

FILE



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2007 MAR 23 AM 11:20

PUCO

Anita M. Schafer
Senior Paralegal

DUKE ENERGY CORPORATION
139 East Fourth Street
P. O. Box 960
Cincinnati, OH 45202

513.287.3842

513-287-3810 fax

anita.schafer@duke-energy.com

VIA OVERNIGHT MAIL DELIVERY

March 22, 2007

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 06-444-GA-BTX

Dear Docketing Division:

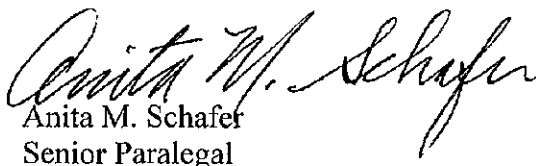
Enclosed please find the proof of publication of the first and second notice as required by OAC §4906-5-08(B) and 4906-5-09 in the above-captioned cases. Please note that there also was a Second Public Hearing in this case. Notices appeared in the following newspapers on the dates indicated:

Cincinnati Post and the Cincinnati Enquirer on July 28, 2006, September 18, 2006 and March 3, 2007

Community Journal Clermont, Milford Miami Advocate, Bethel Journal, Community Journal North Clermont on July 26-27, 2006, September 20-21, 2006, March 14-15, 2007.

Should you have any questions, please contact me at (513) 287-3842.

Very truly yours,


Anita M. Schafer
Senior Paralegal

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician AMJ Date Processed 3/23/07

www.duke-energy.com

COMMUNITY PRESS/ ENQUIRER

312 ELM. ST.

CINCINNATI OHIO 45202

PROOF OF PUBLICATION FOR:

Community Journal, Clermont

DUKE ENERGY
ATTN: ANITA SCHAFER
139 E FOURTH ST
P.O. BOX 960
CINCINNATI, OH 45201

REFERENCE: 1305453

341438 Cinergy

State of Ohio,
State of Kentucky,

Personally appeared before me, the undersigned authority, within and for the said County, is a representative of the stated newspaper published weekly and of general circulation in said County, made oath that the annexed advertisement was published in the stated newspaper, for the stated date, and that each proceeding insertion was upon the same day of each week, viz Wednesday/Thursday.

(Signed)

Mickie Nelson

Sworn to and subscribed before me, this

14th

day of

September

A. D. 20

06

in

Ham: Hon

County.

Notary Public

Karen J. Brandt

My Commission Expires

KAREN J. BRANDT

Notary Public, State of Ohio

PUBLISHED ON: 07/26

My Commission Expires Nov. 27, 2008

TOTAL COST: 520.02

AD SPACE: 121.500 INCH

FILED ON: 07/26/06

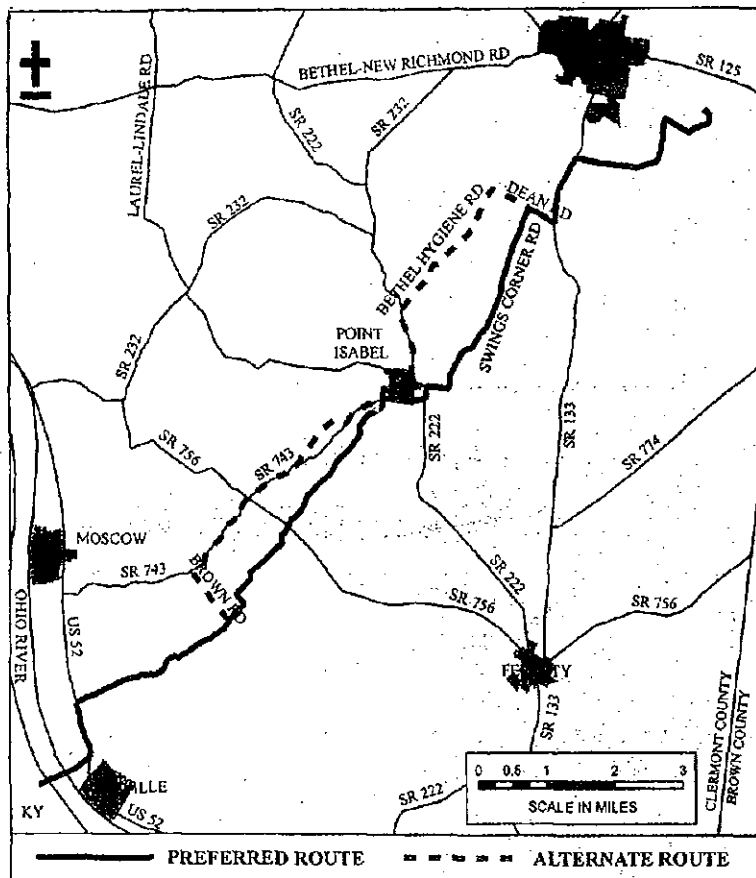
Customer Service is available during regular business hours

8:30 am - 5:00 pm Monday through Friday at

(513) 768 - 8653

LEGAL NOTICE

NOTICE OF PROPOSED MAJOR UTILITY FACILITY



The Cincinnati Gas & Electric Company d/b/a Duke Energy Ohio, Inc. (Duke Energy) has proposed to build a new 12-inch natural gas pipeline originating Bracken County, Kentucky and continuing to a terminus in southeastern Bethel, Clermont County, Ohio. The need for the proposed facility is based upon providing adequate fuel for current and future gas customers in Clermont and Brown Counties. This project is within Franklin, Tate, and Washington Townships in Clermont County. The proposed natural gas pipeline route is shown on the accompanying map. Only pipeline route would be built. An application for a certificate to construct, operate, and maintain the proposed facility is now pending before the Ohio Power Siting Board. The C 338 Ohio River to Bethel Natural Gas Pipeline Project has been assigned docket number 06-444-GA-BTX. The first notice ran July 26, 2006.

Project Schedule

The public informational meeting for this project was held on March 15, 2006. For the C 338 Ohio River to Bethel Natural Gas Pipeline Project, Duke Energy submitted a Motion for Waiver related to the 20 percent "in-common" provision. A response to the Applicant's waiver request was filed by The Ohio Power Siting Board Staff on June 27, 2006. The Administrative Law Judge granted the motion for the waiver on July 3, 2006. The Application was filed on May 1, 2006 and on July 7, 2006 the Application was found to comply with Chapters 4606-01, et seq., of the Ohio Administrative Code (OAC) and the effective date of the filing to be July 26, 2006. Duke Energy plans to begin construction on this project approximately 18 months after receipt of the certificate of environmental compatibility and public need. Construction is planned to begin in May 2008. This facility is expected to be operational in November 2008. Duke Energy has served the following public officials and agencies with a copy of the Application as required by OAC Rule 4906-5-05: Clermont County Commissioners, Mayor, Village of Bethel, Franklin Township Trustees, Tate Township Trustees, Washington Township Trustees. The Ohio Power Siting Board has distributed the Application to the following State of Ohio agencies: Public Utilities Commission of Ohio, Ohio Environmental Protection Agency, Ohio Department of Agriculture, Ohio Department of Development, Ohio Department of Health, Ohio Department of Natural Resources, Ohio Department of Transportation, Ohio Historical Society. A copy of the C 338 Ohio River to Bethel Natural Gas Pipeline Project Application is available for inspection at the Bethel Branch of the Clermont County Public Library, 611 West Plane Street, Bethel, Ohio. An additional copy of the Application is also available for inspection at the Ohio Power Siting Board offices located at 180 East Broad Street, Columbus, Ohio. In accordance with OAC Rule 4906-5-08, the following sections of the Ohio Revised Code and additional information are shown below.

Section 4906.10. Guidelines for granting or denying certificate; facility must comply with all water and solid waste requirements; facility subject to enforcement and monitoring powers of director of environmental protection.

(A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the director of environmental protection for a conditional operating permit under division (3) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility. In the case of a major utility facility described in division (B)(1) of section 4906.01 of the Revised Code to be constructed on or after the effective date of this amendment, the board shall presume the need for the facility as that need is stated in an application pursuant to division (A)(3) of section 4906.06 of the Revised Code.
- (2) The nature of the probable environmental impact.
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations.
- (4) In the case of an electric transmission line, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability.
- (5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 [4561.34.1] of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity.
- (7) In addition to the provisions contained in divisions (A)(1) to (5) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

Section 4906.07. Scheduling of hearing on application; investigation and report.

(A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable. (B) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application. (C) The chairman of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding. The Ohio Power Siting Board has scheduled hearings on the Application in two parts:

The Public Hearing is scheduled for Tuesday, September 26, 2006, at 7:00 p.m., at the Bethel Community Center, 135 North Union Street, Bethel Ohio 45106. The Board will accept written or oral testimony from any person at this hearing. The Adjudicatory Hearing is scheduled for Thursday, September 28, 2006, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

Section 4906.08 (C) Parties to certification proceeding; testimony by parties and other persons.

(C) The board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

The Board will accept petitions to intervene in the adjudicatory hearing by interested persons no later than five days prior to the scheduled date for the non-adjudicatory (public) hearing. The Board will permit intervention at a later date only upon the showing of good cause. The Board strongly encourages persons who wish to intervene in the adjudicatory hearing to file their petitions as early as possible. Petitions, with reference to case number 06-444-GA-BTX, should be addressed to the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio, 43215-3793.

COMMUNITY PRESS/ ENQUIRER

312 ELM ST.

CINCINNATI OHIO 45202

PROOF OF PUBLICATION FOR:

Milfd Miami Adv/CJ, North Cler

DUKE ENERGY
ATTN: ANITA SCHAFER
137 E FOURTH P.O. BOX 760 ST
CINCINNATI, OH 45201

REFERENCE: 1305453

954869

Proposed Utility Fac

State of Ohio,
State of Kentucky,

Personally appeared before me, the undersigned authority, within and for the said County, is a representative of the stated newspaper published weekly and of general circulation in said County, made oath that the annexed advertisement was published in the stated newspaper, for the stated date, and that each proceeding insertion was upon the same day of each week, viz Wednesday/Thursday.

(Signed)

Mikki Nelson

Sworn to and subscribed before me, this 25

day of September A.D. 20 06

in Hamilton County.

Notary Public

Bessie Battle

My Commission Expires

BESSIE J. BATTLE

PUBLISHED ON: 09/20



NOTARY PUBLIC, STATE OF OHIO

My Commission Expires 02/28/2010

TOTAL COST: 521.24

AD SPACE: 121.500 INCH

FILED ON: 09/20/06

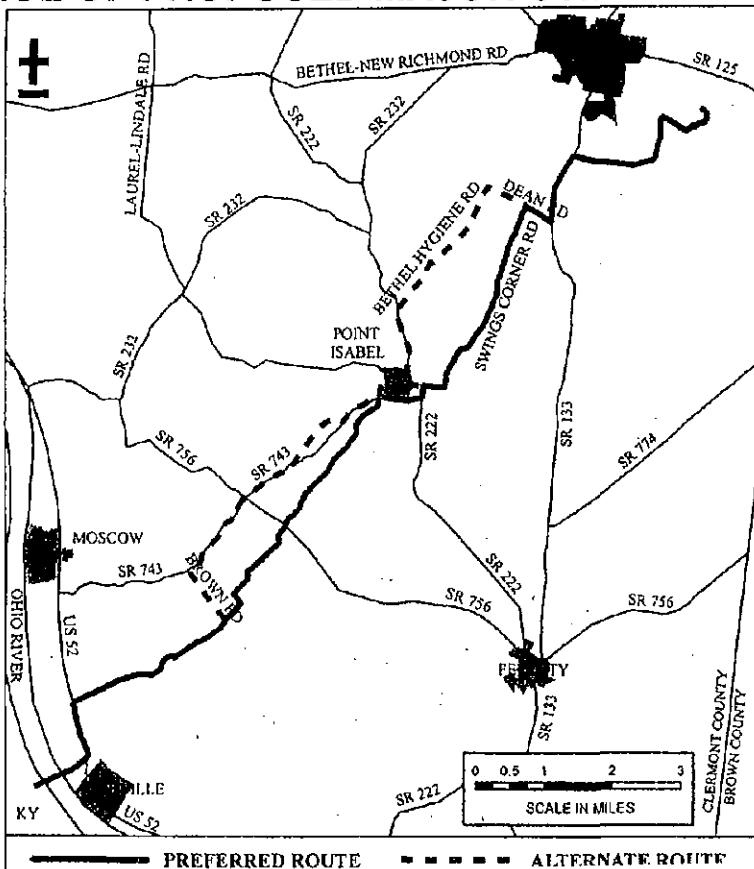
Customer Service is available during regular business hours

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(513) 768 - 8653

LEGAL NOTICE

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An Application for a certificate to construct, operate, and maintain the proposed facility is now pending before the Ohio Power Siting Board. The C-338 Ohio River to Bethel Natural Gas Pipeline Project has been assigned docket number 06-444-GA-BTX.

The first notice ran July 26, 2006.

Project Schedule

The public informational meeting for this project was held on March 15, 2006. For the C-338 Ohio River to Bethel Natural Gas Pipeline Project, Duke Energy submitted a Motion for Waiver related to the 20 percent "in-common" provision. A response to the Applicant's waiver request was filed by The Ohio Power Siting Board Staff on June 27, 2006. The Administrative Law Judge granted the motion for the waiver on July 3, 2006. The Application was filed on May 1, 2006 and on July 7, 2006 the Application was found to comply with Chapters 4906.01, et seq., of the Ohio Administrative Code (OAC) and the effective date of the filing to be July 26, 2006. Duke Energy plans to begin construction on this project approximately 18 months after receipt of the certificate of environmental compatibility and public need. Construction is planned to begin in May 2008. This facility is expected to be operational in November 2008. Duke Energy has served the following public officials and agencies with a copy of the Application as required by OAC Rule 4906-5-06 Clermont County Commissioners, Mayor, Village of Bethel, Franklin Township Trustees, Tate Township Trustees, Washington Township Trustees.

The Ohio Power Siting Board has distributed the Application to the following State of Ohio agencies:

Public Utilities Commission of Ohio, Ohio Environmental Protection Agency, Ohio Department of Agriculture, Ohio Department of Development, Ohio Department of Health, Ohio Department of Natural Resources, Ohio Department of Transportation, Ohio Historical Society.

A copy of the C-338 Ohio River to Bethel Natural Gas Pipeline Project Application is available for inspection at the Bethel Branch of the Clermont County Public Library, 611 West Plane Street, Bethel, Ohio. An additional copy of the Application is also available for inspection at the Ohio Power Siting Board offices located at 180 East Broad Street, Columbus, Ohio. In accordance with OAC Rule 4906-5-08, the following sections of the Ohio Revised Code and additional information are shown below.

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COMMUNITY PRESS/ ENQUIRER

312 ELM ST.

CINCINNATI OHIO 45202

PROOF OF PUBLICATION FOR:

Community Journal, Clermont

DUKE ENERGY
ATTN: ANITA SCHAFER
139 E FOURTH P.O. BOX 960 ST
CINCINNATI, OH 45201

REFERENCE: 1305453
388920 docket # 06-444-GA-B

State of Ohio,
State of Kentucky,

Personally appeared before me, the undersigned
authority, within and for the said County, is a
representative of the stated newspaper published
weekly and of general circulation in said County,
made oath that the annexed advertisement was
published in the stated newspaper, for the stated
date, and that each proceeding insertion was upon
the same day of each week, viz Wednesday/Thursday.

(Signed)

Karen J. Brandt

Sworn to and subscribed before me, this 20th

day of March A. D. 20 07

in Hamilton County.

Notary Public *Karen J. Brandt*

My Commission Expires Nov. 27, 2008

PUBLISHED ON: 03/14



TOTAL COST: 260.21 AD SPACE: 60.000 INCH
FILED ON: 03/14/07

Customer Service is available during regular business hours
8:30 am - 5:00 pm Monday through Friday at
(513) 768 - 8653

COMMUNITY PRESS/ENQUIRER

312 ELM ST.

CINCINNATI OHIO 45202

PROOF OF PUBLICATION FOR:

Milfd Miami Adv/CJ, North Cler

DUKE ENERGY
ATTN: ANITA SCHAFER
139 E FOURTH P.O. BOX 960 ST
CINCINNATI, OH 45201

REFERENCE: 1305453

388920

docket # 06-444-GA-B

State of Ohio,
State of Kentucky,

Personally appeared before me, the undersigned
authority, within and for the said County, is a
representative of the stated newspaper published
weekly and of general circulation in said County,
made oath that the annexed advertisement was
published in the stated newspaper, for the stated
date, and that each proceeding insertion was upon
the same day of each week, viz Wednesday/Thursday.

(Signed)

Milfd Miami

Sworn to and subscribed before me, this 20th

day of March A.D. 20 07

in Ham. Hon County.

Notary Public Karen J. Brandt

My Commission Expires KAREN J. BRANDT

PUBLISHED ON: 03/14



TOTAL COST: 260.21 AD SPACE: 60.000 INCHI
FILED ON: 03/14/07

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8:30 am - 5:00 pm Monday through Friday at
(513) 768 - 8653

COMMUNITY PRESS/ ENQUIRER
312 ELM ST.

CINCINNATI OHIO 45202

PROOF OF PUBLICATION FOR:
The Bethel Journal

DUKE ENERGY
ATTN: ANITA SCHAFER
139 E FOURTH P.O. BOX 960 ST
CINCINNATI, OH 45201

REFERENCE: 1305453
388920 docket # 06-444-GA-B

State of Ohio,
State of Kentucky,

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authority, within and for the said County, is a
representative of the stated newspaper published
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made oath that the annexed advertisement was
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date, and that each proceeding insertion was upon
the same day of each week, viz Wednesday/Thursday.

(Signed)

Milki Nelson

Sworn to and subscribed before me, this 20th
day of March A.D. 20 07
in Hamilton County.

Notary Public

Karen J. Brandt

My Commission Expires

KAREN J. BRANDT

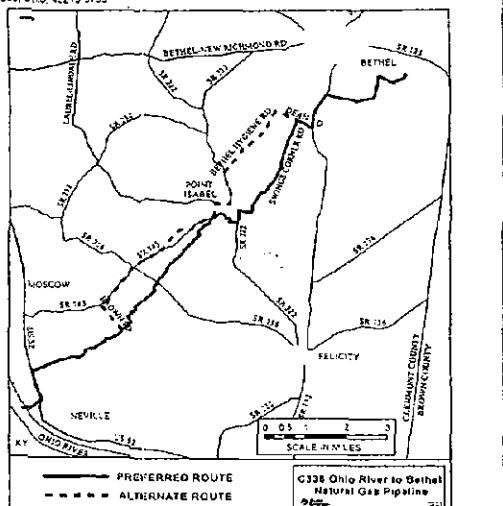
Notary Public, State of Ohio
My Commission Expires Nov. 27, 2008

PUBLISHED ON: 03/15



TOTAL COST: 260.22 AD SPACE: 60.000 INCH
FILED ON: 03/15/07

Customer Service is available during regular business hours
8:30 am - 5:00 pm Monday through Friday at
(513) 768 - 8653



State of Ohio, }
Hamilton County, } SS.

Personally appeared before me, a Notary Public, in and
for Hamilton County, Ohio Judy Smith, who, being duly sworn, says that the

annexed Advertisement was published in the

☒ Cincinnati Enquirer

☒ Cincinnati Post

☐ Kentucky Post

☐ Kentucky Enquirer

Daily Newspapers one time only: 7/28/06

commencing on the day of

20.....and that each insertion was upon the same

day of the week, viz:

Judy Smith
Affiant

Sworn to and subscribed before me this 8 day

of August 2006



PENNY STEWART

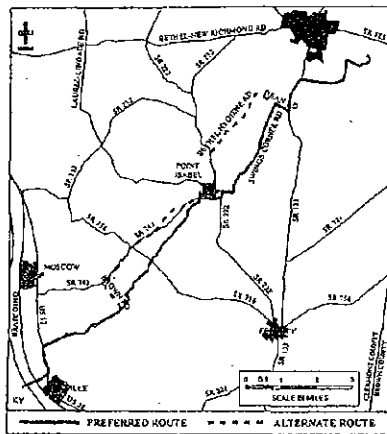
Notary Public, State of Ohio

My Commission Expires

June 21, 2011

Penny Stewart
Notary Public

NOTICE OF PROPOSED MAJOR UTILITY FACILITY



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Duke Energy has served the following public officials and agencies with a copy of the Application as required by OAC Rule 4906-3-06.

Clermont County Commissioners
Mayor, Village of Bethel
Franklin Township Trustees
Tate Township Trustees
Washington Township Trustees

The Ohio Power Siting Board has distributed the Application to the following State of Ohio agencies:

Public Utilities Commission of Ohio
Ohio Environmental Protection Agency
Ohio Department of Agriculture
Ohio Department of Development
Ohio Department of Health
Ohio Department of Natural Resources
Ohio Department of Transportation
Ohio Historical Society

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Section 4906.10. Guidelines for granting or denying certificate; facility must comply with air, water, and solid waste requirements; facility subject to enforcement and monitoring powers of director of environmental protection.

(A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704, 3734, and 6111, of the Revised Code. The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704, 3734, and 6111, of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the director of environmental protection for a conditional operating permit under division (C) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility. In the case of a major utility facility described in division (B)(1) of section 4906.01 of the Revised Code to be constructed on or after the effective date of this amendment, the board shall presume the need for the facility as that need is stated in an application pursuant to division (A)(3) of section 4906.06 of the Revised Code.
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704, 3734, and 6111, of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.34 [4561.34.1] of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929, of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

Section 4906.07. Scheduling of hearing on application; investigation and report.

- (A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable.
- (B) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application.
- (C) The chairman of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

The Ohio Power Siting Board has scheduled hearings on the Application in two parts:

The Public Hearing is scheduled for Tuesday, September 26, 2006, at 7:00 p.m., at the Bethel Community Center, 135 North Union Street, Bethel Ohio 45106. The Board will accept written or oral testimony from any person at this hearing.

The Adjudicatory Hearing is scheduled for Thursday, September 28, 2006, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

Section 4906.08 (C). Parties to certification proceeding; testimony by parties and other persons.

- (C) The board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

The Board will accept petitions to intervene in the adjudicatory hearing by interested persons no later than five days prior to the scheduled date for the non-adjudicatory (public) hearing. The Board will permit intervention at a later date only upon the showing of good cause. The Board strongly encourages persons who wish to intervene in the adjudicatory hearing to file their petitions as early as possible. Petitions, with reference to case number 06-444-GA-BTX, should be addressed to the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio, 43215-3793.

State of Ohio, }
Hamilton County, } SS.

Personally appeared before me, a Notary Public, in and
for Hamilton County, Ohio Penny Stewart, who, being duly sworn, says that the
annexed Advertisement was published in the

☒ Cincinnati Enquirer

☒ Cincinnati Post

☐ Kentucky Post

☐ Kentucky Enquirer

Daily Newspapers ONE TIME TO WIT
9/18/06

commencing on the day of
20.....and that each insertion was upon the same
day of the week, viz:

Penny Stewart
Affiant

Sworn to and subscribed before me this 19 day
of Sept..... 2006



Doris Thomas
Notary Public

DORIS THOMAS
Notary Public, State of Ohio
My Commission Expires
January 23, 2007

State of Ohio,
Hamilton County, } SS.

Personally appeared before me, a Notary Public, in and
for Hamilton County, Ohio Judy Smith, who, being duly sworn, says that the
annexed Advertisement was published in the

☒ Cincinnati Enquirer

☐ Cincinnati Post

☐ Kentucky Post

☐ Kentucky Enquirer

Daily Newspapers one time to wit: 3/09/07

commencing on the day of
20.....and that each insertion was upon the same
day of the week, viz:

Judy Smith
Affiant

Sworn to and subscribed before me this 15 day
of March 2007



PENNY STEWART
Notary Public, State of Ohio
My Commission Expires
June 21, 2011

Penny Stewart
Notary Public

NOTICE OF PROPOSED MAJOR UTILITY FACILITY NOTICE OF SECOND PUBLIC HEARING

The Cincinnati Gas & Electric Company d/b/a Duke Energy Ohio, Inc. (Duke Energy) has proposed to build a new 12 inch natural gas pipeline originating Bracken County, Kentucky and continuing to a terminus in southeastern Bethel, Clermont County, Ohio. The need for the proposed facility is based upon providing adequate fuel for current and future gas customers in Clermont and Brown Counties. This project is within Franklin, Tate, and Washington Townships in Clermont County. The proposed natural gas pipeline route is shown on the accompanying map. Only pipeline route would be built.

An Application for a certificate to construct, operate, and maintain the proposed facility is now pending before the Ohio Power Siting Board. The C 338 Ohio River to Bethel Natural Gas Pipeline Project has been assigned docket number 06-444-GA-BTX.

Project Schedule

The public informational meeting for this project was held on March 15, 2006. For the C 338 Ohio River to Bethel Natural Gas Pipeline Project, Duke Energy submitted a Motion for Waiver related to the 20 percent "in-common" provision. A response to the Applicant's waiver request was filed by The Ohio Power Siting Board Staff on June 27, 2006. The Administrative Law Judge granted the motion for the waiver on July 3, 2006. The Application was filed on May 1, 2006 and on July 7, 2006 the Application was found to comply with Chapters 4906-01, et seq., of the Ohio Administrative Code (OAC) and the effective date of the filing to be July 26, 2006. Duke Energy plans to begin construction on this project approximately 18 months after receipt of the certificate of environmental compatibility and public need. Construction is planned to begin in May 2008. This facility is expected to be operational in November 2008.

Duke Energy has served the following public officials and agencies with a copy of the Application as required by OAC Rule 4906-5-08.

Clermont County Commissioners
Mayor, Village of Bethel
Franklin Township Trustees
Tate Township Trustees
Washington Township Trustees

The Ohio Power Siting Board has distributed the Application to the following State of Ohio agencies:

Public Utilities Commission of Ohio
Ohio Environmental Protection Agency
Ohio Department of Agriculture
Ohio Department of Development
Ohio Department of Health
Ohio Department of Natural Resources
Ohio Department of Transportation
Ohio Historical Society

A copy of the C 338 Ohio River to Bethel Natural Gas Pipeline Project Application is available for inspection at the Bethel Branch of the Clermont County Public Library, 611 West Plane Street, Bethel, Ohio. An additional copy of the Application is also available for inspection at the Ohio Power Siting Board offices located at 180 East Broad Street, Columbus, Ohio.

In accordance with OAC Rule 4906-5-08, the following sections of the Ohio Revised Code and additional information are shown below.

Section 4906.10. Guidelines for granting or denying certificate; facility must comply with air, water, and solid waste requirements; facility subject to enforcement and monitoring powers of director of environmental protection.

(A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility. In the case of a major utility facility described in division (B)(1) of section 4906.01 of the Revised Code to be constructed on or after the effective date of this amendment, the board shall presume the need for the facility as that need is stated in an application pursuant to division (A)(3) of section 4906.06 of the Revised Code.
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 [4561.34.1] of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

Section 4906.07. Scheduling of hearing on application, investigation and report.

- (A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable.
- (B) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application.
- (C) The chairman of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

The Ohio Power Siting Board has scheduled hearings on the Application in two parts:

The Second Public Hearing is scheduled for Wednesday, March 14, 2007, at 7:00 p.m., at the Bethel Community Center, 135 North Union Street, Bethel Ohio 45106. The Board will accept written or oral testimony from any person at this hearing.

The Adjudicatory Hearing will continue on Thursday, April 5, 2007, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

Section 4906.08 (C) Parties to certification proceeding; testimony by parties and other persons.

(C) The board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

The Board will accept petitions to intervene in the adjudicatory hearing by interested persons no later than five days prior to the scheduled date for the non-adjudicatory (public) hearing. The Board will permit intervention at a later date only upon the showing of good cause. The Board strongly encourages persons who wish to intervene in the adjudicatory hearing to file their petitions as early as possible. Petitions, with reference to Case Number 06-444-GA-BTX, should be addressed to the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio, 43215-3793.

