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**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

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Rockies Express Pipeline LLC

)

Docket No. CP07-208-000

**MOTION TO INTERVENE OUT OF TIME  
AND COMMENTS AND REQUESTS OF TOM & LINDA SCOTHORN**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("the Commission") rules of practice and procedures (18 C.F.R. § 385.212 and 214), Tom and Linda Scothorn (the Movants), owners of real property within the project boundaries of the Rockies Express Pipeline Project, respectfully request to intervene and file their comments in the above-captioned proceeding.

**I. COMMUNICATIONS AND SERVICE**

Tom and Linda Scothorn request that all communications and papers related to this proceeding be directed to the following:

Christopher L. McCloskey  
Bricker & Eckler, LLP  
100 South Third Street  
Columbus, Ohio 43215  
Phone: 614.227.2385  
Fax: 614.227.2390  
Email: CMcCloskey@Bricker.com

**II. INTEREST OF MOVANT**

This proceeding addresses a request by Rockies Express Pipeline for authorization to construct the eastern segment of its system. The eastern segment of the system involves the construction and operation of facilities by Rockies Express Pipeline, LLC ("Rockies Express") in Missouri, Illinois, Indiana, and Ohio. Tom and Linda Scothorn

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are interested in these proceedings as they own property in Ashville, Ohio, and the Rockies Express pipeline will cross directly through their property.

The Scothorns' predicament meets each of the factors to be considered in a grant of late intervention. 18 C.F.R. § 385.214(d). First, Mr. and Mrs. Scothorn have good cause for failing to file the motion to intervene within the time proscribed by the Commission's May 14, 2007 notice requesting comments, motions to intervene, and protests in the above-captioned proceedings. Mr. and Mrs. Scothorn are private landowners, and they were unaware that Rockies had filed the Application for Certificate of Public Convenience and Necessity for the section of the pipeline affecting their property. Once the Scothorns discovered that the application was filed, and determined that there was a need to intervene in the above-captioned proceedings to protect their legal rights, however, they filed this motion as soon as practicable. Accordingly, good cause exists to waive the time limitation pursuant to 18 C.F.R. § 385.214.

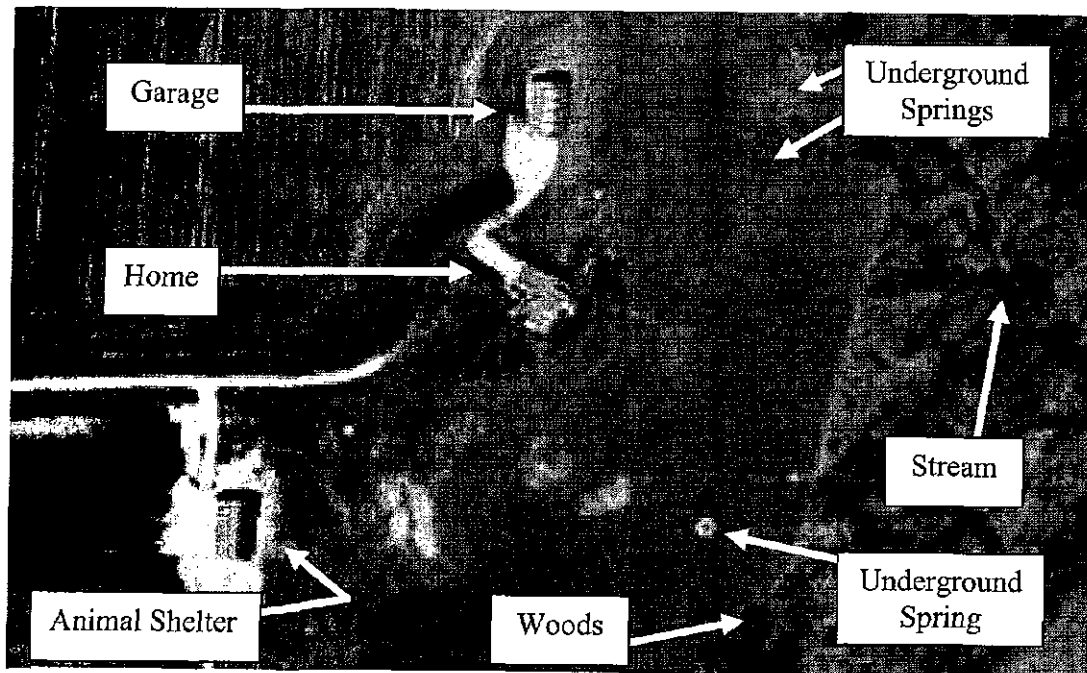
Second, because this proceeding has not advanced beyond its initial stages, the filing of the comments out of time will not disrupt the proceedings or prejudice any party. Mr. and Mrs. Scothorn will accept the record in this proceeding as it stands at the time of their intervention. Therefore, there will be no prejudice or additional burden upon other parties from permitting Mr. and Mrs. Scothorns' intervention.

Third, as landowners, Mr. and Mrs. Scothorn will be directly affected by the outcome of this proceeding, and no other party can adequately represent their interests in this proceeding. Finally, because the Scothorns are landowners directly affected by this proceeding, granting this motion for leave to intervene out of time would be in the public interest. 18 C.F.R. § 385.214. Given that each factor required for late intervention under

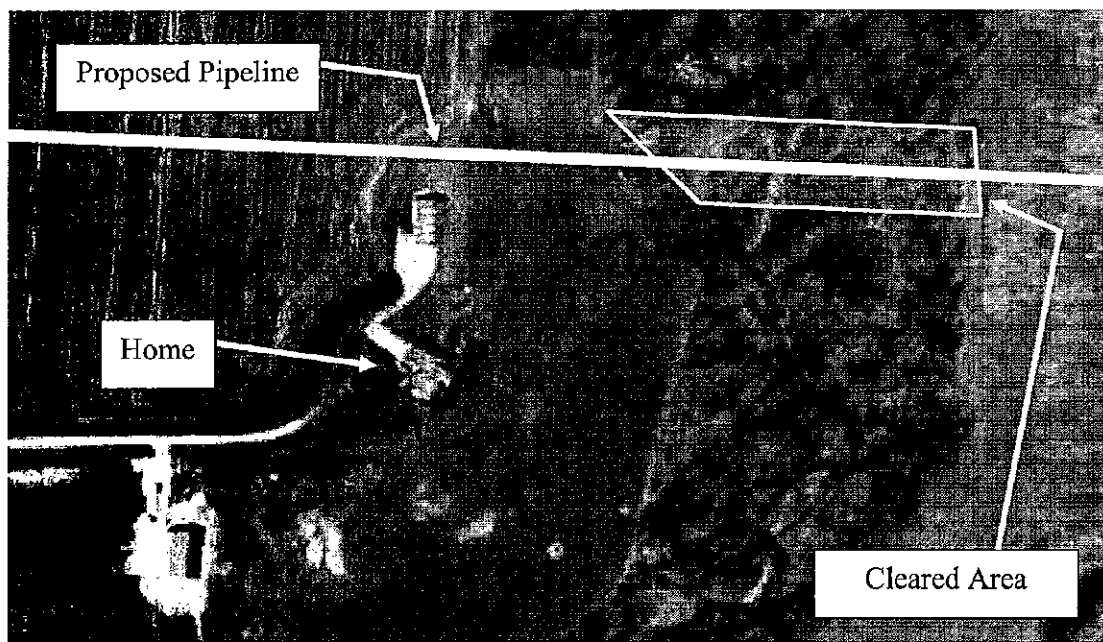
18 C.F.R. § 385.214(d) is met, the Scothorns respectfully request that their motion to intervene out of time be granted.

### III. COMMENTS

Mr. and Mrs. Scothorn live at 14584 Ringgold Northern Road in Ashville, Ohio, and their property contains wetland vegetation, natural underground springs, a scenic stream, and a heavily wooded area. The natural underground springs are used to provide water to their cattle and other animals. The property is improved with a house, a large detached garage, and an animal shelter. Their home is located on a northern section of the property overlooking the stream and the woods. The following is an aerial photograph of their home and surrounding property.



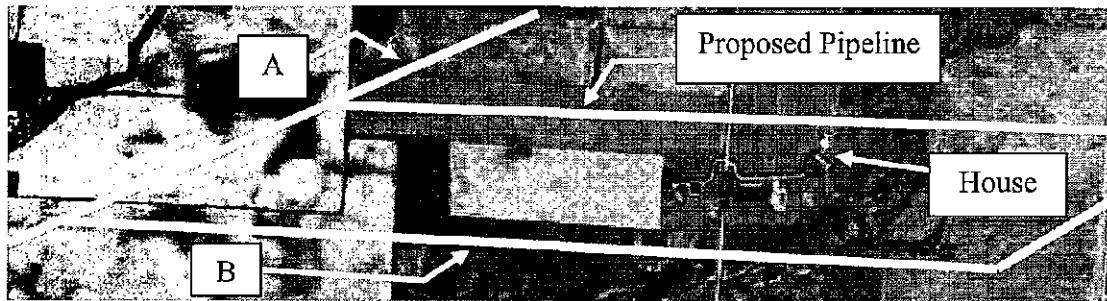
The proposed Rockies Express pipeline would traverse across the Scothorns' property; pass directly adjacent to, and on the north side of, their garage; and pass directly through both the stream and heavily wooded area behind their home. Installation of the proposed pipeline as currently planned would also require clearing a large part of the wooded area behind their home; disrupt the stream; and damage, if not destroy, the natural underground springs.



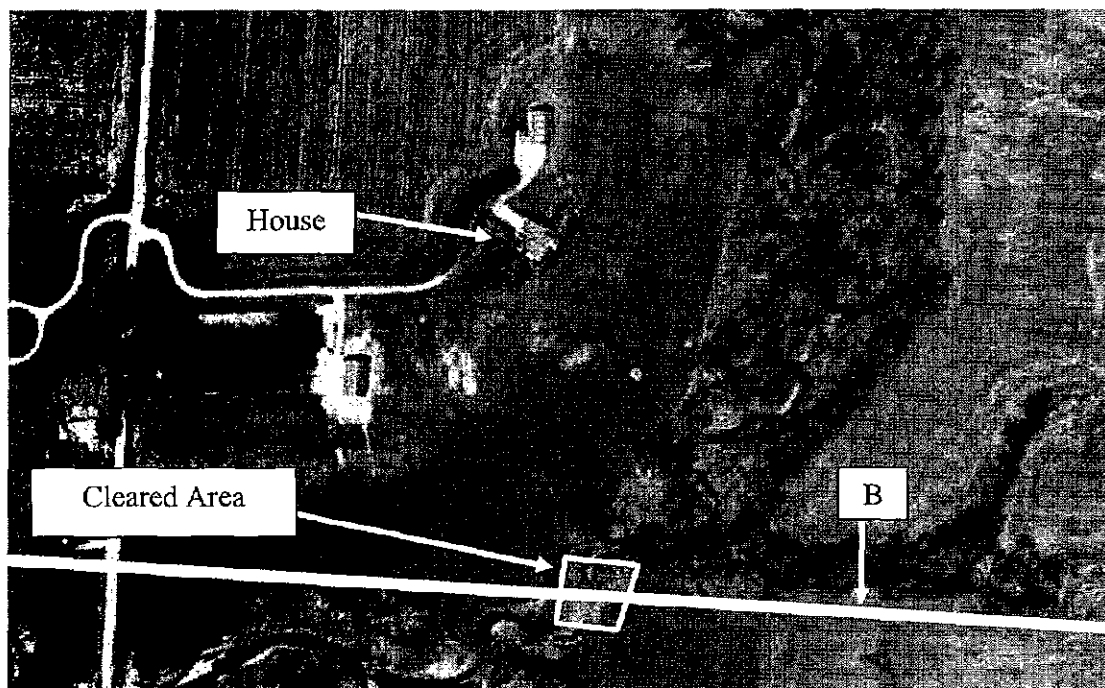
In addition to these environmental disruptions, the intrusion will create a permanent aesthetic eyesore. Indeed, the Scothorns' will constantly be reminded of the pipeline's existence every time they sit out in their back yard or look out their back window, as the gaping hole in the wooded area will be only a few hundred feet from the back of their house. The pipeline will also decrease the value of the Scothorns' land, and will create a continuing safety hazard as a result of the pipeline passing very near to the Scothorns' garage, where Mr. Scothorn works regularly.

Based on these concerns, the Scothorns request that the proposed pipeline be routed around their property to minimize their environmental, aesthetic, economic, and safety concerns. They propose two alternate routes, which were, in fact, initially proposed as alternatives by Rockies Express.

First, "Option A" would utilize an existing gas pipeline right-of-way, thereby avoiding the stream, the heavily wooded areas, and the need to bisect the Scothorns' property altogether. In the alternative, "Option B" would similarly reduce harm to the Scothorns' land, minimizing the environmental, aesthetic, and economic impact of the intrusion by locating the pipeline to the south of, and farther away from, the Scothorns' home, and diminishing the need to clear the land of vegetation. Although Option A is preferred, either of these two alternative routes would resolve the Scothorns' concerns without significantly lengthening or disrupting the path of the Rockies Express pipeline.



Below is a zoomed-in aerial view of the area around their home and the location where pipeline Option B would traverse the property. As is readily apparent, the cleared area is much smaller and the view of that area from the Scothorn's backyard diminished.



#### IV. CONCLUSION

WHEREFORE, Mr. and Mrs. Scothorn respectfully request that the Commission grant their motion to intervene out of time as a party herein with full rights to participate in all further proceedings. Mr. and Mrs. Scothorn further request that the Commission accept and consider the foregoing comments and requests.

Respectfully submitted,

/s/ Christopher L. McCloskey  
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100 South Third Street  
Columbus, Ohio 43215  
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**CERTIFICATE OF SERVICE**

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, I hereby certify that on December 3, 2007, the foregoing document was served upon each person designated on the official service list in these proceedings.

/s/ Christopher L. McCloskey  
Christopher L. McCloskey

Submission Contents

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