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September 17, 2012

The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

Ed Steele  
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Ohio Power Siting Board  
180 East Broad Street  
Columbus, OH 43215

Bill Wright  
Office of the Ohio Attorney General  
Public Utilities Section  
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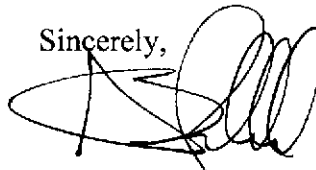
Subject: In the Matter of the Application of Enterprise Liquids Pipeline LLC for a Certificate of Environmental Compatibility and Public Need for the ATEX Express-Ohio Ethane Pipeline Project  
Case No. 12-0862-PL-ACE

Dear Sirs:

We are enclosing herewith a copy of Enterprise Liquids Pipeline LLC's Motion to Withdraw Case in relation to the above-captioned matter.

If you have any questions, please do not hesitate to call.

Sincerely,



Gary L. Pasheilich

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Enclosure

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**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Enterprise )  
Liquids Pipeline LLC for a Certificate of )  
Environmental Compatibility and Public )     Case No. 12-0862-PL-ACE  
Need for the ATEX Express-Ohio Ethane )  
Pipeline Project )

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**ENTERPRISE LIQUIDS PIPELINE LLC'S MOTION TO WITHDRAW CASE**

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Pursuant to O.A.C. § 4906-7-12, Enterprise Liquids Pipeline LLC (“ELP”) respectfully moves the Ohio Power Siting Board (“Board”) to withdraw the case number assigned to this case and close the docket for this proceeding. The basis for this Motion is the enactment of Senate Bill 315, which became effective on September 10, 2012 and amended the definition of “major utility facility” in O.R.C. § 4906.01(B)(2)(g) to exclude “natural gas liquids finished product pipelines” like the ATEX Express-Ohio Ethane Pipeline which is the subject of this proceeding. Consequently, the ATEX Express-Ohio Ethane Pipeline is not a major utility facility for which a Certificate of Environmental Compatibility and Public Need is required from the Board under O.R.C. § 4906.04.

The grounds for the Motion are more fully set forth in the accompanying Memorandum in Support.

Respectfully submitted,

s/ Vincent Atriano

Vincent Atriano (0041084), Trial Attorney

Gary L. Pasheilich (0079162)

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*Attorneys for Applicant Enterprise Liquids  
Pipeline LLC*

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Enterprise )  
Liquids Pipeline LLC for a Certificate of ) Case No. 12-0862-PL-ACE  
Environmental Compatibility and Public )  
Need for the ATEX Express-Ohio Ethane )  
Pipeline Project )

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**MEMORANDUM IN SUPPORT OF  
ENTERPRISE LIQUIDS PIPELINE LLC'S MOTION TO WITHDRAW CASE**

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On March 6, 2012, Enterprise Liquids Pipeline LLC ("ELP") requested that the Ohio Power Siting Board ("Board") open a case number in this proceeding with respect to its ATEX Express-Ohio liquid ethane pipeline project in anticipation of the possible filing of an application for a Certificate of Environmental Compatibility and Public Need.

On March 7, 2012, ELP filed a pre-application Motion for Waivers to request that the Board waive the one-year commencement of construction requirement in O.R.C. § 4906.06(A)(6) and the alternative route requirements in O.A.C. § 4906-5-04(A) and Ch. 4906-15. ELP's Motion for Waivers noted that because the ATEX Express-Ohio pipeline will carry liquid ethane (a raw material feedstock for use in the manufacture of ethylene) rather than "gas or natural gas" for energy purposes, the project did not appear to constitute a "major utility facility" under O.R.C. § 4906.01(B)(1). Mot. Waivers at p. 1, n. 1. Accordingly, ELP reserved its right to contest the Board's jurisdiction and the need for a Certificate with respect to the ATEX Express-Ohio pipeline. *Id.*

On May 24, 2012, the 129<sup>th</sup> General Assembly passed Senate Bill 315. This Legislation was signed into law by Governor Kasich on June 11, 2012, and became effective on September 10, 2012.

Senate Bill 315 amended the definition of “major utility facility” in O.R.C. § 4906.01(B)(2)(g) to exclude “natural gas liquids finished product pipelines” from the definition of “major utility facility.” It also added the following definition in O.R.C. § 4906.01(F): “‘Natural gas liquids finished product pipeline’ means a pipeline that carries finished product natural gas liquids **to the inlet of an interstate or intrastate finished product natural gas liquid transmission pipeline, rail loading facility, or other petrochemical or refinery facility.**” (Emphasis added.) Consequently, any pipeline that meets the definition of “natural gas liquids finished product pipeline” in O.R.C. § 4906.01(F) is not a “major utility facility” for which a Certificate of Environmental Compatibility and Public Need is required from the Board under O.R.C. § 4906.04.

Senate Bill 315 also added the following definition of “finished product natural gas liquids” in O.R.C. § 4906.01(J): “‘Finished product natural gas liquids’ means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. **Those products include ethane, propane, iso-butane, normal butane, and natural gasoline.**” (Emphasis added.)

As noted in ELP’s Motion for Waivers, the ATEX Express-Ohio pipeline will carry liquid ethane, which is specifically defined as a “finished product natural gas liquid” under O.R.C. § 4906.01(J). The pipeline will carry this ethane to “the inlet of an ... other petrochemical ... facility,” namely ethylene manufacturing plants in the U.S. Gulf region of

Texas and Louisiana. Thus, the ATEX Express-Ohio pipeline constitutes a “natural gas liquids finished product pipeline” as defined by O.R.C. § 4906.01(F). Consequently, this pipeline is excluded from the definition of “major utility facility” under O.R.C. § 4906.01(B)(2)(g) and therefore does not require a Certificate of Environmental Compatibility and Public Need from the Board under O.R.C. § 4906.04.

For the foregoing reasons, good cause clearly exists for the Board to withdraw the case number assigned to this case and close the docket in this proceeding.

Respectfully submitted,

s/ Vincent Atriano

Vincent Atriano (0041084), Trial Attorney

Gary L. Pasheilich (0079162)

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*Attorneys for Applicant Enterprise Liquids  
Pipeline LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Enterprise Liquids Pipeline LLC's Motion to Withdraw Case and Memorandum in Support were served upon the following persons via regular U.S. mail, postage prepaid on September 17<sup>th</sup>, 2012:

The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

Ed Steele  
Klaus Lambeck  
Ohio Power Siting Board  
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*s/ Vincent Atriano*  
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Vincent Atriano, Trial Attorney