

FILE

ORIGINAL

Federal Energy Regulatory Commission
 Attn: Kimberly D. Bose, Secretary
 888 First Street, NE
 Room 1A
 Washington, DC 20426

FILED
 OFFICE OF THE
 SECRETARY

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FEDERAL ENERGY
 REGULATORY COMMISSION

Reference: Docket No. CP07-208-000

March 5, 2008

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Dear Ms. Bose:

I have read the REX February 19, 2008 response to FERC's February 8, 2008 Request for Additional Environmental Information.

Although we are appreciative that FERC has requested this clarification from REX, we believe that you need to be made aware of critical deficiencies in REX's response, in particular, to Question No. 23, the Schulte/Oetzel route variation in MP401.5-402.

In Question 23 FERC noted that REX identified "constructability" issues with certain route variations, including the Schulte and Oetzel Properties Route Variation at MPs 401.5-402. FERC then asked REX to identify the specific engineering constraints and to identify procedures, if any, which could be used to overcome them. REX's response indicates that it "has not identified constructability issues that relate specifically to engineering constraints for any of these route variations", claiming that the FERC-proposed variations would require an "increased installation schedule and increased area disturbed." REX goes on to advocate for its proposed route, and against the Schulte and Oetzel Properties Route Variation, by relying on its premature acquisition of easements in the area, and by making general and vague statements about the distances between the FERC-proposed route and certain unidentified residences in the area. Please do not accept REX's broad-brush excuses as dispositive. REX began acquiring easements of its own will; REX agents did so at their own peril, knowing full well that the pipeline's route is not yet approved.

Beyond that, REX's response fails to address two reasonable route variations even though those two variations have been brought to their attention before, and even though they both have the following major benefits to landowners & the environment:

- 1) THEY BOTH REDUCE THE NUMBER OF AFFECTED LANDOWNERS BY A TOTAL OF SEVEN (7).
- 2) THEY BOTH COMPLETELY MOVE THE LINE AWAY FROM ALL ELEVEN (11) HOMES IMPACTED UNDER THEIR CURRENT PLAN, INCLUDING THE ROBBEN RESIDENCE, THE GOODEN RESIDENCE, THE EHLING RESIDENCE ON SHARPTOWN ROAD AND OTHERS.
- 3) THEY SAVE REX FROM GOING THROUGH YARDS WHERE THERE ARE WATER LINES, ELECTRICAL SERVICE LINES, SEPTIC LINES AND FIELD TILE. THIS ADVANTAGE ALONE WILL PREVENT SIGNIFICANT DAMAGE TO LANDOWNERS' SEPTIC FIELDS AND THE CONTAMINATION THAT ACCOMPANIES SUCH DAMAGE.
- 4) BOTH ALTERNATIVES MOVE THE LINE AWAY FROM THE 3184 SHARPTOWN ROAD RESIDENCE. AS I'M SURE YOU RECALL, THAT RESIDENCE IS SITE #PR014, DISCUSSED IN THE JANUARY 17TH LETTER FROM JAMES A. GLASS, PhD OF THE INDIANA DNR, WHICH RECOMMENDS ITS ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER.
- 5) BOTH ALTERNATIVES DIVERT THE LINE AWAY FROM THE TWO WELLS AT 3180 SHARPTOWN RD, THE STIRN RESIDENCE. THOSE WELLS ARE THE SOLE SOURCE OF

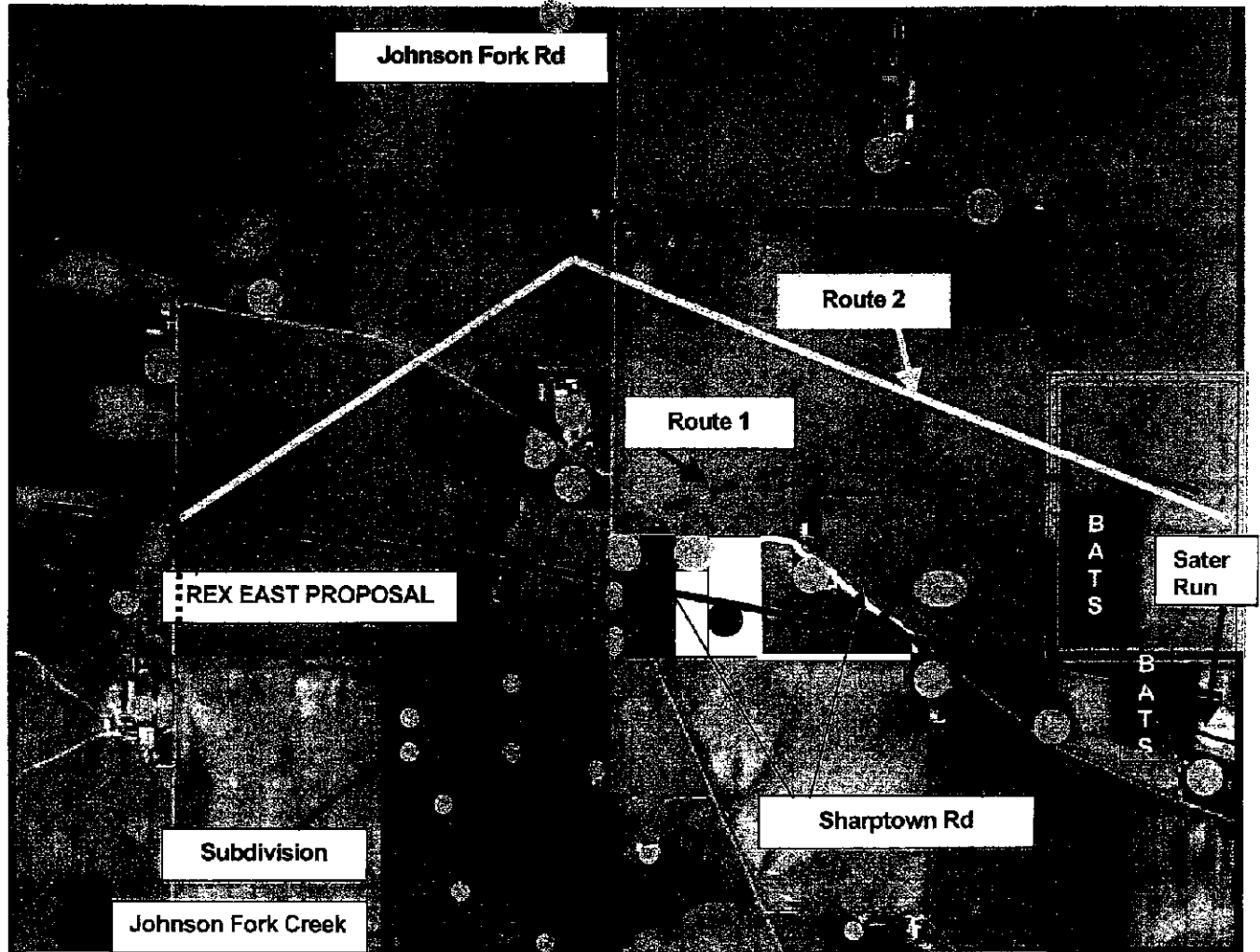
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POTABLE WATER FOR OUR HOME AND CATTLE. WE ARE VERY CONCERNED THAT THE PIPELINE IS PROPOSED TO BE BURIED ONLY 175 FEET FROM OUR WELLS AND HOUSE.

- 6) BOTH ALTERNATIVES DIVERT THE LINE TO THE NORTH OF A LIKELY NESTING SITE FOR THE INDIANA BAT. WE SEE MANY BATS IN THE SUMMER & SUSPECT THEY ROOST IN THIS WOODS. PLEASE SEE THE AREA LABELED IN THE DIAGRAM BELOW.
- 7) BOTH ALTERNATIVES ELIMINATE SOME WATERBODY CROSSINGS. ROUTE 1 ELIMINATES CROSSING ONE WATERBODY (SATER RUN) IN THE WOODS, WHILE ROUTE 2 ELIMINATES TWO (2) WATERBODY CROSSINGS: SATER RUN IN WOODS AND JOHNSON FORK CREEK, A MAJOR TRIBUTARY TO THE WHITEWATER RIVER, IN LOSEKAMP FARM. DOWNSTREAM, JOHNSON FORK CREEK IS A VIOLENT AND FAST RISING CREEK THAT HAS CAUSED MANY DRIVEWAY WASHOUTS AND ROAD DAMAGE IN BOTH FRANKLIN AND DEARBORN COUNTIES.
- 8) ROUTE 1 ELIMINATES TWO ROAD CROSSINGS AND ROUTE 2 ELIMINATES ONE ROAD CROSSING.

The next page shows an aerial map with the two proposed route variations. The map clearly indicates the great extent to which either of my proposed alternatives will benefit the landowners and REX in cost savings and cost avoidance, and will reduce the environmental impact of the proposed pipeline in this area.

Route 1 & Route 2 Recommended Variations



LEGEND:

1. RED = LOSEKAMP
2. MAGENTA = STROHMIER
3. BRIGHT GREEN = METZ – barely visible on map – between 2 and 4
4. LIGHT BLUE = CARUSO
5. WHITE = OETZEL – BLACK DOT IS OETZEL HOUSE
6. ~~YELLOW = SPRUEGE~~ 3184 SHARPTOWN – SITE OF FR#14 REFERENCED IN DNR LETTER
7. BROWN = BROWN
8. BLUE = STIRN – 3150 SHARPTOWN RD AND MP402
9. PURPLE = HUNEKE
10. GRAY = WENDEL
11. NAVY BLUE = SCHULTZ

REDUCED
NUMBER OF
AFFECTED
LANDOWNERS
= SEVEN (7)
(3 through 9)

OTHER GREEN DOTS ● INDICATE AFFECTED NEIGHBORING HOUSES.

March 13, 2008

AS YOU CAN CLEARLY SEE, ROUTE 2 PLACES THE PIPELINE AN ESTIMATED MINIMUM OF 500 FEET FROM ANY HOME IN THE AREA. ROUTE 2 AVOIDS SEVERAL HOMES, STREAM CROSSINGS, WELLS, AND WOODS WITHOUT COMPROMISING OTHER HOMES, WHERE THE CURRENT PROPOSED PLACEMENT CROSSES AN ACTIVE RESIDENTIAL SUBDIVISION, JOHNSON FORK CREEK IN A MORE ADVANCED, DOWNSTREAM AREA, AND SIGNIFICANT KARST TERRAIN.

ROUTE 1 REDUCES THE NUMBER OF LANDOWNERS AFFECTED, BUT DOES PLACE THE PIPELINE CLOSER TO THE RESIDENCE AT THE JUNCTION OF SHARPTOWN, JOHNSON FORK AND MUELLER ROADS.

In conclusion, the above establishes a compelling case for the slight route alterations to the north, in particular for Route 2:

- to reduce the number of affected landowners by seven (7);
- to avoid two (2) stream crossings (Johnson Fork Creek and Sater's Run);
- to avoid a patch of woods that is likely inhabited by the Indiana bat;
- to avoid at least one (1) road crossing;
- to avoid a historical home/landmark at 3184 Sharptown Road; and
- to avoid two (2) sole-source potable wells at 3150 Sharptown Rd.

We strongly urge you to adopt Route 2, especially since REX is using the thinner-gauge pipe in this area. Route 2 assists FERC in protecting the area from undue environmental impact, while at the same time placing the project a safer distance away from homes.

As FERC and REX are aware, the FERC record contains two (2) other reasonable route alternatives that continue to remain as options, even though REX may not have taken the time or made the effort to analyze their advantages. They are as follows:

- 1) Indy North 2 Alternative: FERC has already identified this as a viable alternative. It would place the line in existing utility easements and corridors, in land that is mostly flat and conducive to housing the pipeline, with minimal chance of landslides, away from the limited public water supplies in this region.
- 2) A route north of the Brookville Reservoir. This route would again allow for a much easier route away from the unstable areas of Franklin County that are highly susceptible to landslides.

Again, we appreciate FERC's support and careful prudence in considering REX's application. We understand that extensive fact-finding is required of many people in order to achieve the right balance between a business' cost savings priorities and the protection of the citizens and environment. We respectfully request that REX be required to fully investigate and explain why it advocates its current position over any of the better alternatives outlined above, before it is granted the privilege of an expedited schedule. Thank you.

Sincerely,

Andy, Connie, Clay, Zach, Luke and Jack Starn

3180 Sharptown Road

West Harrison, IN 47080 (Whitewater Township, Franklin County, Indiana - MP482)

Home: 812-637-3223; Cell: 513-300-2009

Whitewater_liml@heavenwire.net

March 13, 2008

Cc: Dave Oetzel – Sharptown Rd.
Barb Schulte – Sharptown Rd.
Mary Metz – Johnson Fork Rd.
Ceraso Family – Johnson Fork Rd.
Bill Brown – Sharptown Rd.
Don Stirn – Johnson Fork Rd.
Congressman Baron Hill
Mr. James Glass, Indiana DNR
Congressman Zach Space, Ohio
Gov. Mitch Daniels, Indiana
Rep. Tom Kottman – D55
State Sen. Johnny Nugent, D43
State Rep. Robert Blechoff, D68
State Sen. Robert Jackman, D42
Congressman Mike Pence, D6
US Sen. Evan Bayh
US Sen. Richard Lugar
FERC Gas Branch 2

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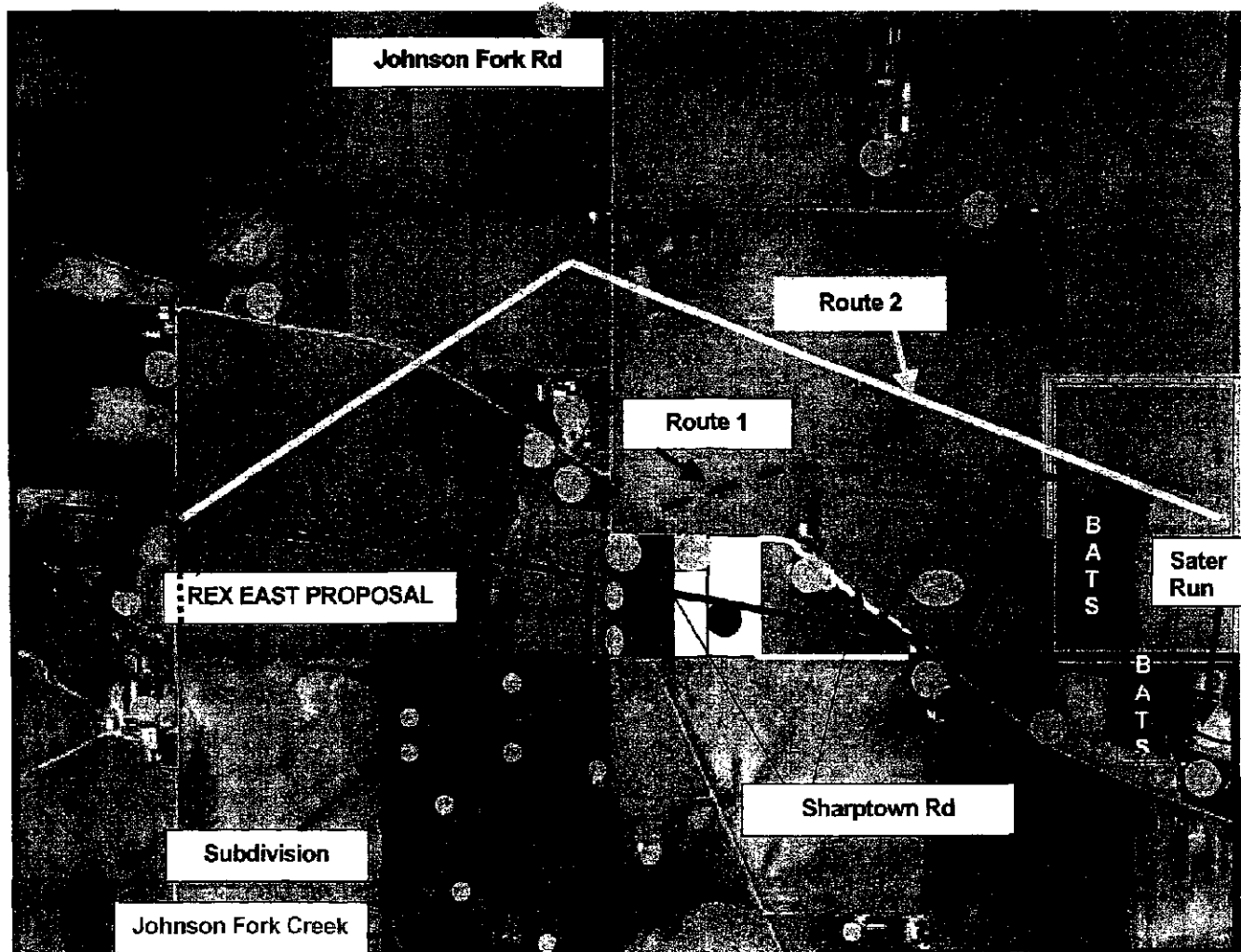
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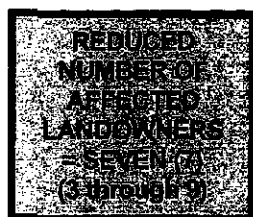
After contacting your office today, I would like to officially request a FERC Field Staff representative to visit the route variations that I have recommended in the Sharptown Road area of Franklin County, Indiana (Whitewater Township). I feel it would be much easier to visualize and see first hand the constructability issues of the existing route (which includes the pipeline going 34' (MP401.70) and 90' (MP401.81) from two houses along the current route). A field rep would also be able to access the other houses that are located in the area that are very close to the pipe as well that aren't even mentioned as affected landowners. Again, the proposed route variations would eliminate 7 affected landowners as well as other homeowners that are not mentioned.

Route 1 & Route 2 Recommended Variations




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Again, I sincerely appreciate FERC's continued support and attention to this matter. We, in the Sharptown Road area, are very concerned about the current path of the REX project and feel there is a much better route that can easily be done. In addition to the concerns of the existing homeowners, there are environmental benefits (mentioned in previous postings including reducing 2 stream crossings).

Again, thank you.

Andy Stirn

3150 Sharptown Road

West Harrison, IN 47060 (Whitewater Township, Franklin County, Indiana - MP402)

Home: 812-637-3223; Cell: 513-300-2009

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Mary Metz – Johnson Fork Rd.

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Don Stim – Johnson Fork Rd.

Congressman Baron Hill

Mr. James Glass, Indiana DNR

Congressman Zach Space, Ohio

Gov. Mitch Daniels, Indiana

Rep. Tom Knollman – D55

State Sen. Johnny Nugent, D43

State Rep. Robert Bischoff, D68

State Sen. Robert Jackman, D42

Congressman Mike Pence, D6

US Sen. Evan Bayh

US Sen. Richard Lugar

FERC Gas Branch 2