

06-1142-GA-BIN



September 4, 2008

Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Room 1A  
Washington, DC 20426

RECEIVED-DOCKETING DIV  
2008 SEP -5 AM 10:13  
PUCO

RE: Docket No. CP07-208-000  
Rockies Express Pipeline LLC, REX-East Project  
Request to Proceed for Construction in Exclusion Zone – Spread A-2, Illinois

Ms. Bose:

On May 30, 2008, the Federal Energy Regulatory Commission ("FERC" or "Commission"), pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, issued Rockies Express Pipeline LLC ("Rockies Express") a certificate of public convenience and necessity to construct and operate the REX-East project ("May 30 Order" or "Order").<sup>1</sup> On June 2, 2008, Rockies Express, pursuant to Section 157.20(a) of the Commission's Regulations, 18 C.F.R. § 157.20(a), notified the Commission that it accepted the Commission's Order.

The May 30 Order authorizes Rockies Express to construct and operate the REX-East project subject to identified environmental conditions contained in the Appendix to the Order. In accordance with Condition Nos. 4 & 5 to the Order, Rockies Express is required to file detailed survey alignment maps/sheets for all facilities approved by the Order and to receive written authorization to commence construction prior to actually commencing construction.

Pursuant to Condition Nos. 4 & 5 of the May 30 Order, on June 10, 2008, Rockies Express filed a Notice to Proceed ("NTP") for Spread A-2 in Illinois. In that filing, Rockies Express identified a construction exclusion area between MP 71.2 and MP 79.9 where pending environmental surveys had not yet been completed and/or agency clearance or landowner access had not yet been obtained. Within a previous NTP request Rockies Express received clearance for construction between MP 78.3 and MP 79.9 on 8/26/08. In addition there was a NTP request filed on 8/29/08 that requested NTP from MP 74.8 to MP 78.3.

Rockies Express hereby files with the Commission a request for a partial NTP in the previously identified construction exclusion area. With the completion of the outstanding environmental work and receipt of the comment letter from the Illinois Historic Preservation Agency (Attachment A) concurring with previously mentioned work, Rockies Express respectfully requests that construction be allowed to proceed from MP 73.5 (property boundary between tracts IL-SC-009.000 and IL-SC-011.000) and MP 74.86 (Alsey Glasgow Road).

<sup>1</sup> Rockies Express Pipeline LLC, 123 FERC ¶ 61,234 (2008)

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 JP Date Processed 9.5.08

Rockies Express respectfully requests to:

Commence construction between MP 73.5 and MP 74.86 (Alsey Glasgow Road) in Pike County, Illinois including tracts IL-PK-057.000, IL-PK-060.000 and IL-PK-061.000

Maintain the exclusion zone from MP 71.2 (Start of Spread A-2) to MP 73.5 (property boundary between tracts IL-SC-009.000 and IL-SC-011.000)

Rockies Express has obtained easement rights for the identified tracts in the previously identified exclusion zone.

Please direct any questions with respect to this request for authorization to proceed to Ryan Childs at (307) 760-5635.

Respectfully submitted,

/s/ Shippen Howe

Shippen Howe

Mona Tandon

Van Ness Feldman, P.C.

1050 Thomas Jefferson Street, NW

Washington, DC 20007

202-298-1800

Attorney for

Rockies Express Pipeline LLC

**Attachments**

cc: Laura Turner, FERC  
Ellen Saint Onge, FERC  
All Parties



## Illinois Historic Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • [www.illinois-history.gov](http://www.illinois-history.gov)

Scott County

PLEASE REFER TO: IHPA LOG #004051506

Mid-Central Illinois

Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas and Edgar; Milepost 755.8 along the Mississippi River and terminate at Milepost 949.0 near Raven

### Phase III Data Recovery at 11ST544

FERC

Rockies Express East Pipeline Project (REX-East)/Kinder Morgan Pipeline Energy Partners, L.P.

August 29, 2008

Seth Mitchell

Rockies Express Pipeline

1811 Executive Drive, Suite O

Indianapolis, IN 46241

Dear Mr. Mitchell:

We have reviewed the Management Summary for the Phase III data recovery at archaeological site 11ST544 submitted on your behalf by John Milner Associates, Inc. in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned at the location of site 11ST544.

Please submit a draft copy of the full report of the findings at 11ST544 as soon as possible so that we may complete our review of the project.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

Anne E. Haaker

Deputy State Historic

Preservation Officer

AEH:DJH

cc: Laura L. Turner, Federal Energy Regulatory Commission  
Jim Thompson, Rockies Express Pipeline  
J. Sanderson Stevens, John Milner Associates, Inc.

Document Content(s)

REX-East NTP for Spread A-2 clear exclusion zone.PDF.....1-3