? Yes ☐ No ☒

Surety Company _____

Effective Date 09/8/2015 Expiration Date 06/23/2016 Amount \$ _____

Permittee: N/A

Director:

Date:

Date:

Jerry N. Ray / LVM
9/28/15

(See Other Side)

General Provisions Applicable to All Permits

(Sections 5515.01 and 5515.02 of O.R.C.)

- [1] This permit is not a substitute for satisfying the rights or obligations of any other party who may have an interest in the underlying fee interest.
- [2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.
- [3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.
- [4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.
- [5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.
- [6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.
- [7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.
- [8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.
- [9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.
- [10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.
- [11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.
- [12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.
- [13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.
- [14] The permittee certifies that he or she is fully authorized to sign this permit. This permit shall apply to and be binding upon the permittee and his/her successors in interest. No change in ownership of the underlying property or of the facility owned by permittee shall in any way alter the permittee's obligations under this permit.

[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

Permit No. 11-2015-0644

Additional Permit Requirements

This permit is valid only within the limits of right-of-way of this state route. Permits for that portion of your facilities located along county or township right-of-way must be obtained from the appropriate authorities. **A copy of your permit is to be on-site at all times while working.**

All work to be performed at no cost to the State or Federal Highway Administration.

As per the email dated 9/22/15 Kenny Construction and the Carroll Energy project manager has agreed that the TCE should be constructed before the lane widening project is complete. Kenny Construction agreed to coordinate with the Carroll County Energy EPC Contractor(responsible for the road widening) to ensure that the road widening will take precedence and that construction and use of the TCE will be scheduled such that it will not interfere with the road widening, or access to the Carroll County Energy project site.

The Permittee is responsible for maintaining the integrity of the Edge of Pavement at all times during and after work is complete. If there is any damage to this State Route it will be the permittees responsibility to repair.

- F-01 To assure the proper installation, the Ohio Department of Transportation County Manager or his representative must be notified a minimum of 24 hours prior to any work being started and must be present to approve grades, location and material used.
- F-02 All work on State Right of Way to be performed in a manner satisfactory to the Ohio Department of Transportation.
- F-03 There is to be NO parking of equipment, service vehicles, erecting of lights, or placing of advertising devices within the state highway right-of-way. Similarly, no equipment, service vehicles, devices or structures are permitted to overhang the state highway.
- F-04 Permittee to furnish all labor, material and equipment necessary to complete and maintain the project.
- F-05 Any mud or debris that accumulates on the highway as a result of this project (i.e., from tire tracks, equipment, etc.) is to be removed immediately at the Permittee's expense.
- F-06 The Permittee is responsible for complying with any/all applicable state and/or federal environmental laws including, but not limited to, obtaining any necessary Section 404 & 401 waterway permits prior to performing any work within the state right-of-way.
- F-07 All work requiring men or vehicles on the pavement or shoulders shall comply fully with the Ohio Manual of Uniform Traffic Control Devices (see highlighted link below) for Construction and Maintenance Operations and Item 614 (Maintaining Traffic) in the State of Ohio Department of Transportation Construction and Material Specifications Manual. Failure to comply with this requirement will be just cause for immediate suspension of this permit until such time the proper traffic control is in place.

http://www.dot.state.oh.us/Divisions/Engineering/Roadway/DesignStandards/traffic/OhioMUTCD/Pages/OMUTCD2012_current_default.aspx
- F-08 The use of the pavement, land or berm for depositing any excavated materials will not be permitted.
- F-09 If required, a valley gutter across driveways will be constructed to conform with existing drainage conditions. Construction of the drive must not interfere with the existing roadside drainage.
- F-10 Drive approaches will slope down and away from the through pavement edge at a minimum of 1.6% as per Location and Design Manual Vol. 1, Section 400, Figure 401-2E. The profile of the driveway must be a minimum of

1" per foot down and away from the pavement edge to the ditch line. No surface water will be allowed to drain onto the highway pavement.

- F-11 The type and thickness of the driveway surface shall be a minimum of 8" of aggregate. Driveway composition will meet the existing full depth pavement (normally the white line) and be in accordance with the Location & Design Manual, refer to Section 805.2.
- F-12 A 3:1 slope is to be maintained from the edge of the driveway to the flow line of the ditch.
- F-13 The Permittee is held responsible for all public and private utility coordination and relocation required in the performance of the work.
- F-14 All public and private property, including highway fence, that is disturbed by the contractor will be repaired to a condition equal to or better than the original condition, including sidewalks and driveways.
- F-15 All areas where the vegetation has been injured, disturbed or destroyed by this installation will be fertilized, seeded and mulched. All restoration work is to be completed within 30 days after completing work.
- F-16 The permittee shall take any and all appropriate measures to limit soil erosion during and after construction authorized herein. As such, he shall be fully accountable to the Ohio EPA, the Soil Conservation Service and other appropriate agencies for any violation or disregard of the applicable governing standards and regulations related to the protection and conservation of soils that are affected by this permitted work.
- F-17 The Permittee agrees that the State of Ohio, Department of Transportation, and Federal Highway Administration shall be saved harmless from any and all claims or damages, public or private, arising from or growing out of the issuance of this permit.
- F-18 Work is not to be performed during inclement weather conditions (i.e., ice, snow, fog, heavy rain storms, etc.). Additionally, work is not to start until one (1) hour after sunrise and is to cease one (1) hour before sunset.
- F-19 NOTICE: Failure to notify the Ohio Department of Transportation County Manager or his representative a minimum of 24 hours prior to any work being started and again upon completion of the project will void this permit.

Failure to comply with these terms will result in the revocation of the permit and subsequent removal of the driveway.

IF, WITHIN SEVEN (7) DAYS OF COMPLETION OF WORK AND INSPECTION OF THE PROJECT BY AN O.D.O.T. REPRESENTATIVE, THE PERMIT REQUIREMENTS HAVE NOT BEEN FULFILLED BY THE PERMITTEE, O.D.O.T. MAY REMOVE THE DRIVEWAY AND/OR DRAINAGE PIPE AT THE PROPERTY OWNER'S EXPENSE AND NO FUTURE PERMITS FOR THIS TYPE OF WORK WILL BE ISSUED TO YOU.

THE FUTURE MAINTENANCE OF ANY WORK PERMITTED HEREIN SHALL BE THE RESPONSIBILITY AND AT THE EXPENSE OF THE PERMITTEE.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/30/2015 8:05:57 PM

in

Case No(s). 14-0591-EL-BLN

Summary: Correspondence Regarding Phase II Construction electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC