

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Duke)
Energy Ohio, Inc., for a Certificate of)
Environmental Compatibility and Public) Case No. 16-253-GA-BTX
Need for the C314V Central Corridor)
Pipeline Extension Project.)

**MOTION BY DUKE ENERGY OHIO, INC.,
FOR
REESTABLISHMENT OF PROCEDURAL SCHEDULE
AND
REQUEST FOR EXPEDITED TREATMENT**

On August 24, 2017, the Administrative Law Judge in this proceeding suspended the procedural schedule, at the request of the applicant, Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company). The Company now moves for the procedural schedule to be reestablished.

For the reasons more fully set forth in the attached memorandum in support, Duke Energy Ohio respectfully requests that the Ohio Power Siting Board (Board) grant this motion on an expedited basis, pursuant to O.A.C. Rule 4906-2-27(C).

Respectfully submitted,
DUKE ENERGY OHIO, INC.

/s/ Jeanne W. Kingery
Rocco O. D'Ascenzo (0077651)
Deputy General Counsel
Jeanne W. Kingery (0012172) (Counsel of Record)
Associate General Counsel
Duke Energy Business Services LLC
139 E. Fourth Street, 1303-Main
Cincinnati, Ohio 45201
(614) 222-1334 (telephone)
(614) 222-1337 (facsimile)
Rocco.D'Ascenzo@duke-energy.com
Jeanne.Kingery@duke-energy.com

MEMORANDUM IN SUPPORT

On June 21, 2017, the Administrative Law Judges issued an entry, establishing dates by which testimony was required to be filed and the date for commencement of the adjudicatory hearing. As of August 24, 2017, that procedural schedule was suspended until further notice on the basis of the Company's request, in order to allow time for investigation into site-specific issues that it had become aware of. Having accomplished the necessary investigation, Duke Energy Ohio now moves for the schedule to be reestablished, providing dates by which testimony must be filed and a date for the commencement of the adjudicatory hearing.

Over the several months, Duke Energy Ohio engaged in several categories of investigations. These efforts have allowed the Company to confirm the lack of pre-existing environmental issues of concern along the alternate route that would require route modifications. However, through meetings with property owners and municipalities, additional information was obtained that resulted in a few adjustments to the alternate route. Reports on the outcome of the investigations will be filed in the docket of this proceeding and the route adjustments are discussed in the Supplemental Application filed with this motion.

The Company has also been in communication with the United States Environmental Protection Agency (EPA), to confirm that the proximity of the proposed alternate route to the Pristine, Inc., federal remediation efforts does not result in any need for the EPA's involvement. As evidenced by the attached correspondence (Exhibit A), the EPA is satisfied that the project can proceed along the alternate route, assuming that the Pristine Trust representative is present while the Company is working in the vicinity of that site and the associated pump-and-treat system.

Therefore, Duke Energy Ohio respectfully requests that the Administrative Law Judges issue an entry establishing a new procedural schedule. The Company respectfully requests an

expedited ruling on this motion, pursuant to the provisions of O.A.C. Rule 4906-2-27. The Company has not contacted all of the parties in the proceeding.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Jeanne W. Kingery

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Jeanne W. Kingery (0012172) (Counsel of Record)

Associate General Counsel

Duke Energy Business Services LLC

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(614) 222-1334 (telephone)

(614) 222-1337 (facsimile)

Rocco.D'ascenzo@duke-energy.com

Jeanne.Kingery@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion was delivered by U.S. mail (postage prepaid), personal, or electronic mail, on this 13th day of April, 2018, to the parties listed below.

/s/ Jeanne W. Kingery
Jeanne W. Kingery

Andrew.Garth@cincinnati-oh.gov
Howard.Miller@cincinnati-oh.gov
robert.holderbaum@puco.ohio.gov
william.wright@ohioattorneygeneral.gov
john.jones@ohioattorneygeneral.gov
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glaux2001@gmail.com
Paula.boggsmuething@cincinnati-oh.gov

EXHIBIT A

Olive, Emily A.

From: Kingery, Jeanne W.
Sent: Friday, April 13, 2018 8:47 AM
To: Olive, Emily A.
Subject: FW: Pristine Superfund site Reading, Ohio
Attachments: Duke Letter to USEPA 2 22 18.docx

Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
155 East Broad Street, 20th Floor
Columbus, Ohio 43215
(614) 222-1334
(614) 593-1401 cell



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From: Olberding, James H
Sent: Friday, February 23, 2018 7:20 AM
To: Kingery, Jeanne W.
Subject: FW: Pristine Superfund site Reading, Ohio

FYI -

From: Olberding, James H
Sent: Friday, February 23, 2018 7:12 AM
To: 'linnear.david@epa.gov'; 'palomeque.adrian@epa.gov'
Subject: Pristine Superfund site Reading, Ohio

Mr. Linnear / Mr. Palomeque: The attached correspondence outlines Duke Energy Ohio's assessment that the proposed Central Corridor Pipeline Project (Ohio Power Siting Board Case No. 16-0253-GA-BTX) will not have negative effects on the Pristine Inc. Superfund site at 410 Cavett Avenue in Reading, Ohio. Duke Energy Ohio is requesting a response from USEPA concerning this property. If you need additional information concerning the project, the docket in the case can be found at the following link: <http://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-0253&link=DIVA>

Please contact me if you have questions.

Thank You

James Olberding, PMP

Senior Project Manager

Major Projects

Natural Gas Operations



139 E 4th Street

Cincinnati, Ohio 45202

513-287-3021 (o)

513-544-9692 (m)



James Olberding
Senior Project Manager
139 East Fourth Street
Cincinnati, Ohio 45202

February 22, 2018

David Linnear
Adrian Palomeque
U.S. Environmental Protection Agency

Via e-mail

Duke Energy Ohio, Inc., (Duke Energy Ohio) is planning to install a subsurface natural gas pipeline (Pipeline Project) in central Cincinnati near the Pristine Superfund Site in Reading, Ohio. Because the proposed route is near this site, we are asking for confirmation that the involvement of the United States Environmental Protection Agency (USEPA) is not required.

The location of the proposed Pipeline Project is approximately 100 feet east of the Pristine property. The pipeline is not proposed to be installed on the Pristine property and is never closer than 100 feet to the Pristine property at any point. A key consideration in determining installation/construction methods near the Pristine site was to select a method that would not exacerbate contamination (if encountered) and that would not negatively impact remediation efforts at the site. Therefore, the pipeline will be installed via open trench method (maximum depth of 10 feet) in the vicinity of the Pristine Superfund Site.

To evaluate the route near Pristine and other potentially impacted properties, Duke Energy Ohio also has conducted an environmental screening of those properties along the proposed route. The purpose of the environmental screening was to identify properties along the route of the Pipeline Project that might have impacted soil and/or groundwater based on current or historical activities. The environmental screening data was used as one of several tools to evaluate the route placement, to evaluate potential construction worker risks, and to support pipeline permitting and construction.

Based on our review of available documents and completion of Duke Energy Ohio's environmental assessment of the properties near the Pristine site. It is Duke Energy Ohio's opinion that pipeline installation located east and south of the Pristine site will not result in encountering environmental impacts or impede any ongoing remedial activities that may be occurring at the site. Our opinion is supported by lack of evidence of shallow soil impacts and reported groundwater impacts being substantially deeper than proposed depth of the pipeline.

Duke Energy Ohio is requesting a response from USEPA that supports Duke Energy's assessment that (1) the USEPA's involvement in the siting process is not required and (2) the pipeline would not negatively impact ongoing remediation activities at the Pristine site, nor would the proximity of the Pristine site have negative effects on the Pipeline.

Sincerely,

James Olberding
Senior Project Manager
Duke Energy Ohio, Inc.

Olive, Emily A.

From: Kingery, Jeanne W.
Sent: Friday, April 13, 2018 8:47 AM
To: Olive, Emily A.
Subject: FW: Pristine Superfund site Reading, Ohio
Attachments: Duke Letter to USEPA 2 22 18.docx

Jeanne W. Kingery
Associate General Counsel
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From: Olberding, James H
Sent: Tuesday, February 27, 2018 9:53 AM
To: Kingery, Jeanne W.
Subject: FW: Pristine Superfund site Reading, Ohio

FYI

From: Palomeque, Adrian [<mailto:Palomeque.Adrian@epa.gov>]
Sent: Tuesday, February 27, 2018 9:20 AM
To: Olberding, James H
Cc: Linnear, David
Subject: RE: Pristine Superfund site Reading, Ohio

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Mr. Olberding,

Good morning. David Linnear and I received your email and letter requesting a response from the U.S. EPA regarding the proposed Central Corridor Pipeline Project near the Pristine Inc. Superfund Site. U.S. EPA will review your request and provide an answer in the near future.

Regards,

Adrian Palomeque
Community Involvement Coordinator
EPA Region 5 / Superfund Division
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 353-2035
Fax: (312) 692-2488
palomeque.adrian@epa.gov

From: Olberding, James H [<mailto:James.Olberding@duke-energy.com>]
Sent: Friday, February 23, 2018 6:12 AM
To: Linnear, David <linnear.david@epa.gov>; Palomeque, Adrian <Palomeque.Adrian@epa.gov>
Subject: Pristine Superfund site Reading, Ohio

Mr. Linnear / Mr. Palomeque: The attached correspondence outlines Duke Energy Ohio's assessment that the proposed Central Corridor Pipeline Project (Ohio Power Siting Board Case No. 16-0253-GA-BTX) will not have negative effects on the Pristine Inc. Superfund site at 410 Cavett Avenue in Reading, Ohio. Duke Energy Ohio is requesting a response from USEPA concerning this property. If you need additional information concerning the project, the docket in the case can be found at the following link: <http://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-0253&link=DIVA>

Please contact me if you have questions.

Thank You

James Olberding, PMP
Senior Project Manager
Major Projects
Natural Gas Operations



139 E 4th Street
Cincinnati, Ohio 45202
513-287-3021 (o)
513-544-9692 (m)

Olive, Emily A.

From: Kingery, Jeanne W.
Sent: Friday, April 13, 2018 8:48 AM
To: Olive, Emily A.
Subject: FW: Pristine Superfund site Reading, Ohio

Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
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From: Olberding, James H
Sent: Tuesday, March 27, 2018 1:31 PM
To: Kingery, Jeanne W.
Subject: FW: Pristine Superfund site Reading, Ohio

FYI

From: Linnear, David [<mailto:linnear.david@epa.gov>]
Sent: Tuesday, March 27, 2018 12:54 PM
To: Olberding, James H
Cc: Scott Glum
Subject: RE: Pristine Superfund site Reading, Ohio

Jamie,

Can you supply a map of the proposed route in order to better understand this request. Our current understanding is that the proposed route has a minimum 100 feet separation and hence it does not pass through the Pristine site nor the on-site remediation system. However, the proposed route is in close proximity to the Pristine off-site extraction wells and buried infrastructure in the area south of the site, and appears to cross the buried force main in multiple locations. There is concern about possible interference during construction and future accessibility to the force main and wells for maintenance purposes.

Can you supply for review the proposed route relative to the location of existing monitoring wells.
David

From: Olberding, James H [<mailto:James.Olberding@duke-energy.com>]
Sent: Tuesday, March 27, 2018 11:33 AM
To: Linnear, David <linnear.david@epa.gov>
Cc: Palomeque, Adrian <Palomeque.Adrian@epa.gov>
Subject: RE: Pristine Superfund site Reading, Ohio

David: Is there any update you can provide on your response/thoughts ?

Thank You
Jamie

From: Linnear, David [<mailto:linnear.david@epa.gov>]
Sent: Thursday, March 15, 2018 1:26 PM
To: Olberding, James H
Subject: RE: Pristine Superfund site Reading, Ohio

Jamie,
I do have some thoughts to pass along. Let me get them to you next week. FYI, nothing serious.
David

From: Olberding, James H [<mailto:James.Olberding@duke-energy.com>]
Sent: Thursday, March 15, 2018 12:20 PM
To: Palomeque, Adrian <Palomeque.Adrian@epa.gov>
Cc: Linnear, David <linnear.david@epa.gov>
Subject: RE: Pristine Superfund site Reading, Ohio

Adrian/David: I wanted to follow up with you to see if you had any questions or needed additional clarification in regards to the Duke Energy proposed natural gas pipeline project. I can be available by phone any time that is convenient for you, if you can give me an hour or so heads up.

Thank You

Jamie

James Olberding, PMP
Senior Project Manager
Major Projects
Natural Gas Operations



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513-287-3021 (o)
513-544-9692 (m)

From: Palomeque, Adrian [<mailto:Palomeque.Adrian@epa.gov>]
Sent: Tuesday, February 27, 2018 9:20 AM
To: Olberding, James H
Cc: Linnear, David
Subject: RE: Pristine Superfund site Reading, Ohio

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Regards,

Adrian Palomeque
Community Involvement Coordinator
EPA Region 5 / Superfund Division
77 W. Jackson Blvd.
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Phone: (312) 353-2035
Fax: (312) 692-2488
palomeque.adrian@epa.gov

From: Olberding, James H [<mailto:James.Olberding@duke-energy.com>]
Sent: Friday, February 23, 2018 6:12 AM
To: Linnear, David <linnear.david@epa.gov>; Palomeque, Adrian <Palomeque.Adrian@epa.gov>
Subject: Pristine Superfund site Reading, Ohio

Mr. Linnear / Mr. Palomeque: The attached correspondence outlines Duke Energy Ohio's assessment that the proposed Central Corridor Pipeline Project (Ohio Power Siting Board Case No. 16-0253-GA-BTX) will not have negative effects on the Pristine Inc. Superfund site at 410 Cavett Avenue in Reading, Ohio. Duke Energy Ohio is requesting a response from USEPA concerning this property. If you need additional information concerning the project, the docket in the case can be found at the following link: <http://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-0253&link=DIVA>

Please contact me if you have questions.

Thank You

James Olberding, PMP
Senior Project Manager
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Olive, Emily A.

From: Kingery, Jeanne W.
Sent: Friday, April 13, 2018 8:48 AM
To: Olive, Emily A.
Subject: FW: Pristine Superfund site Reading, Ohio
Attachments: Extraction wells - runs.docx

Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
155 East Broad Street, 20th Floor
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From: Olberding, James H
Sent: Tuesday, March 27, 2018 3:53 PM
To: Kingery, Jeanne W.
Subject: FW: Pristine Superfund site Reading, Ohio

FYI -

From: Olberding, James H
Sent: Tuesday, March 27, 2018 3:49 PM
To: 'Linnear, David'
Cc: Scott Glum
Subject: RE: Pristine Superfund site Reading, Ohio

David:

Attached is the map you requested. The off-site extraction wells and piping runs back to the pump-and-treat facility on the Pristine property are shown.

We have completed 6 pot hole locations to confirm that the proposed pipeline would not impact the extraction wells or piping from them. We do cross the lines 3 times and will prepare a procedure to confirm the location prior to installing the pipeline. If the extraction wells are back in operation at the

time of installation, I would request they be temporally shut off while working near them. The pipeline will have a minimum of 4 feet of cover and, because it will be deeper than the piping, it should not impact future work on or near the extraction wells or pipe runs.

Let me know if you have questions or need additional information.

Thank You
Jamie

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Sent: Thursday, March 15, 2018 12:20 PM
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Cc: Linnear, David <linnear.david@epa.gov>

Subject: RE: Pristine Superfund site Reading, Ohio

Adrian/David: I wanted to follow up with you to see if you had any questions or needed additional clarification in regards to the Duke Energy proposed natural gas pipeline project. I can be available by phone any time that is convenient for you, if you can give me an hour or so heads up.

Thank You

Jamie

James Olberding, PMP

Senior Project Manager

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Sent: Tuesday, February 27, 2018 9:20 AM

To: Olberding, James H

Cc: Linnear, David

Subject: RE: Pristine Superfund site Reading, Ohio

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Regards,

Adrian Palomeque

Community Involvement Coordinator

EPA Region 5 / Superfund Division

77 W. Jackson Blvd.

Chicago, IL 60604

Phone: (312) 353-2035

Fax: (312) 692-2488
palomeque.adrian@epa.gov

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Sent: Friday, February 23, 2018 6:12 AM
To: Linnear, David <linnear.david@epa.gov>; Palomeque, Adrian <Palomeque.Adrian@epa.gov>
Subject: Pristine Superfund site Reading, Ohio

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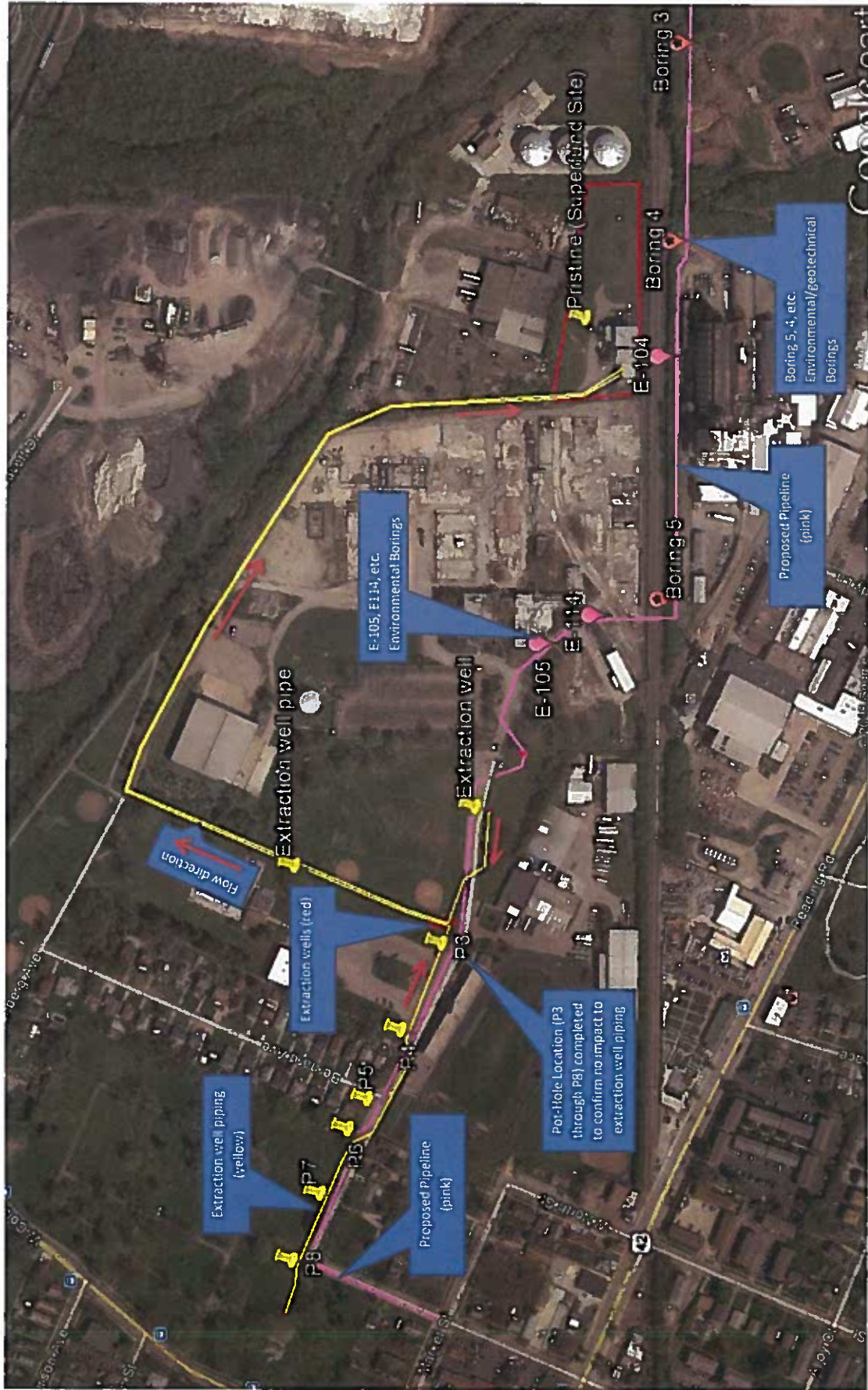
Please contact me if you have questions.

Thank You

James Olberding, PMP
Senior Project Manager
Major Projects
Natural Gas Operations



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Olive, Emily A.

From: Kingery, Jeanne W.
Sent: Friday, April 13, 2018 8:45 AM
To: Olive, Emily A.
Subject: FW: Pristine Superfund Site
Attachments: Duke Letter to USEPA 4-11 18 final .docx

Follow Up Flag: Follow up
Flag Status: Flagged

Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
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From: Olberding, James H
Sent: Wednesday, April 11, 2018 1:08 PM
To: Kingery, Jeanne W.
Cc: Heslin, Brian
Subject: FW: Pristine Superfund Site

FYI – Email and letter sent to David at US EPA and Scott at Ohio EPA

From: Olberding, James H
Sent: Wednesday, April 11, 2018 1:01 PM
To: 'Linneer, David'
Cc: Scott Glum
Subject: Pristine Superfund Site

David: I met with Henry Cooke from GHD this morning to review the location of the extraction wells and associated piping. Henry requested we adjust our Mainline Valve location slightly to the south, in order to provide additional clearance between the valve and a nearby monitoring and extraction

well. We are in the process of making that adjustment. Additionally, I walked the West Street area in the location of the other extraction wells and piping runs with Henry and he was in agreement that, with a representative from GHD present during installation, we could install the pipeline without impacting the Pristine off-site equipment.

Please review the attached letter detailing the Duke request and provide your response.

If you have any questions please feel free to contact me.

Thank You
Jamie

James Olberding, PMP

Senior Project Manager
Major Projects
Natural Gas Operations



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James Olberding
Senior Project Manager
139 East Fourth Street
Cincinnati, Ohio 45202

April 11, 2018

David Linnear
Adrian Palomeque
U.S. Environmental Protection Agency

Via e-mail

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) is planning to install a subsurface natural gas pipeline (Pipeline Project) in central Cincinnati near the Pristine Superfund Site in Reading, Ohio. Because the proposed route is near this site, we are asking for confirmation that the involvement of the United States Environmental Protection Agency (USEPA) is not required.

The location of the proposed Pipeline Project is approximately 100 feet east of the Pristine property. The pipeline is not proposed to be installed on the Pristine property and is never closer than 100 feet to the Pristine property at any point. A key consideration in determining installation/construction methods near the Pristine site was to select a method that would not exacerbate contamination (if encountered) and that would not negatively impact remediation efforts at the site. Therefore, the pipeline will be installed via open trench method (maximum depth of 10 feet) in the vicinity of the Pristine Superfund Site.

The Company has met with the Pristine Trust environmental consultant, GHD Services Inc. (GHD), concerning the Pristine property and particularly the location of the off-site extraction wells and associated piping located along West Street in Reading, Ohio. GHD requested that the Mainline Valve Site be moved slightly south of its current location to obtain a greater clearance from a nearby monitoring well and extraction well. Duke Energy Ohio will make that modification to satisfy the request. After walking the area with GHD and discussing installation methods, GHD concluded that neither the wells nor the piping would be impacted by the installation of the Duke Energy Ohio pipeline along the proposed route. In addition, to satisfy the Pristine Trust during installation, the Company will maintain communication with GHD with regard to the construction schedule near Pristine and the West Street area so that a representative from GHD can be present during excavation activities near the Pristine site.

It is Duke Energy Ohio's opinion that pipeline installation located east and south of the Pristine site will not result in encountering environmental impacts, nor will the pipeline's installation or subsequent existence impede any ongoing remedial activities that may occur at the site. The Company's opinion is supported by lack of evidence of any shallow soil impacts and the reported groundwater impacts being substantially deeper than proposed depth of the pipeline. In addition, the pipeline design incorporates safe installation methods near the Pristine off-site equipment.

Duke Energy Ohio is requesting a response from USEPA that supports Duke Energy's assessment that (1) the USEPA's involvement in the siting process is not required and (2) the pipeline would not negatively impact ongoing remediation activities at the Pristine site, nor would the proximity of the Pristine site have negative effects on the pipeline.

Sincerely,

James Olberding
Senior Project Manager
Duke Energy Ohio, Inc.

Olive, Emily A.

From: Kingery, Jeanne W.
Sent: Friday, April 13, 2018 10:16 AM
To: Olive, Emily A.
Subject: FW: Pristine Superfund Site

Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
155 East Broad Street, 20th Floor
Columbus, Ohio 43215
(614) 222-1334
(614) 593-1401 cell



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From: Olberding, James H
Sent: Thursday, April 12, 2018 12:35 PM
To: Kingery, Jeanne W.
Subject: FW: Pristine Superfund Site

fyi

From: Linnear, David [<mailto:linnear.david@epa.gov>]
Sent: Thursday, April 12, 2018 12:34 PM
To: Olberding, James H
Subject: RE: Pristine Superfund Site

***** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. *****

James,

US EPA has reviewed your proposed work and approves your plan. Duke may proceed. Please send me a notice when you begin and end the project. If you have photos to share of work from start to finish, it would be useful.

David Linnear, RPM
312 886 2014

From: Olberding, James H [<mailto:James.Olberding@duke-energy.com>]
Sent: Wednesday, April 11, 2018 12:01 PM
To: Linnear, David <linnear.david@epa.gov>
Cc: Scott Glum <scott.glum@epa.state.oh.us>
Subject: Pristine Superfund Site

David: I met with Henry Cooke from GHD this morning to review the location of the extraction wells and associated piping. Henry requested we adjust our Mainline Valve location slightly to the south, in order to provide additional clearance between the valve and a nearby monitoring and extraction well. We are in the process of making that adjustment. Additionally, I walked the West Street area in the location of the other extraction wells and piping runs with Henry and he was in agreement that, with a representative from GHD present during installation, we could install the pipeline without impacting the Pristine off-site equipment.

Please review the attached letter detailing the Duke request and provide your response.

If you have any questions please feel free to contact me.

Thank You
Jamie

James Olberding, PMP
Senior Project Manager
Major Projects
Natural Gas Operations



139 E 4th Street
Cincinnati, Ohio 45202
513-287-3021 (o)
513-544-9692 (m)

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in

Case No(s). 16-0253-GA-BTX

Summary: Motion by Duke Energy Ohio, Inc., for Reestablishment of Procedural Schedule and Request for Expedited Treatment electronically filed by Carys Cochern on behalf of Kingery, Jeanne W Ms.