

FILE



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May 7, 2007

Hon. Jeanne Kingery  
Attorney Examiner  
The Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215

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2007 MAY -7 PM 4:23  
PUCO

Re: C 338 Ohio River to Bethel Natural  
Gas Pipeline Project, OPSB Case No. 06-  
444-GA-BTX

Dear Hon. Kingery:

On April 4, 2007, Duke Energy Ohio, Inc. and the Staff of the Power Siting Board (the Parties) filed their Joint Stipulation and Recommended Findings of Fact and Conclusions of Law in this case. That filing was corrected on April 5, 2007 after it was discovered that certain pages were inadvertently not filed with the original.

Subsequently, DE-Ohio and Staff have reviewed the Stipulation for completeness, and have determined that further clarification may be useful for the Power Siting Board.

**IIA. Recommended Conditions**

**1. Paragraph 2**

The condition states that the Company will use the equipment and construction practices described in the application, its clarifications, and the Staff Report of Investigation. The Parties wish to clarify that the reference to the Staff Report of Investigation was intended to include the Addendum to that report filed on March 29, 2007.

**2. Paragraphs 31, 32, 33, 34 & 36**

The phrase "Preferred Route A" occurs in each of these five paragraphs. The Parties intended that "Preferred Route A" specifically the refer to that portion of the preferred route designated as "Revised Preferred A" as depicted on Figure 1, Route Clarifications, of the Staff Report of Investigation Addendum filed March 29, 2007.

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## **IIB. Exhibits**

### **1. Paragraph 1**

The Parties requested that the Application and various Application Clarifications filed by Duke Energy Ohio be marked as Company Exhibit 1 and admitted into the evidentiary record. The Parties intended that this exhibit include all of the clarifications filed by the company, including a January 23, 2007 Application Clarification that was not included in this paragraph. This clarification was included among the filings listed in Paragraph 4 of the stipulated Findings of Fact on pages 17 and 18 of the stipulation.

## **IIIA. Findings of Fact**

### **1. Paragraph 8**

As previously noted, the Parties wish to clarify that the reference to the Staff Report of Investigation was intended to include the Addendum to that report filed on March 29, 2007.

## **IIIB. Conclusions of Law**

### **1. Paragraph 6**

The agreed upon conclusion states that the "record establishes the Facility represents the minimum adverse environmental impact." The Parties intended that the word "Facility" refer to that portion of the preferred route designated as "Revised Preferred A" as depicted on Figure 1, Route Clarifications, of the Staff Report of Investigation Addendum filed March 29, 2007.

### **2. Paragraph 7**

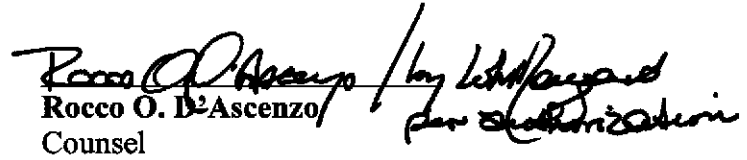
Conclusion #7 states, in part, that "the facility will serve the interests of natural gas system economy and reliability under Ohio Revised Code Section 4906.10(A)(4)." Although the Parties continue to believe that this conclusion is correct, it was not their intention to revise the finding of the Staff Report of Investigation (page 31) that Ohio Rev. Code §4906.10(A)(4) is not applicable.

### **3. Paragraph 11**

Conclusion #11 states, in part, that "the Facility incorporates maximum feasible water conservation practices." It was not the intention of the Parties to revise the finding of the Staff Report of Investigation (page 36) that Ohio Rev. Code §4906.10(A)(8) is not applicable."

The Parties believe that these clarifications will serve to better enable to Board to make an informed decision regarding their Joint Stipulation and Recommended Findings of Fact and Conclusions of Law in this case.

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