

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Duke Energy Indiana, Inc.)
1000 E. Main Street)
Plainfield, Indiana,)
)
Respondent.)
_____)

Docket No. CERCLA-05-2008-0009
MM-05-2008-0004
EPCRA-05-2008-0017

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MOTION TO EXTEND TIME FOR ALTERNATIVE DISPUTE
RESOLUTION PROCESS

On September 22, 2008, the Chief Administrative Law Judge issued an Order Initiating Alternative Dispute Resolution Process and Appointing Neutral. The Order provided that the Alternative Dispute Resolution Process (ADR) would terminate on November 21, 2008 absent an extension of time. The Order indicated that, upon request, ADR could be extended for up to 60 days. On November 21, 2008, Judge Spencer Nissen granted Complainant's unopposed Motion to Extend Time for Alternative Dispute Resolution Process for 30 days, or until December 21, 2008. Complainant now requests that the ADR process be extended by an additional 30 days, or until January 21, 2009. Counsel for Respondent concurs in this motion for a 30-day extension of ADR.

The parties have been negotiating. On November 12, 2008, the parties held a settlement conference in Chicago. On December 12, 2008, Respondent made a settlement proposal to EPA. The additional time requested will allow EPA to consider Respondent's proposal and will give the parties an opportunity to determine if a settlement can be reached.

Respectfully submitted,



Timothy J. Thurlow
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

**In the Matter of
Duke Energy Indiana, Inc.
Docket Nos. CERCLA-05-2008-0009, EPCRA-05-2008-0017 & MM-05-2008-0004**

Certificate of Service

I certify that I filed the original of Complainant's Motion to Extend Time for Alternative Dispute Resolution Process in this matter with the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and mailed by U.S. Mail and sent via facsimile a copy to Respondent's counsel, addressed as follows:

Larry J. Kane
Bingham McHale LLP
2700 Market Tower
10 West Market Street
Indianapolis, Indiana 46204-4900

and that I mailed by Pouch Mail and sent via facsimile, a copy addressed as follows:

Honorable Spencer T. Nissen
United States Environmental Protection Agency
Office of Administrative Law Judges
Mailcode 1900L/Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

on this 18th day of December, 2008.



Timothy J. Thurlow
Associate Regional Counsel