

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-05-2008-000)
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 which provided that the Alternative Dispute Resolution Process (ADR) would terminate on November 21, 2008 absent an extension of time.

A settlement conference in this matter was held in Chicago on November 12, 2008. At the conclusion of that conference, Counsel for Respondent indicated that Respondent would make a settlement proposal to EPA by November 21.

Accordingly, Complainant requests that the ADR process be extended by 30 days in order to give Complainant time to consider Respondent's proposal and for the parties to determine whether a settlement can be reached. Counsel for Respondent concurs in this motion for a 30-day extension of the ADR process.

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 19th day of November, 2008.



Timothy J. Thutlow
Associate Regional Counsel