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May 25, 2018

Via Electronic Filing

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

RE: NTE Ohio, LLC
Cases No. 14-534-EL-BGN

Dear Ms. McNeal:

In compliance with the Ohio Power Siting Board's ("OPSB") Order on Certificate issued November 14, 2014, I am providing a list of conditions set forth in the Order on Certificate and the OPSB Staff Report that were met in sequential order *during the construction* of the Middletown Energy Center:

Condition	Subject	Status
1	The facility will be installed at the Applicant's site as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in this Staff Report of Investigation.	Applicant states that this condition was met.
2	Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in this Staff Report of Investigation.	Applicant states that this condition was met.

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Condition	Subject	Status
3	Applicant will implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in this Staff Report of Investigation.	Applicant states that it met this condition.
5	Applicant will use inert gases or compressed air for all cleaning of pipes during construction, consistent with the NFPA 56 (PS) "Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Pipeline Systems."	Complete – see filing dated August 31, 2015
6	Applicant shall coordinate with fire, safety, and emergency personnel during all stages of the project	Complete – see filings dated September 1, 2015 and September 23, 2015.
7	<p>General construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m.</p> <p>Impact pile driving and hoe ram operations, if required, will be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday.</p> <p>Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours if necessary.</p> <p>Applicant shall notify affected property owners or tenants who were notified pursuant to Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.</p>	Completed – see letter filed March 11, 2015 for tree-clearing activities, and letter filed April 2, 2015 for gravel laying and for the entire project.

Condition	Subject	Status
10	<p>Applicant must follow TTL Associates' recommendations in the design and construction of the facility.</p> <p>The Geotechnical Engineer shall be permitted to determine whether the recommendations should be change if there is a change in the project criteria or locations.</p>	Completed – see letter filed August 31, 2015
11	<p>Applicant shall repair damage to government maintained (public) roads and bridges caused by construction activity. Any damaged public roads and bridges shall be repaired promptly to the preconstruction state.</p>	Completed – see letter filed August 31, 2015
12	<p>Applicant shall not conduct any in-water work in perennial streams from April 15 to June 30 to reduce impacts to indigenous aquatic species and the habitat.</p>	Completed – see letter filed August 31, 2015
14	<p>Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 to July 31.</p>	Completed – see letter filed May 5, 2015 stating that gravel spreading was completed by April 14, 2015
15	<p>Applicant shall have an OPSB Staff-approved environmental specialist on site during construction activities that may affect sensitive areas.</p>	Completed – see letter filed May 6, 2015 listing environmental specialist, and approved by Staff on May 6, 2015. Also see letter filed on September 10, 2015.
16	<p>Applicant will contact Staff, ODNr, and the USFWS within 24 hours if state or federal threatened or endangered species are encountered during construction activities.</p> <p>Applicant will halt construction activities that could adversely impact the identified plants or animals until an appropriate course of action has been agreed upon by the</p>	Completed – see letter filed March 11, 2015 for tree-clearing activities, and letter filed April 2, 2015 for gravel laying portion of the construction as well as for the rest of construction on the project.

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Condition	Subject	Status
	<p>Applicant, Staff, and ODNR in coordination with the USFWS.</p> <p>Nothing in this requirement will preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.</p>	
OAC Rule 4906-3-13(B)	Applicant shall notify the board of the date on which construction will begin, the date on which construction was completed, and the date on which the facility began commercial operation.	Completed – see letter filed May 21, 2018 stating that construction was completed on or about May 18, 2018 and commercial operation began on or about May 18, 2018.

Staff Report Pg.	Subject	Status
14	Applicant shall limit the cutting of suitable habitat tree for the Indiana Bat to October 1 and March 31.	Completed – see letter filed September 1, 2015
15	Applicant will install a fire protection and detection system to include fixed water fire suppression systems, fire hose stations, hydrants, portable fire extinguishers, and detection and control systems designed and installed in accordance with National Fire Protection Association (NFPA) standards and insurer's recommendations.	Completed – see letter filed September 10, 2015
18	Applicant shall use mitigation measures to achieve the level operational impact of 4 dBA or less.	Completed – see letter filed September 10, 2015

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27	Applicant shall adhere to its procedures to ensure that potentially hazardous wastes are separated from normal waste, including segregation of storage areas and proper labeling of containers. Applicant shall adhere to its Spill Prevention, Containment, and Countermeasure Plan and follow manufacturers' recommendations for any spill cleanup.	Completed – see letter filed August 31, 2015

Opinion & Order Pg.	Subject	Status
11	Applicant, if it uses some fill for Wetland 2, for the construction of its southern access road, shall work with the UACE to assure that proper permitting is obtained.	Completed – see letters filed September 9, 2015 and September 10, 2015
12	Applicant shall utilize licensed contractors to truck off-site all solid waste in accordance with applicable regulatory requirements and managed in licensed facilities.	Completed – see letter filed August 31, 2015

Please contact me if you have any questions.

Sincerely,



Sally W. Bloomfield

Cc: Grant Zeto

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Correspondence of NTE Ohio, LLC in Compliance with the Order on Certificate electronically filed by Teresa Orahod on behalf of Sally W. Bloomfield