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12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Terry R. Bossert

tbossert@postschell.com
717-612-6019 Direct
717-720-5380 Direct Fax
File #: 173503

August 13, 2018

VIA REGULAR MAIL

Mr. H. Scott Swarm
Program Manager, Waste Management
PA Department of Environmental Protection
Southwest Regional Office
404 Waterfront Drive
Pittsburgh, PA 15222

RECEIVED

AUG 16 2018

DEP, SOUTHWEST REGION
WASTE MANAGEMENT

Re: Former Tub Mills Farms, Inc., Elk Township, Somerset Count, PA

Dear Mr. Swarm:

This is in response to your letter dated July 11, 2018 sent to Northern Indiana Public Service Company ("NIPSCO") through Corporation Service Company and received by NIPSCO on July 19, 2018. Please be advised that the Northern Indiana Public Service Company is a public utility regulated by the Utility Regulatory Commission of Indiana authorized to provide public utility services in and only within the State of Indiana. NIPSCO does not operate within the Commonwealth of Pennsylvania, has no offices within the Commonwealth of Pennsylvania, and does not conduct business within the Commonwealth of Pennsylvania. Accordingly, we do not acknowledge that the Pennsylvania Department of Environmental Protection has any regulatory authority over NIPSCO or has the authority to request information from NIPSCO. Nevertheless, in an effort to be cooperative, but without waiving any rights, privileges, or defenses, we are responding to your letter.

In general, NIPSCO has no knowledge regarding the Site or any materials of any nature being taken to the Site by any entity. We are aware of certain allegations made by the current Owner/Operator of the Site in civil litigation commenced in the Court of Common Pleas of Somerset County, Pennsylvania. We assume you have access to the pleadings in that matter. Those pleadings provide very little information regarding poles that formerly belonged to NIPSCO being present on the site or how they allegedly came to be on the Site. If the Department has additional information in that regard we would be glad to examine it.

During the period 2002 to mid-2013, NIPSCO contracted with Northern Pacific Lumber Co., Pole & Piling Division and thereafter, its successor, Bridgewell Resources, LLC to provide

Mr. H. Scott Swarm
August 13, 2018
Page 2

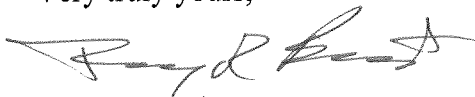
NIPSCO with new utility poles. In addition, those same vendors were engaged to remove discarded poles from various NIPSCO locations within Indiana. We have no knowledge that any Transferee took material to the Site. After October 2013, none of the identified Transferees performed this service for NIPSCO.

Specifically, we have no knowledge that any Transferee, as defined in your letter, took utility poles formerly belonging to NIPSCO to the Site, nor has NIPSCO directed or acquiesced in the shipment of utility poles to the Site. A search of our business records in connection with the aforementioned civil litigation, has failed to identify any documents which reference Tub Mill Farms, Inc., Mr. Terry Brenneman, or L&K Industries, Inc. Affidavits to that effect filed in the civil litigation are attached for your reference.

The poles purchased by NIPSCO were already treated with preservative when purchased and to the best of NIPSCO's knowledge, information, and belief, were treated with pentachlorophenol during the relevant time period.

We have no information regarding other persons or companies whose materials may have reached the Site. Several companies were named in the original Writ of Summons filed in this matter. A copy of the Praecipe for Writ of Summons naming those parties is enclosed with this letter.

Very truly yours,



Terry R. Bossert

TRB/kjg

cc: John H. Herman, Esquire
NIPSCO

JPO SOMERSET TRUST,

Plaintiff

V.

BRIDGEWELL RESOURCES, LLC,
VERIZON COMMUNICATIONS, INC.,
NORTHERN INDIANA PUBLIC
SERVICE CO., INC., FRONTIER
COMMUNICATIONS CORP.,
EVERSOURCE ENERGY, KOPPERS,
INC., TERRY L. BRENNEMAN, AND
TUB MILL FARMS INC.,

Defendants

: IN THE COURT OF COMMON PLEAS OF
: SOMERSET COUNTY, PENNSYLVANIA

: NO. 470 CIVIL 2016

AFFIDAVIT OF ETHAN DESCHO

I, Ethan Descho, being duly sworn upon oath, depose and state that I could competently testify to the following:

1. I am over eighteen years of age, suffer no legal incapacity, and am competent to testify in the matters set forth below.

2. I make this declaration based on my personal knowledge, review of relevant documents, and information from others with knowledge employed by Northern Indiana Public Service Company (“NIPSCO”) or NiSource Inc., the parent company of NIPSCO.

3. If called as a witness, I could testify competently in any proceeding in this action about the matters set forth herein.

4. I am the Manager of Records Management for NIPSCO and have held that position since March of 2018.

5. I have reviewed the Complaint filed by the Plaintiff in the above-captioned action.

6. Based on my review of the Complaint I understand that Plaintiff speculates that Bridgewell Resources, LLC ("Bridgewell") was engaged to dispose of used poles at a property owned at the time by Tub Mill Farms, Terry Brenneman and/or L&K Industries.

7. To the best of my knowledge, information and belief, at times relevant to the above-captioned action, NIPSCO engaged Bridgewell to remove and dispose of its utility poles.

8. Bridgewell was an independent contractor of NIPSCO, over which NIPSCO had no control.

9. To the best of my knowledge, information and belief, at all times relevant to the above-captioned action, Bridgewell had neither the authority nor power to act as NIPSCO's agent in the state of Pennsylvania.

10. To the best of my knowledge, information and belief, at all times relevant to the above-captioned action, NIPSCO maintained no control over the actions of Bridgewell, including the disposal of its utility poles, once Bridgewell obtained possession of said utility poles.

11. To the best of my knowledge, information and belief, at all times relevant to the above-captioned action, NIPSCO did not direct Bridgewell where and/or how to dispose of the utility poles.

12. I have conducted a records search regarding any shipments by Bridgewell, NIPSCO's independent contractor, to Tub Mill Farms, Terry Brenneman or L&K Industries, and based upon those records, to the best of my knowledge, information and belief, no shipments were sent to Pennsylvania.

13. To the best of my knowledge, information and belief, NIPSCO has not had any voluntary contact with Pennsylvania that relates to the utility poles at Plaintiff's Property, or the matters set forth in their Complaint.

14. I declare under penalty of perjury under the laws of the United States of America and the Commonwealth of Pennsylvania that the foregoing is true and correct to the best of my knowledge.

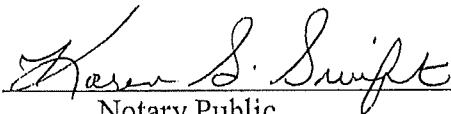
FURTHER, THIS AFFIANT SAYETH NOT.

^{ED}
6/26/18
Date


Ethan Descho, Inventory Control Manager
Northern Indiana Public Service Company

STATE OF INDIANA)
)
COUNTY OF LAKE)

Sworn to and subscribed before me this 26 day of June, 2018.


Notary Public

My Commission Expires: July 25, 2019

KAREN SUSAN SWIFT
Notary Public
SEAL
Lake County State of Indiana
My Commission Expires July 25, 2019

6. NIPSCO is not organized under the laws of the Commonwealth of Pennsylvania (“Pennsylvania”). NIPSCO is not currently registered to conduct business within Pennsylvania.

7. NIPSCO does not own or lease any real property in Pennsylvania.

8. NIPSCO does not own or lease any personal property in Pennsylvania.

9. NIPSCO does not provide utility service in Pennsylvania. NIPSCO has no regulatory authority from Pennsylvania to provide utility service.

10. NIPSCO has no corporate offices or facilities in Pennsylvania.

11. NIPSCO does not directly sell any product within Pennsylvania.

12. NIPSCO does not direct any advertisements to citizens or residents of Pennsylvania, and what information NIPSCO does provide on the internet is not directed specifically to Pennsylvania.

13. I have reviewed the Complaint filed by the Plaintiff in the above-captioned action.

14. Based on my review of the Complaint filed by the Plaintiff in the above-captioned action, I understand that Plaintiff’s claims relate to utility poles at a property operated at various times by Tub Mills Farms, Terry Brenneman and/or L&K Industries.


15. I have conducted and/or overseen a corporate records search regarding any contractual relationships with Tub Mill Farms, Terry Brenneman or L&K Industries, and to the best of my knowledge, information and belief, NIPSCO has never conducted business with Tub Mill Farms, Terry Brenneman or L&K Industries.

16. NIPSCO does not consent to the exercise of personal jurisdiction over it by a Pennsylvania court in this action.

17. I declare under penalty of perjury under the laws of the United States of America and the Commonwealth of Pennsylvania that the foregoing is true and correct to the best of my knowledge.


FURTHER, THIS AFFIANT SAYETH NOT.

June 25, 2018
Date

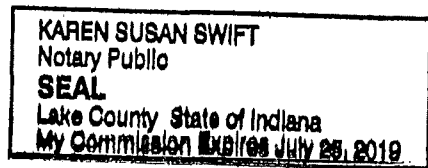

Samuel K. Lee, Vice President and
Corporate Secretary of
Northern Indiana Public Service Company

STATE OF INDIANA)
)
COUNTY OF LAKE)

Sworn to and subscribed before me this 25 day of June, 2018.


Notary Public

My Commission Expires: July 25, 2019



IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY,
PENNSYLVANIA

JPO SOMERSET TRUST,

Plaintiff,

vs.

BRIDGEWELL RESOURCES, LLC,
VERIZON COMMUNICATIONS, INC.
AMERICAN ELECTRIC POWER
CO., INC., NORTHERN INDIANA
PUBLIC SERVICE CO., INC.,
FRONTIER COMMUNICATIONS CORP.,
APPALACHIAN POWER CO.,
EVERSOURCE ENERGY, KOPPERS,
INC.,

Defendants.

CIVIL DIVISION

No.

470 Civil 2016

**PRAECIPE FOR WRIT OF SUMMONS
IN CIVIL ACTION**

Filed on behalf of:
JPO Somerset Trust

Counsel of Record:

Patricia L. McGrail, Esquire
P.A. ID #: 33404

Ashley S. Wagner, Esquire
P.A. ID #: 313667

McGrail & Associates, LLC
Firm #545

1714 Lincoln Way
White Oak, PA 15131
(412) 664-4433

9-7-16
(1) writ delivered to Sheriff for service
and writs issued and mailed
to atty. McGrail

FILED FOR RECORD
2016 SEP -6 PM 2:20
ANGIE SYLWANELO
PROTHONOTARY
SOMERSET, PA

**IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY,
PENNSYLVANIA**

| | | |
|--------------------------------|---|----------------|
| JPO SOMERSET TRUST, | : | CIVIL DIVISION |
| | : | |
| Plaintiff, | : | No. |
| | : | |
| vs. | : | |
| | : | |
| BRIDGEWELL RESOURCES, LLC, | : | |
| VERIZON COMMUNICATIONS, INC. | : | |
| AMERICAN ELECTRIC POWER | : | |
| CO., INC., NORTHERN INDIANA | : | |
| PUBLIC SERVICE CO., INC., | : | |
| FRONTIER COMMUNICATIONS CORP., | : | |
| APPALACHIAN POWER CO., | : | |
| EVERSOURCE ENERGY, KOPPERS, | : | |
| INC., | : | |
| | : | |
| Defendants. | : | |

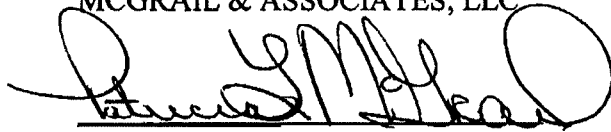
**PRAECIPE FOR WRIT OF
SUMMONS IN CIVIL ACTION**

To the Prothonotary:

Please issue a Writ of Summons in Civil Action naming BRIDGEWELL RESOURCES, LLC, VERIZON COMMUNICATIONS, INC., AMERICAN ELECTRIC POWER CO, INC., NORTHERN INDIANA PUBLIC SERVICE CO., INC., FRONTIER COMMUNICATIONS CORP., APPALACHIAN POWER CO., EVERSOURCE ENERGY, and KOPPERS, INC. as the Defendants in the above-referenced matter.

Respectfully Submitted,

MCGRAIL & ASSOCIATES, LLC



Patricia L. McGrail, Esquire
Ashley S. Wagner, Esquire
Attorneys for Plaintiff



September 2, 2016

VIA: First Class Mail

Somerset County Prothonotary
111 East Union St. – Ste. 165
Somerset, PA 15501

RE: JPO Somerset Trust v. Bridgewell Resources, LLC, et al
Writ of Summons
Our File No. 400.152

Dear Ms. O'Brien:

Enclosed please find the original and one copy of a Praecipe for Writ of Summons and a check in the amount of \$91.00 representing the filing fee. Please file the original and return a time stamped copy to me in the enclosed self-addressed, stamped envelope.

Also enclosed are the following items:

- A Sheriff's Direction Sheet;
- A check in the amount of \$200.00 representing the Sheriff's fee for Service of the Writ;
- A Deputization of Sheriff sheet for Allegheny County; and
- A check payable to Allegheny County Sheriff in the amount of \$75.00.

Please provide these items and the Writ of Summons for one defendant, Koppers, Inc., to the Sheriff for service.

If you have any questions with regard to this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Patricia L. McGrail', is written over the typed name.

PATRICIA L. McGRAIL

PLM/rab
Enclosures

IN THE COURT OF THE COMMON PLEAS
SOMERSET COUNTY, PENNSYLVANIA - CIVIL DIVISION

WRIT OF SUMMONS

JPO SOMERSET TRUST,
Plaintiff

Vs

No. 470 Civil 2016

BRIDGEWELL RESOURCES, LLC,
VERIZON COMMUNICATIONS, INC.
AMERICAN ELECTRIC POWER
CO., INC., NORTHERN INDIANA
PUBLIC SERVICE CO., INC.,
FRONTIER COMMUNICATIONS CORP.,
APPALACHIAN POWER CO.,
EVERSOURCE ENERGY, KOPPERS,
INC.,

Defendants

TO: Bridgewell Resources, LLC, Verizon Communications, Inc., American Electric Power Co., Inc., Northern Indiana Public Service Co., Inc., Frontier Communications Corp., Appalachian Power Co., Eversource Energy, Koppers, Inc.

YOU ARE NOTIFIED THAT JPO Somerset Trust,
HAS COMMENCED AN ACTION AGAINST YOU.

Date: September 6, 2016 @ 2:20 pm

Prothonotary

Deputy

Plaintiff's Attorney: Patricia L. McGrail, Esquire