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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Rockies Express Pipeline LLC

Docket No. CP07-208-000

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RECEIVED-DOCKETING DIV.

MOTION TO INTERVENE OF  
NORTH DEARBORN WATER CORPORATION;  
FRANKLIN COUNTY WATER ASSOCIATION, INC.;  
TRI-TOWNSHIP WATER CORPORATION

Pursuant to the Notice of Availability of the Draft Environmental Impact Statement ("EIS") dated November 23, 2007, and Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §385.214, North Dearborn Water Corporation, Franklin County Water Association, Inc., and Tri-Township Water Corporation (hereafter the "Movants") hereby move to intervene in the above-captioned proceeding.

**I. SERVICE**

Service and requests for all pleadings, documents, and communications in this matter should be made on the following:

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**II. BACKGROUND**

On April 30, 2007, Rockies Express Pipeline LLC ("Rockies Express") filed an application in this docket requesting a certificate of public convenience and necessity to construct interstate pipeline facilities, including a portion within the State of Indiana. The application indicates the pipeline facilities are proposed to expand the volume and diversity of

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supply of natural gas from the Rocky Mountain supply basin to wholesale markets in the upper Midwest and eastern United States, including Indiana.

### III. INTERVENTION

The Commission's NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED REX EAST PROJECT was issued on November 23, 2007, and provides that "anyone may intervene in this proceeding based on this draft EIS." The Commission's Notice of Availability of the Draft Environmental Impact Statement for the Proposed REX East Project, p.3.

Movants are non-profit water utility providers of potable water to residents of southeastern Indiana. The Movants' water supply wells draw from the Whitewater River Valley Aquifer ("Aquifer").

Figure 3.4.3-1 of the Draft EIS shows the current proposed route of the pipeline will pass through the general territory that includes the Aquifer. Further, an Indiana Natural Resources Commission ("INRC") pre-hearing conference report dated March 12, 2008 indicates that Rockies Express has identified an error in its original INRC permit application representing the pipeline will be located four (4) feet below the Whitewater River streambed, when in fact the depth is forty (40) feet below the streambed. *See Exhibit A attached hereto.* If approved at a depth of forty (40) feet, the pipeline will penetrate the Aquifer, thereby creating risks of contamination or harm to the Aquifer and the Movants' wells. Movants seek to intervene in the above-captioned proceeding in order to ensure the protection of its water supply to the public.

WHEREFORE, and for all of the foregoing reasons, Movants respectfully request this Commission grant its Motion to Intervene as a party herein with full rights to participate in all further proceedings.

Respectfully submitted,

**BOSE McKINNEY & EVANS LLP**

By: /S/ Nikki G. Shultz

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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 March 28, 2007, the foregoing document was served upon each person designated on the official service list in these proceedings.

Dated at Indianapolis, Indiana this 28<sup>th</sup> day of March, 2008.

/S/ Nikki G. Shultz

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