



155 East Broad Street
20th Floor
Columbus, Ohio, 43215

o: 614-222-1330
f: 614-222-1337

December 2, 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
Staff Report Condition No. 8 – ODOT Permit 20-15098

Dear Ms. Troupe:

Please find attached the State of Ohio, Department of Transportation Permit 20-15098 for the Central Corridor Pipeline project.

Duke Energy Ohio sets forth this communication to certify its adherence with Condition No. 8 of the OPSB's Opinion, Order and Certificate pertaining to Case No. 16-253-GA-BTX.

Please contact me if you have any questions.

Sincerely,

/s/ Jeanne W. Kingery
Jeanne W. Kingery

MR 509
Permit No. 20-15098

Office Use Only

State of Ohio
Department of Transportation
Permit

County or Jurisdiction HAM
Rte
Log Pt
Acc Cat

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

Name: Duke Energy
Address: 139 E 4th Street Cincinnati OH 45202
Company Phone: 513 544-9692

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 attached to this permit.

Other - (see attached sheets)

Description of Work: To install a high pressure distribution gas main across ODOT Blue Ash Highway maintenance site located at 11564 Grooms Rd, Cincinnati, OH 45242. The permit is conditional to the attached special conditions. This permit is not intended to and does not create a property right of interest in the permittee. Work for this permit shall be scheduled outside of snow and ice season, namely between April 30 and October 31. Permittee will have the ongoing right to operate and maintain its high pressure distribution gas line across ODOT's property and will be given a key card to access the site as needed per the special conditions. (Work shown on plan pages between approx. STA 70+20 to 79+50 with 5 minimum cover)

[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.

Contact ODOT Representative 3 days before work begins, also contact ODOT Representative when work is completed for final inspection. **Failure to notify the ODOT Representative could result in work stoppage!**

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

ODOT Representative Bob Montgomery
Phone 513-933-6539 or 513-615-0910
Email Address: bob.montgomery@dot.ohio.gov
(Authorized ODOT Employee)

NOTE: Any work performed by the permittee may be stopped if this requirement is not met.

[4] Prior to any excavation in the highway right-of-way, the Ohio811, <https://www.oups.org/excavators> must be contacted in accordance with ORC Section 3781.25 to 3781.32. Ohio811 can be reached at 1-800-362-2764 or 811.

[5] If your utility is above ground in any way, you must mark your utility with a fluorescent colored marker that corresponds with the universal OUPS color code. The marker must be no shorter than six feet in height and you must maintain the marker. Guide wires must be marked a fluorescent yellow. Failure to do so will result in no reimbursement for damage to your property.

[6] 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.

[7] 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 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 and including removal of the installation at the permittee's expense.

[8] Performance Bond Required? ☐ Yes ☐ No Company _____
Effective Date _____ Expiration Date _____ Amount \$ _____

[9] 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 11/30/2021

Dated 11/24/2020 Rev 8/3/2020 (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, Non-discrimination 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 non-discrimination 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 non-discrimination 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 non-discrimination covenants shall be and are covenants running with the land.

This permit is granted subject to the following attached conditions:

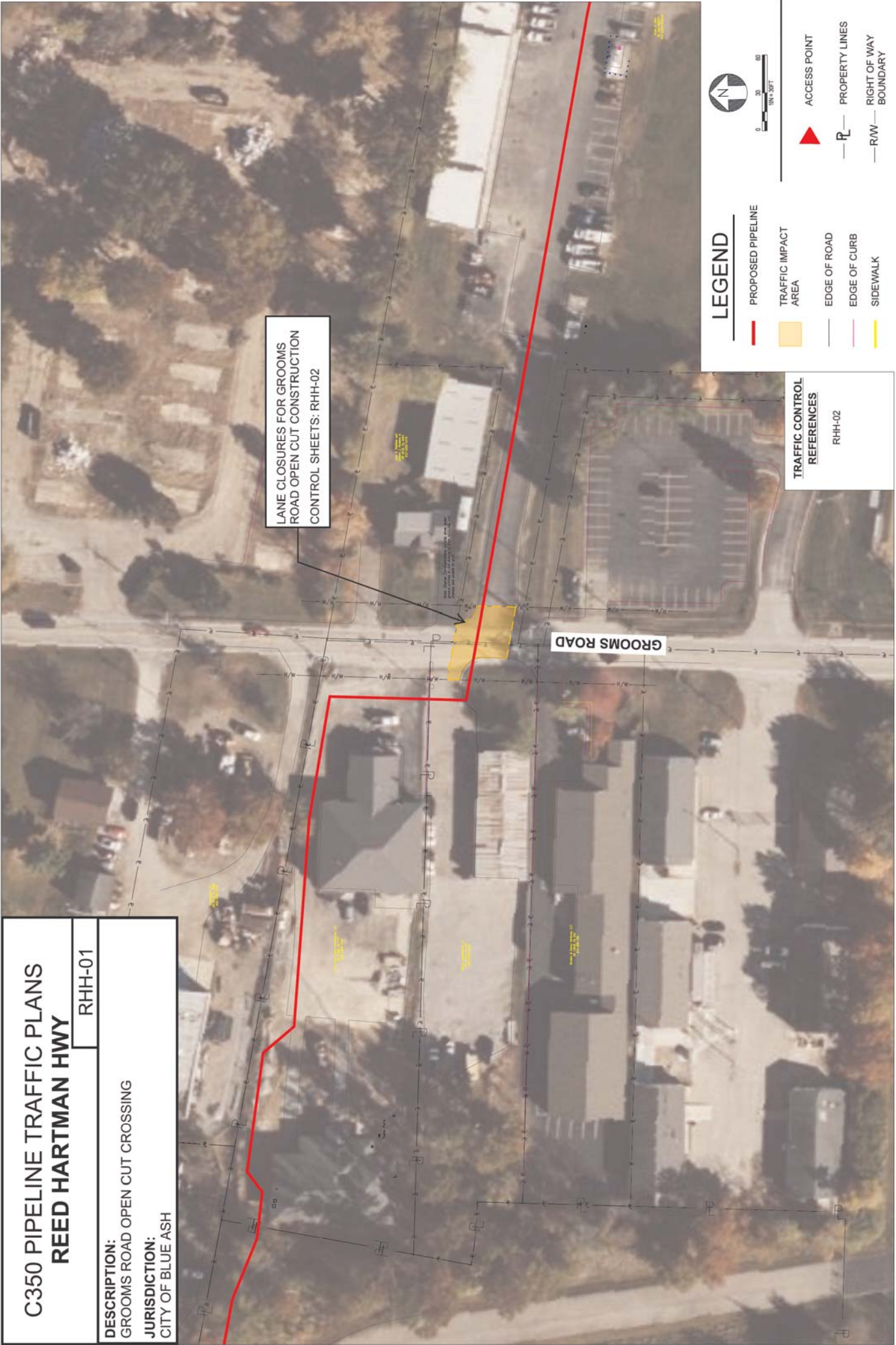
Special conditions listed on document attachment

C350 PIPELINE TRAFFIC PLANS
REED HARTMAN HWY

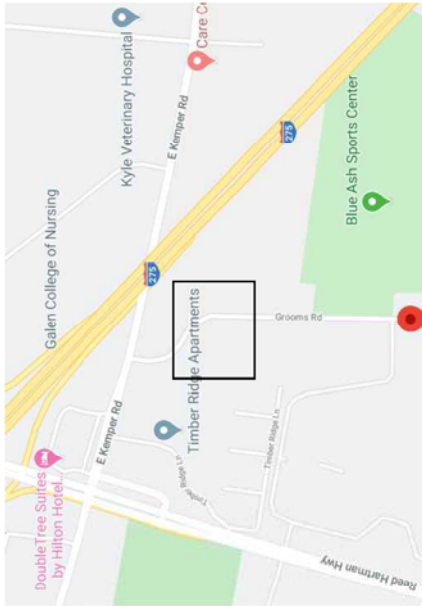
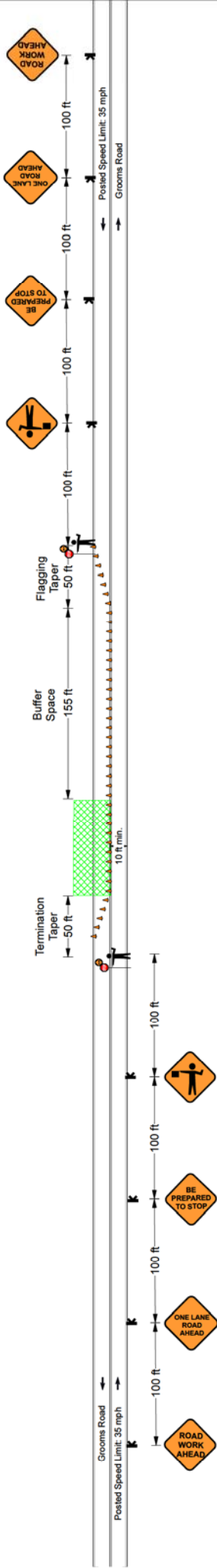
RHH-01

DESCRIPTION:
GROOMS ROAD OPEN CUT CROSSING

JURISDICTION:
CITY OF BLUE ASH



Flagging Operation Grooms Road



Location Map
Grooms Road



Legend	
	Conts
	Flagger
	Portable Sign Stand
	Work Area

Date: 02/19/2020 Author: M. Moyer Project: Reed Hartman Highway - Cincinnati, OH
Customer: Burns McDonnell Quote#: 124356-1 Reviewer: T. Garver

Comments:
Type of Road: Urban Residential & Commercial
Traffic Volume: Light to Moderate



All signs & devices shall be placed in accordance with the latest provisions of Ohio Manual for Uniform Traffic Control Devices (OMUTCD) with respect to any applicable provisions from the City of Cincinnati.

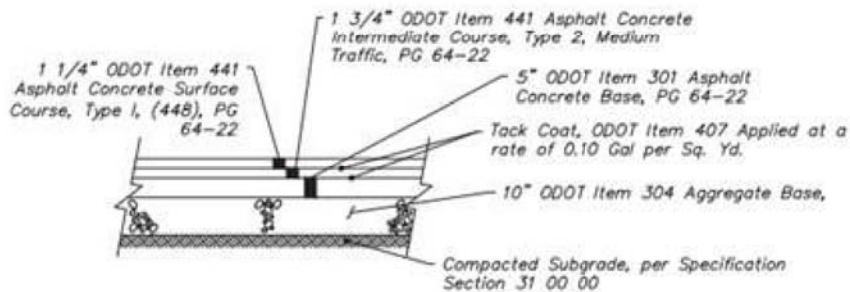
Access to residential and commercial driveways to be maintained at all times.
Flaggers shall be trained in safe temporary traffic control practices.
Flaggers shall remain in constant communications, via two-way radio, at all times.

PLANS ARE NOT TO SCALE

RHH-02

- Notes:
- Sign spacing may be adjusted to fit field conditions.
 - Buffer space may be eliminated or modified to fit field conditions.
 - Roads with no posted speed limit have been designed for 30 mph.
 - Plan is applicable to the opposing side of the road.
 - Road Work Ahead signs shall be placed on all cross streets intersecting within the advance signing. The signs should be placed a minimum of 100 feet in advance of the intersection.

PAVEMENT DETAIL A



Notes:

1. Compose hot mix asphalt mixture with aggregate and asphalt binder meeting ODOT requirements.
2. Submit an approved Job Mix Formula including mix type proposed for use, aggregate source, type, and gradation, percent of asphalt binder, and unit weight of the mixture.
3. Obtain Job Mix Formula approval by providing a previously ODOT approved formula.
4. The Owner's testing agency will provide quality assurance testing in accordance with ODOT Item 448 and supplemental specification 1055.
5. Provide compaction ranging from 90 to 97.9% of the average Maximum Specific Gravity for Surface Course and 90 to 96.9% for Intermediate Course. Remove and replace material placed outside of said ranges. Provide replacement pavement and quality assurance testing at no additional cost to the Owner.

A

DETAIL

HEAVY DUTY ASPHALT PAVEMENT

N.T.S.

**SPECIAL ADDITIONAL CONDITIONS FOR PERMIT TO
DUKE ENERGY TO CONSTRUCT, BUILD, MAINTAIN AND OPERATE
A GAS HIGH PRESSURE DISTRIBUTION GAS LINE ACROSS ODOT
BLUE ASH STATE HIGHWAY MAINTENANCE FACILITY SITE**

[1] Permittee understands that the premises for which the permitted work will be constructed is operated as a state highway maintenance facility with a higher demand for access and usage during fall and winter seasons.

[2] In the event that construction of the pipeline on and across ODOT property requires closure of access to the property, such construction and impairment of access will be limited to a period of no longer than one calendar week (i.e. a seven consecutive day period).

[3] To assure ODOT's maximum access and use of the facility during snow and ice removal, work must be scheduled outside of that season, during the period of April 30 and October 31.

[4] The exact time for construction shall be arranged with and approved by ODOT no less than thirty (30) days prior to commencement of work.

[5] ODOT's site is secured with perimeter fencing and gate. The permittee must comply with maintaining the security of the facility site 24 hours per day. During the period of construction permittee's use of a security guard to maintain security is acceptable.

[6] ODOT will provide one access card to the premises to be assigned to one person or representative of the permittee. Duke Energy can install an access box at the gate to store the key card, if preferred. Contact shall be made to 1-513-933-6539 (Bob Montgomery, D8 Facilities Program Administrator)

[7] Access to the site must be maintained for small vehicle and/or walking pedestrian traffic access.

[8] Access for personnel to inspect the air quality monitoring equipment at the site must be maintained at all times per number 7.

[9] For this installation only, construction by open trench method is acceptable

[10] Fill material to be placed in the trench must comply with the materials standard set out in Item 613 of the ODOT Construction and Materials Specifications (January, 2019) available at http://www.dot.state.oh.us/Divisions/ConstructionMgt/OnlineDocs/Specifications/2019CMS/2019_CMS_10162018%20Final%20to%20Printer.pdf

[11] Replacement of any pavement removed by the construction must meet the detail provided in Exhibit A Detail attached to this Special Conditions; or it shall meet the existing pavement buildup if the pavement depth is thicker than that shown in Exhibit A.

[12] Grass, landscaping or other grounds disturbed by initial construction or during maintenance or repairs of the high-pressure distribution line must be returned to the same or better condition than what existed before permittee construction activities.

[13] After completion of construction, any gates or fencing on the premises that were disturbed or disrupted during construction shall be returned to their original condition.

[14] Permittee will have the ongoing right to operate and maintain its high pressure distribution gas line across ODOT's property.

[15] In the event of need to perform regular maintenance or repair of the pipeline, permittee shall be provided access. For regularly scheduled maintenance or repair, permittee shall provide at least two (2) weeks advance notice of need to access the property.

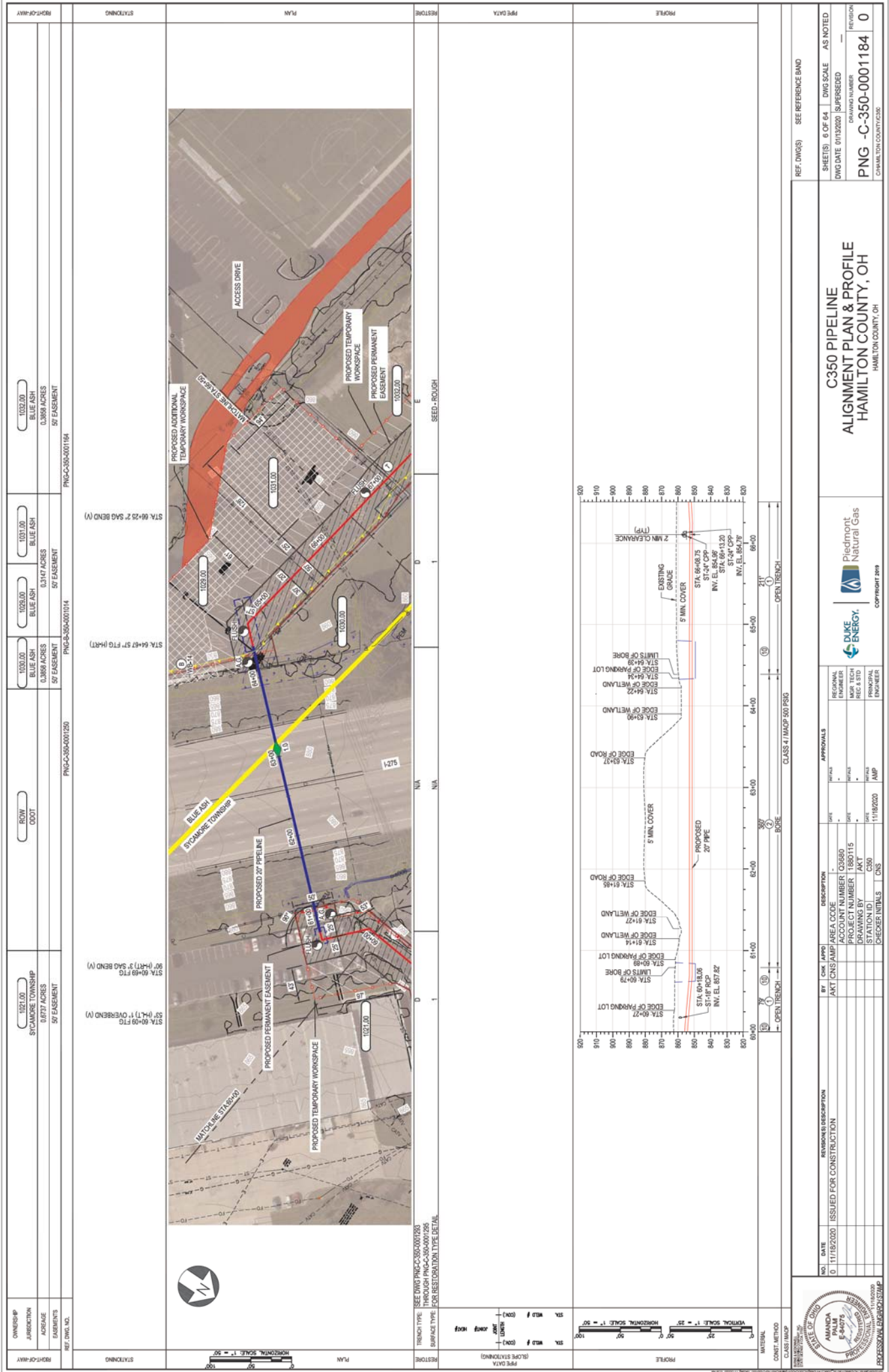
[16] In the event that maintenance or repair work on the high pressure distribution line will impair or restrict ODOT access to the premises, then a minimum of thirty (30) days prior notice shall be provided; and such work will be scheduled to occur outside of ODOT's snow and ice control season during the period of April 30 through October 31. An access card will be provided for such time as is needed to perform the maintenance or repair.

[17] In the event of an emergency requiring repair to the pipeline, permittee will provide as much prior notice as is possible under the circumstances. Contact shall be made to 1-513-933-6539 (Bob Montgomery, D8 Facilities Program Administrator).

[18] This permit is not intended to and does not create a property right of interest in the permittee.

[19] In the event that the pipeline facility is required to be relocated due to a project of ODOT, whether a roadway improvement, or modification of the premises, permittee will not have a right to reimbursement of utility relocation costs. However, ODOT will provide an acceptable corridor to relocate the pipe.

[20] In the event that ODOT or some other event or determination of permittee requires removal or relocation of the high pressure distribution gas pipeline, such activity will be scheduled outside of ODOT's snow and ice control and removal season, during the period of April 30 through October 31.



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/2/2020 4:25:29 PM

in

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

Summary: Correspondence Duke Energy Ohio, Inc.'s adherence with Condition 8, ODOT Permit 20-15098 electronically filed by Carys Cochern on behalf of Duke Energy Ohio, Inc.