



COLUMBUS | CLEVELAND
CINCINNATI-DAYTON

BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Sally W. Bloomfield
614.227.2368
sbloomfield@bricker.com

March 6, 2013

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

**Re: Oregon Clean Energy, LLC
Case No. 12-2959-EL-BGN**

Dear Ms. McNeal:

Oregon Clean Energy, LLC, submits for the public record the attached letters regarding the regulatory status of North Coast Gas Transmission, LLC, the pipeline that would be transmitting the natural gas to the Oregon Clean Energy Center.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Sally W. Bloomfield

Attachment

Cc: Chris Cunningham (w/Attachment)

March 6, 2013

William J. Martin
Managing Partner
Oregon Clean Energy, LLC
20 Park Plaza, Suite #400
Boston MA. 02116

RE: North Coast Gas Transmission, LLC

Dear Mr. Martin:

At your request, we have reviewed the attached letter from Vorys, Sater, Seymour and Pease LLP, counsel to North Coast Gas Transmission, LLC ("North Coast"), regarding the jurisdictional status of North Coast's natural gas pipeline facilities. Based on the representations in the letter, we agree with the letter's conclusions.

North Coast appears to qualify for the "Hinshaw exemption" under Section 1(c) of the Natural Gas Act and, as such, is not subject to Federal Energy Regulatory Commission jurisdiction. According to the letter, it receives gas within or at the border of Ohio, the gas it transports ultimately is consumed within the state, and its rates and services are subject to regulation by the Public Utilities Commission of Ohio. This would apply to the facilities North Coast would construct and utilize to provide natural gas service to the Oregon Clean Energy project as well.

It should be noted that our views are based solely on the representations in the attached letter and any changes in those representation may affect our conclusion.

Please contact us if you have any questions or if we can be of further assistance.

Very truly yours,
Pierce Atwood, LLP



Randall S. Rich

Page 2
March 6, 2013

Attachment

cc: John W. Gulliver
Pierce Atwood LLP
(With Attachment)



Vorys, Sater, Seymour and Pease LLP
Legal Counsel

52 East Gay St.
PO Box 1008
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

M. Howard Petricoff
Direct Dial (614) 464-5414
Direct Fax (614) 719-4904
Email mhpetricoff@vorys.com

March 6, 2013

Randall S. Rich
Pierce Atwood LLP
900 17th Street, N.W., Suite 350
Washington DC 20006

Re: Regulatory Status of North Coast Gas Transmission, LLC

Dear Mr. Rich:

You have inquired as to the regulatory status of North Coast Gas Transmission, LLC ("North Coast"), an Ohio Intrastate Gas Pipeline. North Coast applied for a certificate to operate as a pipeline company in the state of Ohio on February 27, 2004. See *Public Utilities Commission of Ohio Case No. 04-265-PL-ATA*. Tariffs were filed on behalf of North Coast on March 30, 2004 and they were approved on October 29, 2004. Since that time North Coast has been operating as an intrastate pipeline company regulated by the Public Utilities Commission of Ohio.

A review of the service maps and service territory of North Coast indicates that all customers of North Coast are located in the state of Ohio and that once natural gas enters the North Coast system it physically cannot leave the state of Ohio. Further, the proposed service line to provide natural gas to the Oregon Clean Energy Project would also be within the state of Ohio, and if constructed and owned by North Coast subject to price, service term and safety regulation by the Public Utilities Commission of Ohio. Thus under Section 1(c) of the Natural Gas Act, jurisdiction over the North Coast system rests with the Public Utilities Commission of Ohio and not the Federal Energy Regulatory Commission.

If you have any other questions concerning this inquiry, please contact me.

Sincerely,

M. Howard Petricoff

MHP/jaw

cc: Lee Lochtefeld
Michael Calderone
Jerry Westerfield

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/6/2013 3:53:24 PM

in

Case No(s). 12-2959-EL-BGN

Summary: Correspondence Regarding Regulatory Status of North Coast Gas Transmission electronically filed by Teresa Orahod on behalf of Sally Bloomfield for Oregon Clean Energy, LLC