



155 East Broad Street
20th Floor
Columbus, Ohio, 43215
o: 614-222-1330
f: 614-222-1337

May 12, 2020

Ms. Tanowa M. Troupe
Ohio Power Siting Board
PUCO Docketing Division
180 East Broad Street, 11th Floor
Columbus, OH 43215-3716

Re: Case No. 16-253-GA-BTX
Ohio Department of Transportation Permit No. 08-299-20 State Route 126

Dear Ms. Troupe:

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) is filing, herewith, Permit No. 08-299-20, issued by the Ohio Department of Transportation (ODOT), for a bore under State Route 126, which is good for a period of 9 months. If necessary, Duke Energy Ohio will file for renewal of the permit when the 9-month period has expired. In addition, the Company notes that this permit inaccurately indicates that the covered work will be accomplished by directional drilling. The Company has spoken with ODOT to confirm that ODOT understands, based on the plan submitted with the application, that the pipe will be installed in this area by open cut and trench. ODOT has promised to confirm this in writing, which confirmation will be filed in the above-referenced docket as soon as received.

Please contact me if you have any questions.

Sincerely,

Emily A. Olive, CP
Paralegal

MR 509
Permit No. 08-299-20



STATE OF OHIO
DEPARTMENT OF TRANSPORTATION
PERMIT

Office Use Only		
County or Jurisdiction	Hamilton	
Log Pt:	10.31	to Log Pt:
Rte:	126	AccCat:

[1] Subject to all terms, conditions, and restrictions printed, written below or attached,

Name Duke Energy
Address 139 East Fourth St. Rm. 460
Cincinnati, Ohio 45202

is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform necessary work in the manner described and at the location indicated in the following or as attached to this permit. To install 20" steel gas main under the elevated limited access portion of State Route 126 by directional drilling and accessing work location from private property. All work to be performed as shown on plan submitted with application and stamped by the Ohio Department of Transportation dated April 29, 2020.

All work covered under this permit shall be performed only during the State Working hours, unless prior Approval is granted by the District Office.

ALL WORK DONE UNDER THIS PERMIT SHALL BE PERFORMED ONLY DURING THE STATE WORKING HOURS, UNLESS PRIOR APPROVAL IS GRANTED BY THE DISTRICT PERMIT OFFICE

CONTINUED ON ATTACHED PAGES.

[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

ODOT District 8 Permits Office

Phone: 513-933-6577

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 1/25/2021

[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.

Permit dated: 4/30/2020

Surety Company _____

Effective Date _____ Expiration Date _____ Amount \$ _____

A call to OGPUPS at 1-800-925-0988 is required by the O.R.C.

2-WORKING DAYS

BEFORE YOU DIG

CALL TOLL FREE 800-362-2764

OHIO UTILITIES PROTECTION SERVICES

The ODOT Intelligent Transportation System (ITS) Infrastructure and devices are not currently listed in the Ohio Utility Protection Services (OUPS) program. Please send a copy of the OUPS ticket or locate request to the ODOT ITS Section via email to CEN.ITS.LAB@dot.ohio.gov, in order to get the ITS utility infrastructure marked.

Director: _____

Date: _____

Rev 09/06/2011

MR-678 Not Bonded County: Hamilton
08-299-20 FINAL INSPECTION Route: 126
 PERMIT EXPIRES 1 /25/2021 Section: 10.31/

STATE OF OHIO DEPARTMENT OF TRANSPORTATION

District 8 PERMIT INSPECTION CERTIFICATION

Permittee: Duke Energy 139 East Fourth St. Rm. 460 Cincinnati, Ohio 45202

Permit Number: **08-299-20**

Contact Name:

Permit Type: Major Utility Buried

Contact Phone:

Issued: 4/30/2020

Description: To install 20" steel gas main under the elevated limited access portion of State Route 126 by directional drilling and accessing work location from private property. All work to be performed as shown on plan submitted with application and stamped by the Ohio Department of Transportation dated April 29, 2020.

(To be filled in by Inspector)

Work Completed (Yes or No)

As Authorized (Yes or No)

Variations: _____

Approved: _____

Not Approved: _____

*Comments:

Signed: _____

Contacted by: _____ Title: _____

Date: _____ Time: _____ Date: _____

*If work not approved, so advise person in charge at work site, noting his name and relationship to permittee, as well as date and time of inspection; note instructions given such person in charge, including stoppage of work if warranted. If no one at work site, so note.

Name: Duke Energy

Dated: 4/30/2020

Permit Number: 08 - 299 - 20

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. MR678 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 the Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.

Name: Duke Energy

Dated: 4/30/2020

Permit Number: 08 - 299 - 20

[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 the 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 successors in interest and assigns, as a part of the consideration hereof, do/does 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, the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and reposses 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.

1. MR 505

State of Ohio
Department of Transportation
Permit Application

App No _____
Return To: OHIO DEPARTMENT OF
TRANSPORTATION
505 S. STATE ROUTE 741
LEBANON, OHIO 45036
ATTN: PERMITS DEPARTMENT

See Reverse side for additional requirements

Office Use Only	
County/	_____
Jurisdiction	_____
Rte	LogPt _____
AccCat	_____

[1] This form must be completed by the property owner or agents working for a utility company (if applicable). Application by contractor is unacceptable.

Name _____
Address _____ City _____ State _____
Zip _____ Phone () _____ (Email Required) _____

[2] Type of Permit requested: _____ Commercial (See other side) _____ Residential _____ Field _____ Utility _____ Drainage
_____ Beautification (See other side) _____ Spraying, trimming, tree removal _____ Other _____

[3] Briefly describe work to be performed. (Attach plans and see Instructions.)

[4] Location where work is to be performed. Give sufficient detail to locate the site accurately, such as the distance in miles or feet from a mile post or from some geographical feature such as an intersecting highway.

In _____ County (along, across) State Route _____, _____ miles or _____ feet
North _____ East _____ West _____ South _____ of _____ on the North _____ East _____ West _____ South _____ side of the road.
Work to commence on _____ and will require _____ days to complete

[5] Does the property owner own or have any interests in any adjacent property? _____ Yes _____ No

If yes, please describe. _____

[6] Prior to any excavation in the highway right-of-way, the Ohio Utilities Protection Service (OUPS) must be contacted in accordance with ORC Section 3781.25 to 3781.32. OUPS can be reached at 1-800-362-2764. A call must be made to OGPUPS at 1-800-925-0988.

[7] Open cutting of pavement shall not be permitted unless no reasonable alternate method is available. Written approval of the Ohio Department of Transportation District Office must be obtained.

[8] All work requiring men or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of 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.

[9] I have received a copy of the policies and regulations pertaining to the permit for which I have applied. If a permit is subsequently issued to me by the Ohio Department of Transportation, I understand that the permit will state the terms and conditions for its use, and I agree to comply with all conditions and regulations stipulated on or attached to the permit. I also understand and agree that failure to comply fully with all conditions and regulations of the permit or any change in the use of the 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 an including removal of the installation at the permittee's expense.

SIGN and
PRINT here

→ Nick Weil
Signature of Property Owner or Agent for Owner
Date: _____ Daytime Phone: _____

Office use only	
Date Received	_____
By	_____
Date Accepted	_____
By	_____

Additional Requirements

1. All requests for vehicular access connections (commercial and residential driveways and field drives) are subject to the requirements and provisions of the State Highway Access Management Manual. You will find this form at <http://www.dot.state.oh.us/planning/Corridor/AccessMgmt/Manual> on the web.

2. Check with the issuing authority to determine which of the following documents and information are required and the number of copies needed to complete the review of your application. Plans should usually not be larger than 24"x 36."

(A) Map or plat showing property location, property lines, amount of frontage on state highway and on other abutting public roads, if any;

(B) Any existing access or easements of access on the property;

(C) Highway and driveway plan profile;

(D) Location of proposed access with respect to property lines and to the highway; NOTE: The proposed access location should also be physically marked on the property by a stake or other clearly visible means.

(E) Design and type of construction of the proposed access;

(F) Drainage plans showing drive culvert/pipe and impacts to the highway right of way;

(G) Subdivision, zoning, or development plan, if applicable;

(H) Maps and letters detailing utility locations before and after development in and along the right of way;

(I) Signing and striping plans;

(J) Traffic data and traffic control plan;

(K) Proof of liability insurance;

(L) Performance Bond, if required

Commercial Development

3. If you are requesting a permit for Commercial Development, complete the following. Applicants seeking permits for development generating high traffic volumes (over 100 trip ends in the peak hour) are advised to request a preliminary meeting with appropriate ODOT and/or local officials prior to submitting a formal application for access.

(3a) If the proposed access will serve residential development, what type (single family, apartment, townhouse) and number of units are in the proposed development?

Type of Units		Number of Units	
Type of Units		Number of Units	

(3b) If the proposed access will serve business commercial or industrial development, what types and number of businesses are in the proposed development and what is floor area square footage of each?

Type of Business		Square Footage	
Type of Business		Square Footage	

(3c) Number of vehicles using the access. Indicate if estimates are ____ Peak hour = ____ or ____ Average daily volumes = ____.

Number of Passenger Cars:	Number of Multi Units:	Total All Vehicles:
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(3d) Consulting Firm: _____ Name of Contractor: _____
Contact Name: _____ Contact Name: _____
Phone Number: _____ Phone Number: _____

Beautification Permit

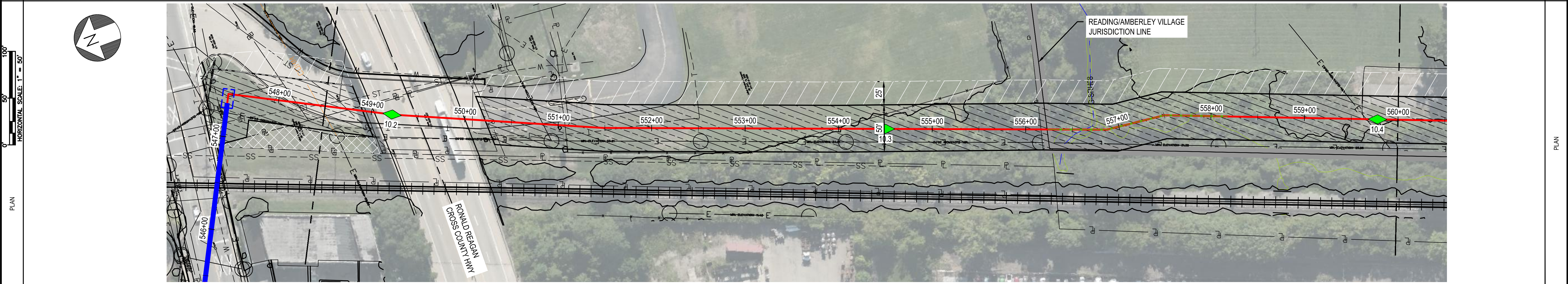
4. If you are applying for Beautification Permit, complete the following. Please submit proof of insurance.

Insurer's Name _____ Address _____ Phone () _____

Number of adults (over 18) _____ under 18 _____ Total people _____

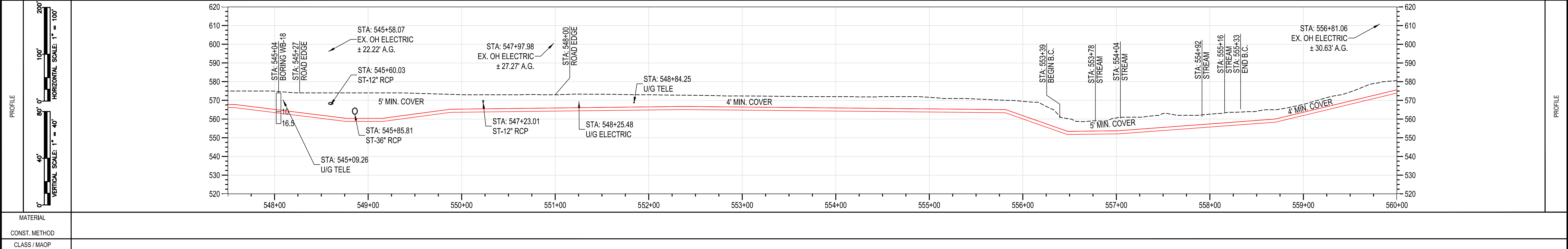
RIGHT-OF-WAY	OWNERSHIP		RIGHT-OF-WAY
	ACREAGE		
	EASEMENTS		
REF. DWG. NO.			

STATIONING		STATIONING
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PLAN

PIPE DATA (SLOPE STATIONING)	STA	WELD #	(CIV)	JOINT #	HEAT #
	STA	WELD #	(CIV)	JOINT #	HEAT #



PROFILE

MATERIAL	
CONST. METHOD	
CLASS / MAOP	
PROFESSIONAL ENGINEER/ARCHITECTS	
CHECKER INITIALS	
CNS	
C350	
Duke Energy	
Piedmont Natural Gas	
HAMILTON COUNTY, OH	
REF. DWG(S)	
SHEET(S)	
DWG SCALE	
DWG DATE 01/13/2020	
SUPERSEDED	
PIEDMONT'S NATURAL GAS FACILITY DRAWINGS ARE CONSIDERED CONFIDENTIAL (OM-1095) * DRAWING IS CURRENT ONLY THROUGH THE LATEST REVISED DATE * TO INSURE THERE IS NO RISK OF INAPPROPRIATE DISCLOSURE ALL PREVIOUS PAPER COPIES OF THIS DRAWING MUST BE DESTROYED IN ACCORDANCE WITH RECORDS & INFO. MANAGEMENT (RIM) POLICY 1001	
PROPRIETARY & CONFIDENTIAL ALL RIGHTS RESERVED * DO NOT SCALE THIS DRAWING * USE DIMENSIONS ONLY	

Name: Duke Energy

Dated: 4/30/2020

Permit Number: 08 - 299 - 20

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

Loading or unloading of equipment and material from the roadway pavement will not be permitted.

Storage of pipe and material on the pavement, berms, median and/or State right-of-way will not be permitted without prior approval from the District Permit Office.

Equipment and personnel operating from the pavement shall be kept to a minimum; and, with adequate flagmen (Flagmen's Guide) and to a minimum; traffic warning devices maintained at all times.

Restoration of all areas disturbed shall be completed immediately after installation is completed.

All areas disturbed by this operation shall be restored comparable to that of the surrounding area and to the satisfaction of the State Inspector.

All walks, steps, driveways, drains, mail boxes, traffic signs, guardrail, poles, fences, etc. that are disturbed must be restored to their original condition or better.

The pavement, berms and median must be kept clean of dirt, mud and debris at all times.

All traffic shall be maintained in accordance with the Ohio Manual of Uniform Traffic Control Devices for Construction and Maintenance Operations.

Local traffic, facilities for pedestrian and vehicular ingress and egress, shall be provided at all times for the property adjacent to the work.

Two-way traffic shall be maintained at all times and all equipment used on pavement shall be rubber tired.

No vehicles, equipment, or personnel, including personal automobiles, will be permitted to park on or operate from the roadway pavement, berms, or median.

Name: _____ Duke Energy

Dated: _____ 4/30/2020

Permit Number: _____ 08 - 299 - 20

It must be stressed, that the pavement is to be kept clean at all times from mud and material carried onto the pavement. Failure to comply with this request will result in suspending all operations on State Right-of-Way while working under this Permit.

In the event of conflicts with traffic signal or highway lighting equipment during the installation(s), the Contractor and/or Permittee shall notify the O.D.O.T. District 8 Traffic Department at 513-933-6689. Seven working days notice will be required to inspect and correct the equipment problem. If the problem is too complex, an electrical contractor must be hired to perform the work. All repairs in such cases are to be made to the satisfaction of the District Traffic Maintenance Engineer, or the appointed representative, and at the expense of the Company or Permittee.

All excavated material not removed from the area shall be placed between the trench and right-of-way line until needed for backfill or excess to be disposed.

All backfill shall be performed in accordance with the provisions set forth under Construction Specifications Item 603, and piling of earth over trench for future settlement will not be permitted.

Backfilling shall follow completion of all work as closely as possible each day. The backfill shall be to level and slope of the adjacent surface and maintained in this manner until the final restoration.

The sides of all excavations shall be protected from caving by providing suitable sheeting and bracing. All sheeting and bracing shall be carefully removed as the backfilling of the trench progresses. Backfilling shall follow completion of the work as closely as possible. After the backfilling has been completed, the Contractor shall immediately remove all surplus material, dirt and rubbish from the site.

All ditch areas and slopes disturbed must be reshaped to drain properly; and, seeded or sodded as directed by the State Inspector.

Proper roadside drainage shall be maintained at all times.

Any settlement of the patches and/or street surface will be considered conclusive evidence of defective backfilling and/or pavement restoration and must be corrected at once.

Name: _____ Duke Energy

Dated: _____ 4/30/2020

Permit Number: _____ 08 - 299 - 20

The bore pits shall be located a minimum of 10' from the edge of pavement and shall not be moved either right or left of the designated plan site without permission being granted by the Permit Supervisor or her Assistant.

The permittee shall be responsible for any roadway pavement or berm failure occurring within eighteen (18) months of completion of this installation.

The distance augered ahead of the casing shall be kept as short as possible, and at no time shall the distance exceed 12". Under no circumstances will water jetting be permitted from excavation of material ahead of the casing or for the removal of spoil from the casing.

The length of the bore or push shall be the width of the pavement plus 10' on each side of the roadway unless otherwise noted on the accepted and/or stamped plans.

The tops of all manholes shall be constructed flush with the existing or proposed pavement and ground elevations unless otherwise specified by the State Inspector.

All bore pits or open manholes must be barricaded and fenced for safety, or as directed by the State Inspector.

Stop signs shall not be disturbed. If it becomes necessary to remove a stop sign, a portable stop sign shall be erected before the permanent sign is removed. The permanent sign shall be re-erected immediately after the installation is complete.

All Ohio Department of Transportation's guide signs shall be re-erected the same day as removed or as directed by the State Inspector in accordance with the Manual of Uniform Traffic Control Devices.

In the event of ice, snow or rain, all work shall be suspended as directed by the State Inspector and shall remain suspended until notified by the State Inspector.

The opening(s) in the pavement must be saw cut full depth and all excavated material removed from the area and not piled upon the pavement. The opening(s) must be backfilled with State of Ohio Department of Transportation (ODOT) Specification Item 613, low strength mortar backfill, and closed with a patch consisting of:

- 8" Item 305 cement concrete base and 3" of Item 448 Type 1H asphalt concrete surface course.
- 10" Item 301 asphalt concrete base placed in 2-5" lifts, 2" of Item 448 Type 1H asphalt concrete surface course rolled level with the surrounding pavement and the edges sealed as determined by the ODOT Inspector.
- Match existing pavement typical section, as directed by the ODOT Inspector

Any settlement of the patches and/or street surface will be considered conclusive evidence of defective backfilling and/or pavement restoration and must be corrected at once.

ARTIMIS facilities must be marked by ARTIMIS by calling 513-564-6400 or 513-564-6102. ARTIMIS must be contacted 5 working days in advance of the start of work to allow them to mark their facilities

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/13/2020 9:58:24 AM

in

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

Summary: Correspondence Ohio Department of Transportation Permit No. 08-299-20 State Route 126 electronically filed by Carys Cochern on behalf of Duke Energy