



COLUMBUS | CLEVELAND
CINCINNATI-DAYTON
MARIETTA

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

April 2, 2015

Via Electronic Filing

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

Re: NTE Ohio, LLC, OPSB Case No. 14-534-EL-BGN

Dear Ms. McNeal:

The November 24, 2014, Opinion, Order, and Certificate ("Certificate") approving NTE Ohio, LLC ("NTE") Certificate of Environmental Compatibility and Public Need to Construct the Middletown Energy Center established a set of conditions as part of the Certificate.

Within this set of conditions, **Condition No. 16** requires that:

The Applicant shall contact Staff, ODNR, and USFWS within 24 hours a state or federal [threatened or endangered] species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the, Applicant, Staff, and ODNR in coordination with USFWS. Nothing in this condition shall preclude agencies having jurisdiction over the facility with respect to wildlife from exercising their legal authority over the facility consistent with law.

During the gravel laying portion of the construction as well as for the rest of construction on the project, if state or federal threatened or endangered species are encountered during tree clearing, Applicant will contact Staff, ODNR, and the USFWS within 24 hours. If Applicant encounters a situation that could adversely impact the identified plants or animals, it will halt the tree clearing activities until an appropriate course of action has been agreed upon by the Applicant, Staff, and ODNR in coordination with the USFWS in compliance with **Condition No. 16**.

If you have any questions please call at the number listed above.

Sincerely,

Sally W. Bloomfield

cc: Grant Zeto

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/2/2015 3:38:02 PM

in

Case No(s). 14-0534-EL-BGN

Summary: Correspondence of NTE Ohio, LLC in Compliance with Condition No. 16
electronically filed by Teresa Orahod on behalf of Sally Bloomfield