December 23, 2009

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D l e-1142-G A-B 1 N
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Ms. Kimberly D. Base, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426
Re: Rockies Express Pipeline LLC
Docket No. CP07-208


Weekly Report \#79, Period Ending December 23, 2009
Dear Ms. Bose:
Pursuant to Environmental Mitigation Measure 7 in the Appendix to the Federal Energy Regulatory Commission's May 30, 2008 Order in Docket No. CP07-208, Rockies Express Pipeline LLC hereby submits its weekly construction progress report for activities for the week ending December 23, 2009.

If you have any questions regarding this report, please contact Crystal Heter at (303) 914-7795.

Respectfully submitted,

## /s/ Shippen Howe

Shippen Howe
Van Ness Feldman
1050 Thomas Jefferson Street, NW
Washington, DC 20007
Attorneys for Rockies Express Pipeline LLC
cc: Laura Turner


Rockies Express Pipeline LLC
REX EAST Project
FERC Weekly Report
Weekly Report \#: 79
Start: 12/17/2009 End: 12/23/2009
Environmental Training (this week / to date):
0 man hours $/ 19757.5$ man hours
0 people /14483 people
Spread/Facility AI Name Elshoff, Paul

## Summary

The Spread A-1 In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.
Spread/Facility A2 Name Elshoff, Paul

## Summary

The Spread A-2 In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.
Next Week
Sub Contractor is available to address eminent environmental or safety issues that arise.
Spread/Facility B Name Elshoff, Paul

## Summary

The Spread B In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.

## Summary

The Spread C in-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.

## Spread/Facility D

Name Schwarz, Wes
Summary
The Spread D In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.
Spread/Facility E Name Schwarz, Wes

## Summary

The Spread E In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.
SpreadFacility Fl Name Schwarz, Wes

## Summary

The Spread F-1 In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.

## Spread/Facility

F2
Name Schwarz, Wes

## Summary

The Spread F-2 In-service Request was granted by the FERC on 06/25/09.
Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.

## Next Week

Sub Contractor is available to address eminent environmental or safety issues that arise.

Spread/Facility

## Summary

The Spread G In-service Request was granted by the FERC on 11/09/09.
Fencing crew working. Sub Contractor is available to address eminent environmental or safety issues that arise.
There were no NCR's recorded this period.
Next Week
Final efforts to continue.
Spread/Facility H Name Goetting, Joey

## Summary

The Spread H In-service Request was granted by the FERC on 11/09/09.
One crew completing fencing.
There were no NCR's recorded this period.
Next Week
Fencing being completed.
Spread/Facility I
Name Landrum, Curt
Summary
The Spread I In-service Request was granted by the FERC on 11/09/09.
Fencing crew is working.
There were no NCR's recorded this period.
Next Week
Fencing crew working.
Spread/Facility J Name Ezell, Rick

## Summary

The Spread J In-service Request was granted by the FERC on 11/09/09.
All work and In-Service Punchlist items are complete.
There were no NCR's recorded this period.
Next Week
Work is complete. Drain tile repair contractor is to start.
Spread/Facility K Name Davis, Pat

## Summary

The Spread K In-service Request was granted by the FERC on 11/09/09.
Work is completed. In-Service Punchlist items are complete. Monitoring continues.
There were no NCR's recorded this period.

## Next Week

Work is complete. Monitoring continues.

## Summary

The Arlington Station in-service request was granted on June 1, 2009.
Next Week
Construction for initial work complete.

## Spread/Facillty Bainbridge CS Name Franzene, Eric

## Summary

The Spread D In-service Request was granted by the FERC on 06/25/09, including Bainbridge CS.
Construction is deemed $100 \%$ complete.

## Next Week

Work is completed.
Spread/Facility Bertrand CS Name Vanya, Kevin

## Summary

The Bertrand Compressor Station In-service Request was granted on June 1, 2009.
Construction is complete.
Next Week
Construction is complete.
Spread/Facility Blue Mound CS Name Suggs, Garvin

## Summary

The Spread A-2 In-service Request was granted by the FERC on 06/25/09, including Blue Mound CS.
Construction is complete.
Next Week
Work is complete.
Spread/Facility Chandlersville Name Connelly, Mike

## Summary

The REX-East In-service Request was granted by the FERC on 11/09/09, including the Chandlersville CS.
Construction is complete.
Next Week
Work complete.

## Summary

The REX-East In-service Request was granted by the FERC on 11/09/09, including the Hamilton CS.
Work is complete.

## Next Week

Work completed.

Spread/Facility Mexico CS
Name Larson, Ray

## Summary

The Spread A-1 In-service Request was granted by the FERC on 06/25/09, including the Mexico CS.
Construction is complete.

## Next Week

Construction is complete.

## Rockies Express LLC

REX East Project
FERC Weekly Report
Weekly Report No: 79
Start: 12/17/2009 End: 12/23/2009
Construction Progress Tracking
None

Compliance Tracking
None
Variance Tracking
None
Landowner Complalnt Resolution Tracking
Attached
Other Agency Correspondence
None

Waterbody Crossing Schedule
None
Construction Emissions Tracking
None
West of Lebanon - RestorationList
Astached
East of Lebanon - RestorationList
Attached




Date Mile Post Tract Description
Resolution
_ to inspect the area to verify the amount of top soil paid for fence repair, berm removal and crop loss.

Field Inspection by EI - Apparent blasting through crossing Steep hill covering much of ROW. Stony outcrop @ station
$1845+0$. ROW level and smooth to edges of ROW. Much of $1845+0$. ROW level and smooth to edges of ROW. Much of
area covered with erosion control fabric, some ECF applied over stony material; few larger rocks noted @ ROW edge. Several large water bars functioning properly; area stable with no continuing erosion. Claim of lost soil is likely misplaced; soil was found in water bars and along slopes. Any extra rock area to possible erosion. Note: The ROW appears to have been
mostly forested; therefore top-soil segregation was not
required_ ReV eg $<70 \%$ in some areas. Minor issues pending
appropriate conditions and may have to wait until spring.
Pending.
Pending.
ROW met with landowners and obtained a bid for the restoration by a local contractor, ROW told landowners that they would pass this information on to KM. We also agreed on a price for the prove up dig. Pending.

| Date | Mile Post | Tract | Description | Resolution | Status |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 11/23/2009 | 63.5 | IL-PK-120.S02 | Sewer system leaking; gas line cut, now experiencing very high utility bills. | Report from Field Agent 12/3/09 - The reason LO called back today was because ROW had left a message on her phone that ROW was in the area so give ROW a call. She couldn't find ROW number so that was the reason she called Ohio again. <br> Corrective Actions (1)Needs all sewer laterals replaced septic tank waste is on top of the ground and rumning into road. (est. rec'd. by local plumber). (2)Needs gas shutoff replaced going into house. (3) Gravel on driveway gone because buried under mud from equipment and trucks entering \& exiting. (4) needs 250 ' of fence replaced. (5) Needs yard reseeded along pipeline going into house after pipeline was replaced. (6) needs 3 acres of alfalfa reseeded. (UNHAPPY) <br> Field Agent told them he would be back to settle within a week. <br> Pending. | Pending |
| $10 / 29 / 2009$ | $41$ | $\begin{aligned} & \text { MO-PL-091.000 \& } \\ & 092.000 \end{aligned}$ | The ground on the ROW is not level. There are depressed areas that cause water to pool and flood adjacent lands: A minimum 32" ripping is required by the Easement. This has not been done. <br> Rocks great than $2^{\prime \prime}$ are required to be picked up. This has not been done. <br> Complete soil testing compared to adj. land is required. This has not been done. <br> Has not received 2009 crop loss payment. <br> Drainage areas have not been cleaned out due to pumping from construction. | Getting 2009 crop price for payment. Other issues added to punch list to be addressed next spring Meeting with landowner to pay 09 crop damages. Pending. | Pending |
| 11/27/2009 | 36.5 | MO-PI-076.000 | LO left message on voice mail. Agent returned call. LO stated that the restoration was awful. Lime was not put down, no fertilizer and did not plant with the grass that was agreed upon. | Landowner to provide an estimate to do the work himself and will get back in touch with the field agent. Pending. | Pending |
| 11/9/2009 | 58.5 | IL-PK-093.000 \& $94$ | LO farms the ground and he wants contact to discuss a crop damage payment for his 2nd year loss. Pending. | Pending second year estimates for payment. | Pending |


| Date | Mile Post | Tract | Description | Resolution | Status |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 11/5/2009 | 41 | $\begin{aligned} & \text { MO-P1 091.000, } \\ & 092,093 \end{aligned}$ | Has not had a response from REX regarding the letter he received about the Environmental Complaint Resolution Program. | Getting 2009 crop price for payment. Other issues added to punch list to be addressed next spring. Meeting with landowner to pay 09 crop damages. Pending. | Pending |
| 11/20/2009 |  | Offline | During construction, LO reports his gas was shut off and never turned back on. He wants damages to frozen pipes and toilet addressed. | Week 78 update: Field Agent contacted L/O. L/O is getting an estimate for repairs and will contact Field Agent with information. L/O advised Field Agent that the gas company is ATMOS and he thought they were the ones that locked the service because they could not get in to light the pilots. Pending. | Pending |
| 11/16/2009 | 103 | $\begin{aligned} & \text { IL-MO-079.002 \& } \\ & 093.000 \end{aligned}$ | 15 ' hole dug under Hwy 104 filled up with water, not crossable. | Pending appointment and follow up investigation. | Pending |
| 10/20/2009 | 141.2 | IL-CS-048.000 various | Mud hole on pipeline tracts. | Called Ag Inspector asked him to look at the tract and add it to the punch list, that it sounded like a field tile problem. Field Agent advised LO that the issues have been added to the Punch list. L/O was fine with us fixing it in early spring. Pending. | Pending |
| 10/30/2009 | 93.5 | IL-MO-028.N01 | There is a gully that he can not get across without a bridge. The bridge he has was damaged and has not been repaired. There are rows of dirt that need to be moved. Someone needs to come out and look at it. | Called LO and told him that the Ag inspector had look at his issues and added the gully to his punch list, but didn't see anything wrong with the bridge, He said he had been back and looked at it himself and that we had not hurt his bridge, and if we took care of the gully he would be fine. Pending. | Pending |


| Date | Mile Post | Tract | Description | Resolution | Status |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 10/26/2009 | 131.5 | IL-SA-266.000 | Waterway was taken out now causing gully erosion; spoke to agent last April; has not been fixed. | Added to punch list. Ag Inspection: Erosion and subsequent top-soil loss are apparent east and west of WB-LL-131-AAAA (a) $6942+22$ along the south limits of the Row. Unable to ascertain whether a water way existed in this area without some other form of documentation (pictures) but, there is a definite swale running the length of the Row where the erosion has occurred however, a grassy water way does exist west and south of the above water body which may have been part of the water way that was said to have been removed. Issues added to punchlist to be completed when weather permits. Pending. | Pending |
| 10/27/2009 | 106 | IL-MO-100.S03 | Fence is loose; corner posts needs reset. | Sent it to the Ag inspector to get it added to the punch list. | Pending |
| 11/26/2009 | 179.5 | IL-MU-020.000 | Crop damage and access road damage claims that have not been addressed. She was led to believe she would have had more contact with REX than she had. | Bid requested to repair drive - Added to Punch List. Pending. | Pending |
| 12/7/2009 | 170.5 \& I | $\begin{aligned} & \text { IL-MC-1 } 15.000 \& \\ & 116.000 \end{aligned}$ | LO states he has drainage issues. He would like to talk about them and he also wants a map of the tile lines on his property as promised. | Field Agent contacted $L / O$ and has scheduled an appointment/inspection with L/O for next week $-12 / 14 / 09$. pending. | Pending |
| 11/17/2009 | 216 | IL-ED-006.000 | Water along the pipeline where it was dug up - probably a broken tile line. | ROW and EI have pending appointment to investigate issues. Pending. | Pending |


| Date | Mile Post | Tract | Description | Resolution | Status |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 11/2/2009 | 233.3 | IL-ED-072.000 | Call placed by $L O$ husband - timber needs to be planted. There are mud holes on property. He wants to be compensated for work he did (picked up trash etc). Crew got off ROW. | 11/1]/09: ROW made appointment to meet with LO next week to review concerns and pay settlement for work performed. <br> Trees have been planted. Other issues pending. | Pending |
| 12/20/2009 | 206 | IL-DG-1 10.000 | Crop loss and tile damage causing flooding. | 12/21/09 - REX Rep. spoke with L/O. REX will coordinate an investigation with EI and field agent to review the status of tiles. Field Agent to pay crop loss after 1st of the year. Pending. | Pending |
| 12/3/2009 | 259.5 | IN-PE-069.000, 70, \& 71 | Field contours need to be restored to pre-construction condition. <br> Also, there is significant erosion in the pipeline ROW. LO has attempted to resolve the matter with the REX. REX has not provided a timeframe for resolution of his concerns. | After receipt of LO estimate 11/21/09 Kinder Morgan and REX agreed that an EI should review this tract and see what was required to restore the ROW per FERC requirements (This issue was added to the Punch List). The estimate was high, and it would require EI concurrence as to work required to be done. Before the estimate could be agreed upon REX would also require assurance if it was paid to the landowner that the work would be done. <br> Updates: 12/08/09-EI has scheduled a meeting with L/O on 12/10/09. REX contacted landowner and spoke with L/O. Conveyed that REX EI along with REX Restoration Project Manager will need to consider the best option for restoration and that is not likely to occur until early 2010. Advised L/O that concerns were on Punch List. L/O also requested Tile Maps and Well-testing reports for 3 water wells. 12-10-09 - Met with L/O and toured property. EI not convinced that all the topsoil was going to be necessary. EI to conduct further investigation prior to making official report. Tile maps were hand delivered to LO. Pending. | Pending |

Status
Pending LO wants compensated for a sign off. It was Explained REX
position was that the West waterway would be placed on the
construction punch list and would be re-shaped, re-seeded and
mulched. However it is felt after review that the rock on the
access road is adequate and that the East waterway was
adequate; and that there is no evidence of silt in the pond due
to the construction. Landowner told Field Agent this was NOT
acceptable. - Appointment set for Tue $11-10$ for on site
meeting with LO and REX management. $11 / 10 / 0910 \mathrm{am}$
Kinder Morgan and REX met with LO to review his concerns.
LO's demand has been payment for a full release.
Kinder Morgan discussed that work for both waterways might
be warranted and asked if LO would check with his excavator
(because LO does not want REX to continue with work on
punch list) to present a written bid for the work LO wants.--
Asked if he would try to have it come in below his prior verbal
demand.----Awaiting the written bid.

Update: $12 / 11 / 09$ - Hand Delivered REX Tile Maps to L/O.
L/O stated that he is still trying to get an outside tile bid and -8u!puad pan!әoan s! !

## Pending

EI and ROW met with Landowner. Issues were added to Punchlist to be completed weather permitting. grade and reseeding will need to be conducted in the spring 2010 along with the elimination of slope breakers. No have been harvested. Pending.

Insufficient silt containment on easement boundaries. Sedimentation remaining in a pond on property. Temporary fencing and posts not cleaned up/properly disposed of.
Unsatisfactory final grading/restoration. fencing and posts not cleaned up/properly disposed of.
Unsatisfactory final grading/restoration. $\begin{array}{ll}12 / 1 / 2009 & 323.0 \\ & \text { IN-JO-228.000 \& } \\ 228 . S 01\end{array}$ $\begin{array}{ll}12 / 1 / 2009 & 323.0 \\ & \text { IN-JO-228.000 \& } \\ 228 . S 01\end{array}$ $\begin{array}{ll}12 / 1 / 2009 & 323.0 \\ & \text { IN-JO-228.000 \& } \\ 228 . S 01\end{array}$ Silt in pond; two waterways not restored; one needs
constructed; dirt removed that was not put back; roadway needs white rock base put back; drive to "old house" needs IN-PE-039.000左

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more rock.
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N-P Uns grangresturn. Date Mile Post Tract 10/26/2009 253.5

| Date | Mile Post | Tract | Description | Resolution | Status |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 11/20/2009 | 520.5 | OH-PW-013.000 | Issues with restoration have not been resolved. | Michaels will reseed areas in the week of $10 / 26$, weather permitting, spread clean-up will be completed within 2-3 weeks and at that point, Michaels will come back to landowner's property and repair grade work along with removing excess rock. This information was discussed with landowner and he is satisfied with this plan of action. Pending. | Pending |
| 10/28/2009 | 540.5 | OH-FF-095.000 | No seeding has been placed; afraid it will erode. | Plan to reseed location pending weather and season or correct any erosion by spring time to have the land ready for farming. | Pending |
| 11/28/2009 | 536 | $\begin{aligned} & \text { OH-FF-076.000 \& } \\ & 076.000 \end{aligned}$ | Erosion problems that have not been fixed. | EI, Utility Insp, FERC Monitor, LO, and Field Agent met onsite concerning his tract. LO agreed to keep the trench breakers in place until April 15 which is when he expects full \& final restoration. LO was satisfied with the Environmental Group for placing silt fence around his pond and reinforcing it with staked straw bales which was the basis of his calls to the Hotline. LO also noted the outstanding issues with his tracts which are: <br> 1. Completion of his concrete driveway <br> 2. Sunken spot in driveway <br> 3. Fence replaced <br> 4. Rough grading and uneven <br> 5. Reseeding pasture / pond area <br> 6. Possible tile not repaired <br> 7. Low grade on TAR near boundary fence line LO understood the work is still in progress and not near final completion. Pending. | Pending |
| 11/27/2009 | 558.0 | OH-PY-041.000 | LO wants someone other than current ROW agent to call him regarding "quite a few problems on his farm. | Appointment to review issues with ROW, El and L/O 12/9/09. Pending. | Pending |
| 12/7/2009 | 571.5 | OH-MK-124.000 $\& 125.000$ | Complained that three ponds have been destroyed. Two are completely filled with mud. The pump for well that feeds from one pond had to be replaced. Has spoken to field agent but issue is not resolved. LO has thoroughbred horses and is dependent upon the ponds. | Update: 12/08/09 - Field Agent and Lead EI conducted site visit (a) 10:00 am. Ponds were clear in appearance and seem to have settled out. The third pond's water level is down about $4^{\prime \prime}$ in appearance. Pending. | Pending |


| Date | Mile Post | Tract | Description | Resolution |
| :--- | :--- | :--- | :--- | :--- |


| Date | Mile Post | Tract | Description | Resolution | Status |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 10/16/2009 | 632.7 | OH-BL-068.000 | Construction disruption of a spring and pond. | We have ripped LO's ROW per our mitigation agreement and one additional time. We had a crew picking up rock for 2 days. LO has not responded to an offer presented to him as to him building a pond. Have had several bids from contractor's, and LO insists on building it himself or providing labor and equipment if another contractor builds pond. In addition Lead EI has spoken to LO and explained our process of restoring his property as to mitigation agreement. LO has demanded we use a shaker process to filter his soil before topsoiling, Informed him that was not required per our agreement. Further assured him if there was rock present in the spring we were required to remove them. He remains unsatisfied. <br> 12-03-09- LO refused the offer by REX to settle this issue and has requested payment to rebuild the pond. | Pending |
| 11/6/2009 | 632.5 | OH-BL-068.000 | LO crop ground is full of rocks. Top soil is thin. Subsoil was replaced with rock. Spring was cut and there is no water in his pond for livestock. Spring box is broken. | We have ripped LO's ROW per our mitigation agreement and one additional time. We had a crew picking up rock for 2 days. LO has not responded to an offer presented to him as to him building a pond. Have had several bids from contractor's, and LO insists on building it himself or providing labor and equipment if another contractor builds pond. In addition, Lead EI has spoken to LO and explained our process of restoring his property as to mitigation agreement. LO has demanded we use a shaker process to filter his soil before topsoiling, Informed LO that was not required per our agreement. Further assured LO if there was rock present in the spring we were required to remove them. He remains unsatisfied. <br> 12-03-09-LO refused the offer by REX to settle this issue and has requested payment to rebuild the pond. Pending. | Pending |
| 10/23/2009 | 627.7 | OH-BL-042.000 | Sowed wrong seed; rocks pushed into meadow off-ROW; water draining onto adjacent property now; rocks needed at culvert. | ROW has made several calls. LO wife took message. Will continue to contact to make an appointment. Pending. | Pending |
| 10/26/2009 | 618.5 | OH-BK-004.000 | Fence not repaired right; Crews removed a section that should not have been touched. | Fence has been repaired to edge of ROW. Original fence not on P/L. L/O not satisfied however survey is correct. P/L discrepancy; making arrangements with surveyors to meet with property owner. | Pending |



Rockies Express Pipeline LLC



