

Plant Gaston (Wilsonville)  
Coal Track Crossing  
Southwestern of Norfolk Southern  
1/2 mile Post 109

DMJM Harris

The Atlantic Building, 260 South Broad Street, Suite 1500, Philadelphia, PA 19102

T 215.735.0832 F 215.735.0903 www.dmjmharris.com

In SW 1/4 of Section 32  
Township 20 South, Range  
2 East, Shelby County,  
Alabama  
70233776



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09/16/2010 02:18:04 PM FILED/CERT

February 5, 2008

Mr. Michael Lynn  
Designer  
Southern Company Generation  
42 Inverness Center Parkway  
Birmingham, AL 35242

Subject: Wilsonville, Shelby County, Alabama  
The Southern Companies Tracks off of Milepost 109.32-N on the Fort McClellan-Wilton Line,  
Alabama Division

Norfolk Southern Activity Number 1104433

Proposed installation of a two (2) 6-inch PVC conduits for two (2) 500KV three phase circuits  
encased in two (2) 10-inch steel pipes

Dear Mr. Lynn:

Please refer to your November 15, 2007 letter and accompanying plans for the subject facility for Alabama Power Company. The proposed facility is located on property that belongs to a private industry, not Norfolk Southern. However, Norfolk Southern does operate trains on the track(s) at this location. With regard to your application for installation of the referenced duct banks, please be advised that the proposed installation detailed in your application has been reviewed and complies with Norfolk Southern Specifications. Please ensure that the Facilities are installed in a manner that will not interfere with Railway's use of the track, and in accordance with (a) plans and specifications shown on said prints, (b) the enclosed "Norfolk Southern General Conditions", and (c) applicable regulations prescribed by statute or by governmental authority and General Conditions.

It is our understanding that Alabama Power (Southern Companies) has previously furnished the necessary certificates to Norfolk Southern's Director of Risk Management covering your obligations for General Liability and RR Protective Liability Insurance. Our records indicate the **policies expire May 1, 2008.**

This letter acknowledges receipt of your payment in the amount of \$1,420.00, payable to DMJM Harris.

Prior to start of work on Railway right of way, you are required to contact the following for scheduling of flag protection and inspection:

W.B. Kerchof of our Alabama Division Engineer's office, telephone (205) 951-4723

R.B. Smith, Gen. Supv. Communications & Signals, (205) 951-4720

Once contacted, the Division Engineer requires 72 hours to review the need for and availability of flagmen for this project and will advise you of the cost of said flagmen. No work is permitted on Railway right of way without a flagman or the Division Engineer's agreement to waive the flag protection requirement.

Thank you for your cooperation.  
Very truly yours,

James S. McKay  
Contract Administrator  
(215) 966-4819  
[james.mckay@dmjmharris.com](mailto:james.mckay@dmjmharris.com)



**NORFOLK SOUTHERN RAILWAY COMPANY  
GENERAL CONDITIONS – CONSTRUCTION OF PIPELINE FACILITIES**

- 1) Facilities must conform with all federal, state and local laws, rules and regulations. Facilities shall not be attached to any railroad structure or appurtenance.
- 2) Facilities shall comply with Railway's NSCE-8 Specification, latest edition.
- 3) Facilities will be installed, maintained, repaired and renewed by and at the sole risk, cost and expense of Applicant.
- 4) Applicant shall, at its expense, pay the risk financing fee set forth in subparagraph (i) below and procure and maintain with insurance companies satisfactory to Railway, the insurance policies described in subparagraphs (ii) and (iii).

(i) Prior to the installation of the Facilities or entry by Applicant or any of its contractors, Applicant shall pay Railway a risk financing fee of \$1,000.00 per installation (herein called the "Risk Financing Fee") to provide Railroad Protective Liability Insurance or such supplemental insurance (which may be self-insurance) as Railway, in its sole discretion, deems to be necessary or appropriate.

(ii) Prior to the installation of the Facilities, or any subsequent entry by Applicant upon Railway's property, Applicant, and each of its contractors, shall at its sole expense procure and maintain for the course of any such installation or entry, a Commercial General Liability Insurance policy having a combined single limit of not less than \$1,000,000 for each occurrence, naming Railway as an additional insured and containing products and completed operations and contractual liability coverage;

(iii) Prior to any entry upon Railway's property occurring after installation of the Facilities, unless Railway elects to make available and Applicant pays the then current risk financing fee for each affected installation, Applicant, or its contractor, shall at its sole expense procure and maintain during such entry a policy of Railroad Protective Liability Insurance naming Railway as a named insured and having combined single limits of not less than \$2,000,000 for each occurrence and \$6,000,000 in the aggregate. Such policy shall be written using Insurance Services Offices Form Number CG 00 35 10 01.

All insurance required under the preceding subparagraphs (ii) and (iii) shall be underwritten by insurers, and be of such form and content, as may be acceptable to Railway. Evidence of such insurance (a certificate of insurance for the Commercial General Liability Insurance policy and an original Railroad Protective Liability Insurance policy for subsequent entry when Railway does not make available a risk financing fee therefor) shall be furnished to Railway's Director Risk Management, Three Commercial Place, Norfolk, Virginia 23510-2191 for review and approval.

- 5) Prior to the installation of the Facilities or entry by Applicant or any of its contractors, Applicant is required to contact the Railway's Division Engineer's office for scheduling of flag protection and inspection. The contact information for the Railway's construction representatives will be provided after receipt of satisfactory insurance as required by item 4 above.

Once contacted, the Division Engineer requires 72 hours to review the need for and availability of flagmen for this project and will advise of the cost of said flagmen. No work is permitted without a flagman or the Division Engineer's agreement to waive the requirement for flag protection. Entry or construction on, over or under Railway property of facilities without the Division Engineer's prior approval is considered trespassing.

- 6) If Railway deems it advisable during the progress of any work of construction, maintenance, repairs and renewals, alterations, adjustments or removal of the Applicant's facilities to place watchmen, flagmen,



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inspectors or any other employees deemed necessary by Railway for the protection of its train traffic and the protection of the property owned or in possession or control of Railway, or its employees, patrons, or licensees, Railway shall have the right to do so and Applicant shall bear the full cost and expense thereof and shall promptly reimburse Railway upon demand.

- 7) Upon abandonment of the Facilities by Applicant, Applicant shall seek direction from Railway's Chief Engineer, or his representative, regarding the method of such abandonment in place or removal thereof.
- 8) Applicant shall be responsible for any settlement caused to the roadbed, right of way and/or tracks, facilities and appurtenances of Railway arising from or as a result of the installation of the Facilities, and Applicant shall pay to Railway on demand the full cost and expense thereof.



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**APPLICATION FOR PIPE OR WIRE OCCUPANCY**  
(Please fill out questions 1-7 and include these 2 pages with your application)

Please answer all questions and include:

DMJM+HARRIS  
260 South Broad Street  
Suite 1500  
Philadelphia, PA 19102  
(215) 735-0832  
Attn: NS Pipe and Wire Administrator

DMJM Harris

RECEIVED

- 1) Legal Name and Address of Applicant (party to agreement)  
Legal Name\*\*: ALABAMA POWER CORPORATION  
Street: 600 N. 18<sup>TH</sup> ST.  
City: BIRMINGHAM State: AL Zip: 35203

**\*\*Please ensure that the exact legal name is provided with no abbreviations. This name will be used for agreement preparation, as well as the information below.**

- 2) Applicant (party to agreement) is a:  
☒ Corporation – give state of formation: ALABAMA  
☐ Limited Partnership – give state of formation: \_\_\_\_\_  
☐ General Partnership – give state of formation: \_\_\_\_\_  
☐ Sole Proprietorship – give state of formation: \_\_\_\_\_  
☐ Individual  
☐ Government Entity  
☐ Other: \_\_\_\_\_
- 3) Name and Address of Applicant's Representative:  
Name: MICHAEL LYNN  
Title: DESIGNER  
Company: SOUTHERN COMPANY GENERATION  
Street: 42 INVERNESS CENTER PARKWAY  
City: BIRMINGHAM State: AL Zip: 35242  
Telephone: 205-992-7430 Fax: 205-992-5884  
E-Mail Address: x2mlynn@southernco.com
- 4) Location of Proposed Facility:  
City/Municipality: WILSONVILLE County: SHELBY State: AL  
Name of Closest Street Crossing of Railroad: AL HIGHWAY 25  
Street Grade Crossing AARDOT #: \_\_\_\_\_  
GPS Coordinates: Latitude 33-14-35N Longitude 86-27-48W  
Footage (1690) and direction (N/S E/W) from Railroad Mile Post No. 109  
or center of public Highway Crossing or Bridge \_\_\_\_\_  
(Name of Street)



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5) Will Facility be Located Entirely Within Corridor of a Public Right-of-Way?

( ) Yes ( ) No

\* If yes, provide conclusive evidence for verification in the form of a letter or memo from the appropriate Road Authority indicating the proposed installation is acceptable to the Road Authority.

Street width: \_\_\_\_\_ Street Right of Way width: \_\_\_\_\_

Road Authority Responsible for Street Maintenance

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

6) Proposed Facility to be Installed is a:

(X) New facility ( ) Upgrade of an existing facility\*

\*If an upgrade, please identify and attach copy of current agreement for the facility.

7) Proposed Installation/Construction Date(s): JAN 2008

If application is approved, applicant agrees to reimburse the Railroad for any cost incurred by the Railroad incident to installation, maintenance, and/or supervision necessitated by this pipeline or wireline installation, and further agrees to assume all liability for accidents or injuries which arise as a result of this installation.

11-15-07  
Date

[Signature]  
Signature



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DMITTEE HARRIS

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**Underground Wires and Conduits (Complete all Applicable Information)**

a) Type of Proposed Installation:

- i) ☐ Transverse Crossing Only
- ii) ☐ Longitudinal (parallel to tracks) Occupancy Only
- iii) ☐ Longitudinal and Transverse Crossing(s)
- iv) ☐ Wire line in highway under railroad bridge
- v) ☐ Wire line on highway bridge over railroad

b) Type of wire: ( ) Cable TV ( ) Telephone (X) Electric Power ( ) Fiber Optic  
( ) Other (Specify): \_\_\_\_\_

c) Specification of Wire Line:

Gauge of Wire: 500 KCM  
Material of Wire: COPPER  
Max. circuit voltage for Electric Power line: 12.47 KV  
Max. circuit voltage for secondary circuits: NA  
Total Number of Fibers in FOC: \_\_\_\_\_  
Total Number of Pairs in Telephone: \_\_\_\_\_  
Cable type and capacity: 500 KCM @ 465 AMPS

d) Specification of Conduit (Encasement):

Please use the CONDUIT DATA SHEET on last page of this application.

e) Will conduit be a casing pipe for multiple innerducts?

( ) Yes\* (X) No

\*If yes, provide a cross section of the casing pipe indicating all innerducts with the content of each innerduct clearly labeled. Spare ducts shall be clearly indicated. See last page of this application for Conduit Data Sheet and an Example of a cross section.

f) Proposed method of installation (Check proposed method):

**WET BORES OR WATER JETTING IS NOT PERMITTED.**

- i) ☒ Bore and jack (See Section 5.1.3 of NSCE-8)
- ii) ☐ Jacking (See Section 5.1.4 of NSCE-8)
- iii) ☐ Tunneling (Tunnel Liner Plate) (See Section 5.1.5 of NSCE-8)
- iv) ☐ Direction Boring/Horiz. Direction Drilling – Method A (See Section 5.1.6 of NSCE-8)
- v) ☐ Direction Boring/Horiz. Direction Drilling – Method B (See Section 5.1.6 of NSCE-8)
- vi) ☐ Open Cut (See Section 5.1.2 of NSCE-8)
- vii) ☐ Other (Specify): \_\_\_\_\_

All underground conduit applications must include a Conduit Data Sheet, Plan and Profile View of the proposed facility. See the NSCE-4 and NSCE-8 for the required format. Below is a suggested check-list for your plan development.

Conduit Data Sheet (blank copy attached)

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**CONDUIT DATA SHEET**  
(For use with directional boring and longitudinal occupancy)

	CONDUIT / CASING PIPE
NOMINAL SIZE OF PIPE	6"
MATERIAL	PVC
OUTSIDE DIAMETER	6.625
INSIDE DIAMETER	6.031
WALL THICKNESS - must be at least 0.188"	0.594
TYPE OF COATING	None
METHOD OF INSTALLATION*	INSIDE STL CASING

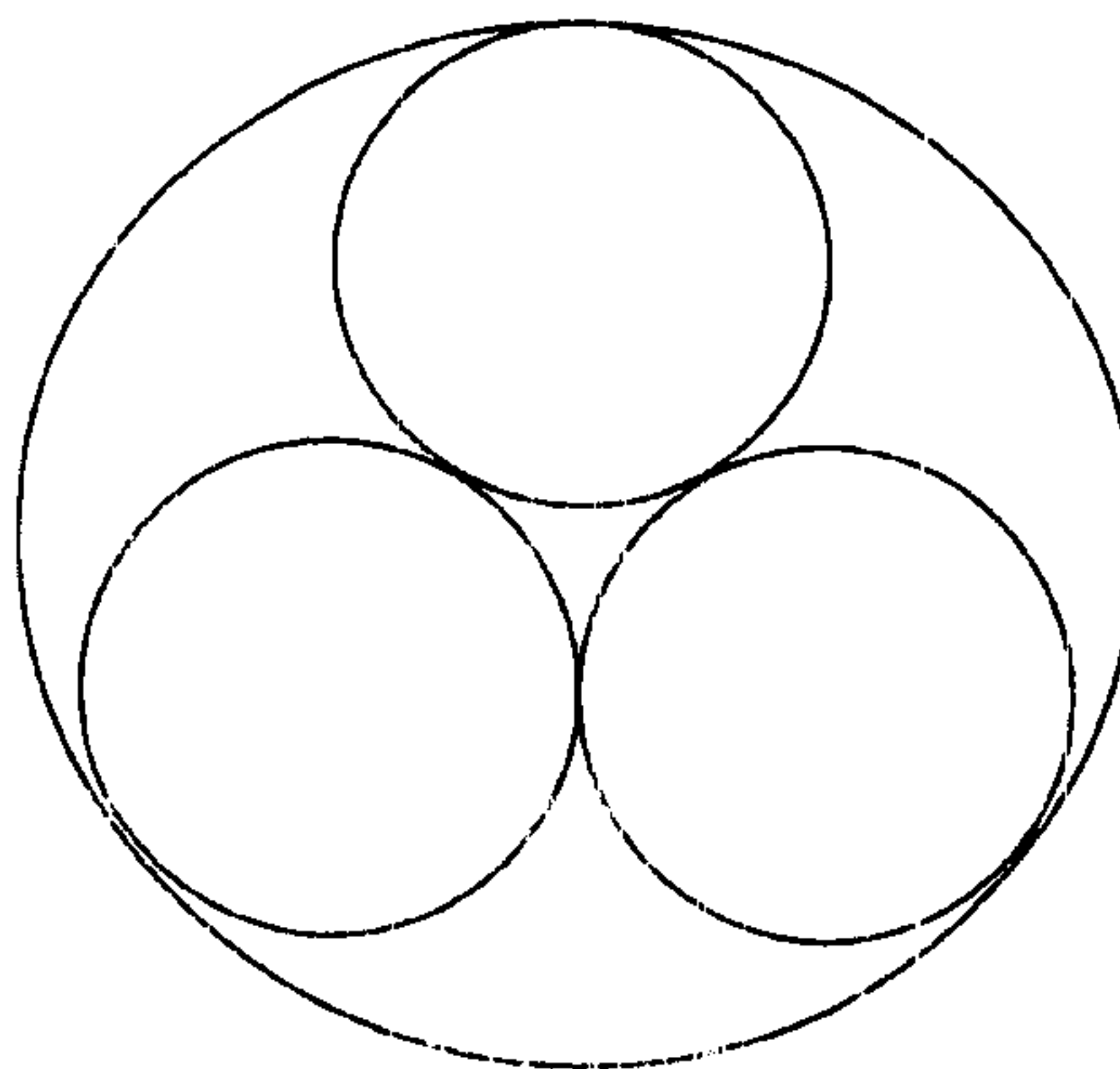
\* - Please specify your proposed method of installation and **clearly** indicate the entry and exit points (especially for Directional Boring Method "A"). As per the NSCE-8, the following are approved methods for installing conduits or casing pipes for wirelines:

- ☐ Open Cut (Section 5.1.2)
- ☐ Jack & Bore (Section 5.1.3)
- ☐ Directional Boring Method "A" (Section 5.1.6) – no pits required
- ☐ Directional Boring Method "B" (Section 5.1.6) – pits required, but can only be used for casing pipes (conduits) 6 inches or less.

**MULTIPLE INNERDUCTS**

NUMBER OF INNERDUCTS WITHIN CASING PIPE: 1

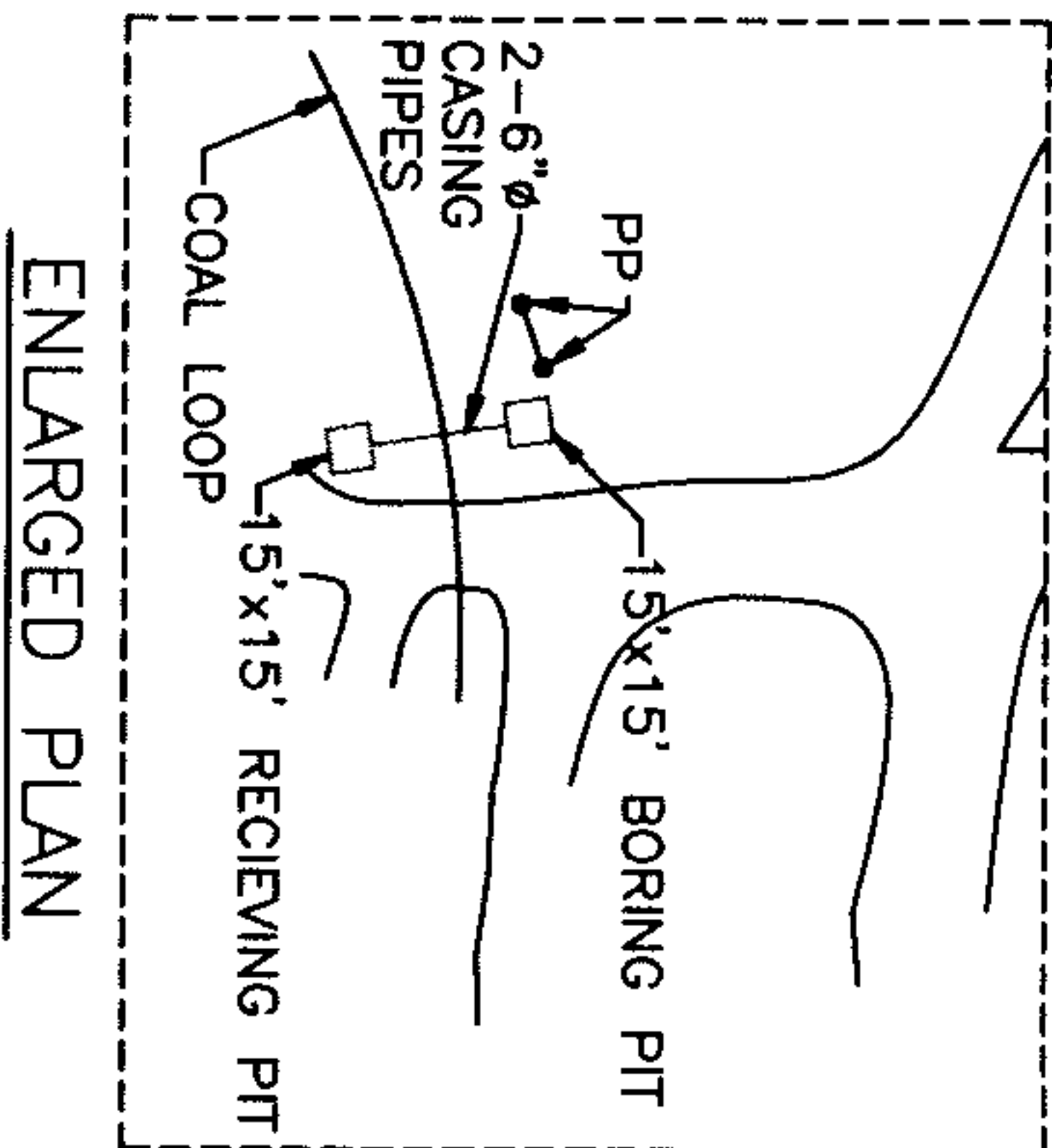
- Provide a detail or cross section of the casing pipe with innerducts (see below).
- Clearly mark the type of facility that will be installed within each innerduct. If innerduct will be left spare or empty, please identify that.



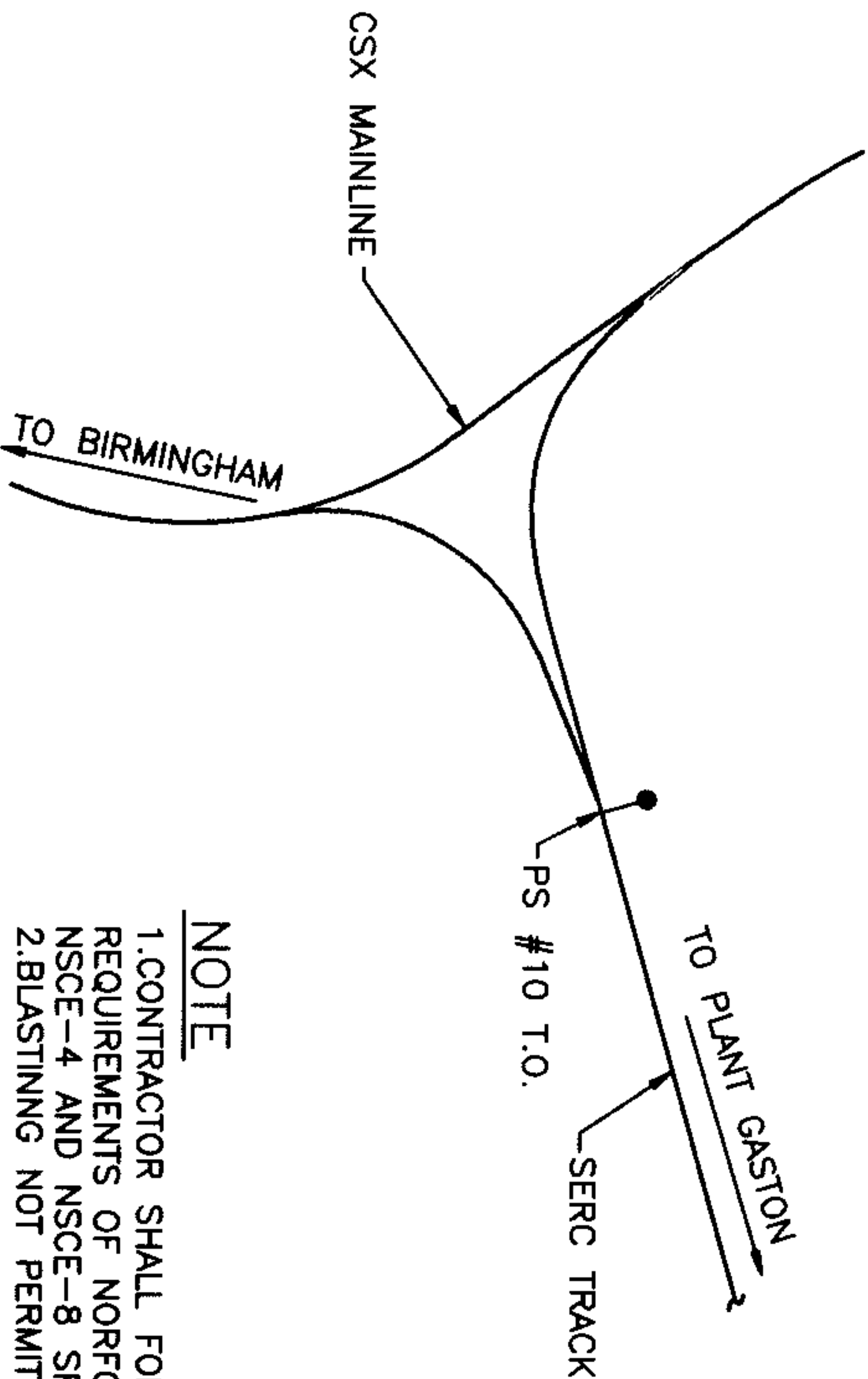
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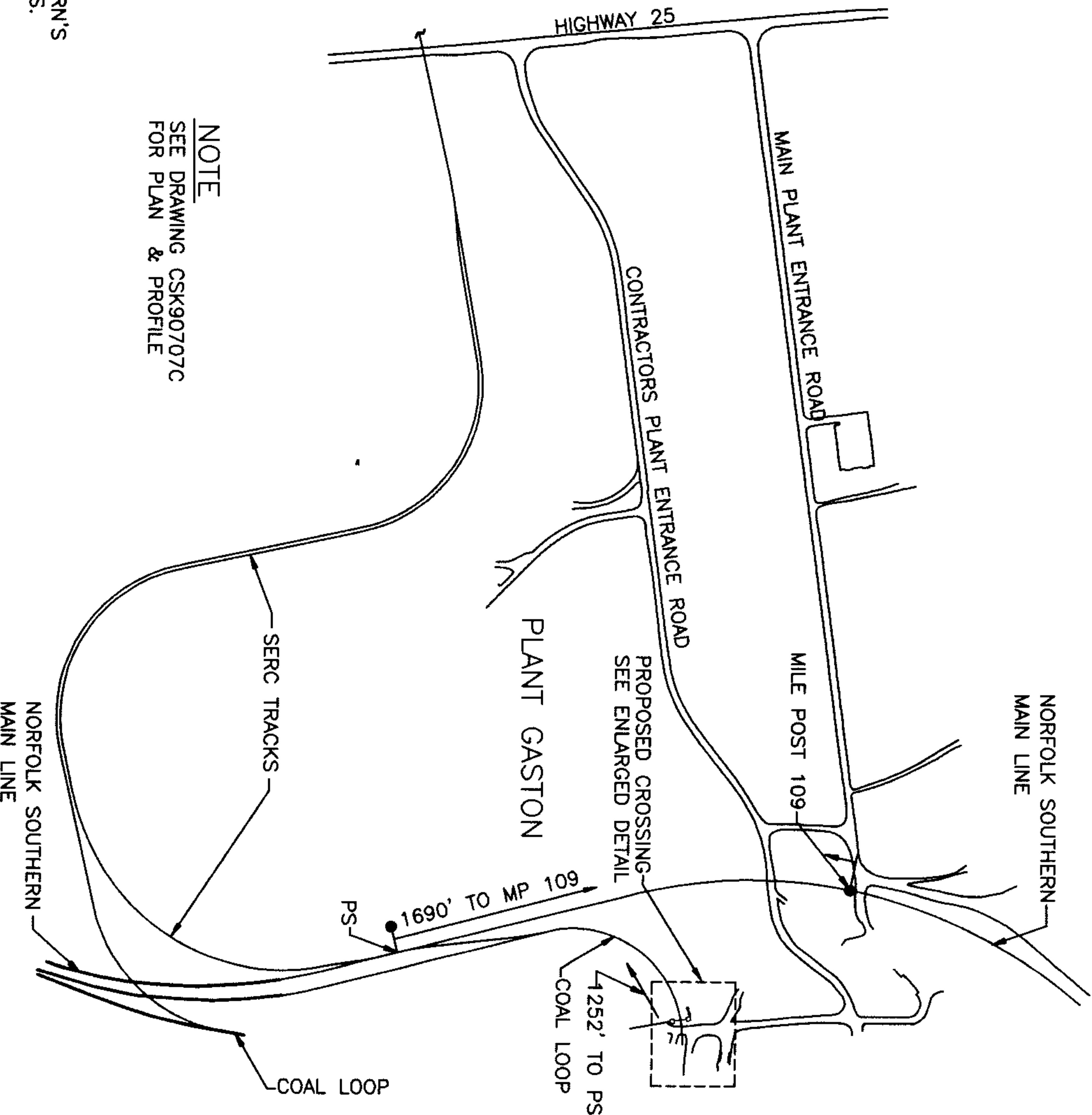


**NOTE**

1. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF NORFOLK SOUTHERN'S NSCE-4 AND NSCE-8 SPECIFICATIONS.
2. BLASTING NOT PERMITTED.

**NOTE**

SEE DRAWING CSK90707C  
FOR PLAN & PROFILE



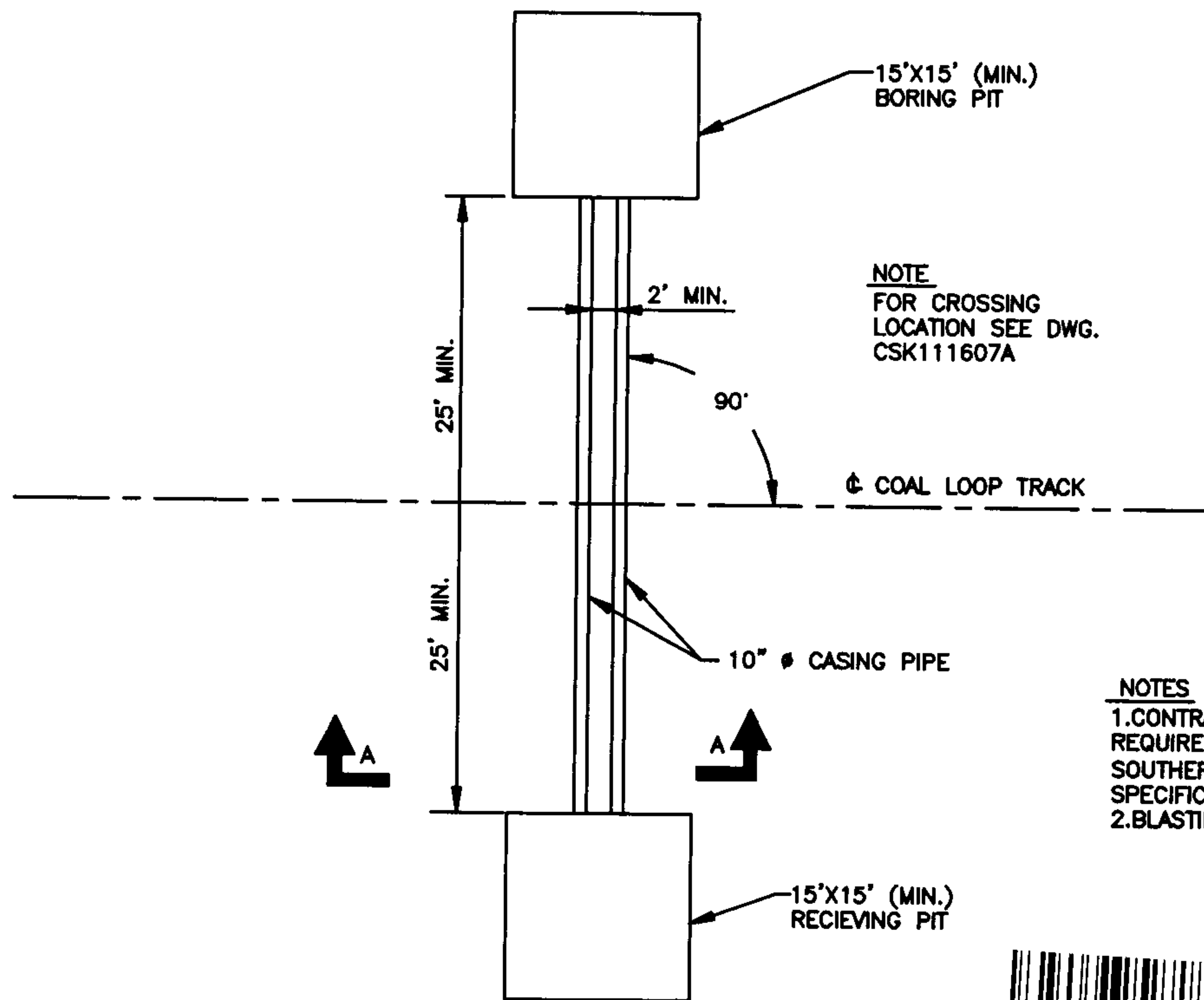
REV.	DATE	DESCRIPTION	BY	CHK'D	CIVIL APPR	ELECT APPR	I/C APPR	MECH APPR	DISC MGR
B	1/24/08	REVISED PER NS COMMENTS	MHL	RCB	EMB				CKT
A	9/07/07	ISSUED FOR PERMIT	MHL	RCB	EMB				CKT

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PLANT GASTON  
COAL TRACK CROSSING

Alabama Power Company				
SCALE	PROJ. I.D.	DRAWING NUMBER	SHEET	CONT'D.
1"=500'	2120DE	CSK111607A	1	FINAL



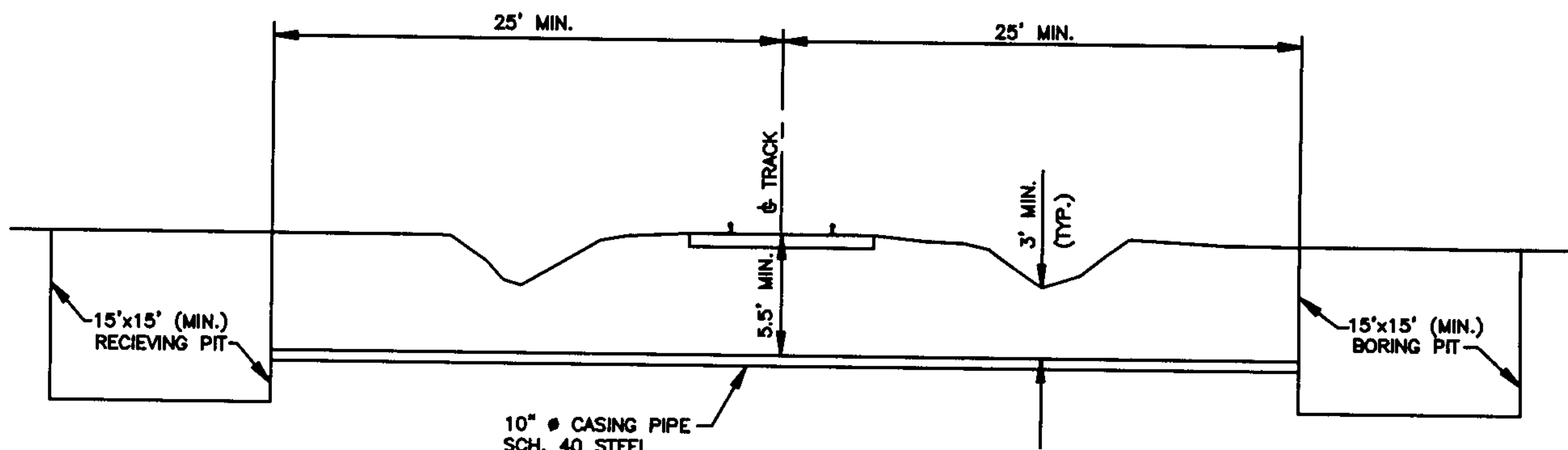
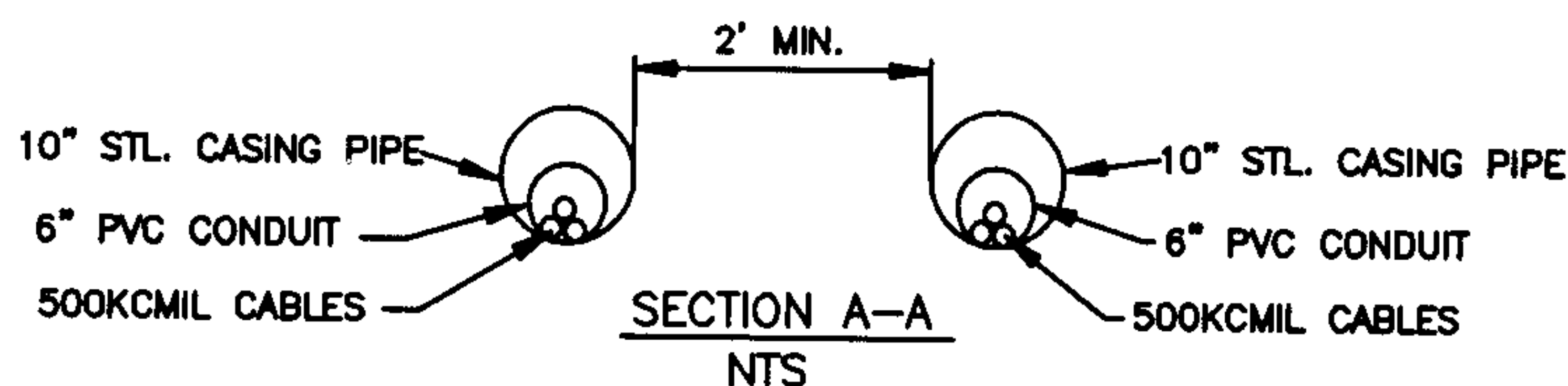


NOTE  
FOR CROSSING  
LOCATION SEE DWG.  
CSK111607A

NOTES  
1. CONTRACTOR TO FOLLOW ALL  
REQUIREMENTS OF NORFOLK  
SOUTHERN'S NSCE-4 NSCE-8  
SPECIFICATIONS.  
2. BLASTING NOT PERMITTED.

PLAN  
SCALE 1"=10'

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PROFILE

B	1-24-08	REVISED PER NS COMMENTS							
A	11-16-07	ISSUED FOR PERMIT	MHL		EMB				CKT
REV.	DATE	DESCRIPTION	BY	CHK'D	CIVIL APPR	ELECT APPR	I/C APPR	MECH APPR	DISC MGR
PLANT GASTON COAL TRACK CROSSING				Southern Company Generation Engineering and Construction Services FOR					
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PROJ I.D.		DRAWING NUMBER		SHEET		CONT'D		REV	
2120DE		CSK111607C		1		FINAL		B	