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PENDING PETITION MEMO

Date: 3/29/2007

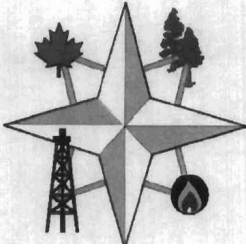
TO : A&F
G&W
OGC

FROM: CENTRAL OPERATIONS

UTILITY: NATIONAL FUEL GAS DISTRIBUTION CORPORATION

SUBJECT: 07-G-0378

Petition of Seneca Resources Corporation for Approval of the Transfer of Facilities to National Fuel Gas Corporation Pursuant to Section 70 of the Public Service Law.



Seneca Resources Corporation

60 Earhart Drive, Suite 1
Williamsville, New York 14221
Tel (716) 250-7532

Fax (716) 250-7556

07-G-0378
RECEIVED
PUBLIC SERVICE
COMMISSION
FILES-ALBANY

2007 MAR 28 PM 2: 26

March 26, 2007

Honorable Jaclyn A. Brilling
Secretary
State of New York
Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

RE: VERIFIED PETITION OF SENECA RESOURCES
CORPORATION FOR APPROVAL OF TRANSFER
OF FACILITIES PURSUANT TO SECTION 70
OF THE PUBLIC SERVICE LAW

Dear Secretary Brilling:

Enclosed for filing, please find an original and five copies of Seneca Resources Corporation's Verified Petition for Approval of Transfer of Facilities Pursuant to Section 70 of The Public Service Law.

Very truly yours,
Seneca Resources Corporation

Michael J. Colmerauer
Division Attorney – East Division

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

CASE 07-_____ -
In the matter of the Application of Seneca Resources
Corporation under Section 70 of the Public Service
Law for the Approval of Transfer Facilities

**TO THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEW YORK**

**VERIFIED PETITION OF
SENECA RESOURCES CORPORATION
FOR APPROVAL OF TRANSFER OF FACILITIES**

SENECA RESOURCES CORPORATION
60 EARHART DRIVE
SUITE 1
WILLIAMSVILLE, NY 14221
(716) 250-7532

Date: MARCH 26, 2007

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

CASE 07-_____ - In the matter of the Application of Seneca Resources Corporation
Under Section 70 of the Public Service Law for the Approval of
Transfer Facilities

**VERIFIED PETITION OF
SENECA RESOURCES CORPORATION
FOR APPROVAL OF TRANSFER OF FACILITIES**

Seneca Resources Corporation ("Seneca" or the "Company") hereby requests, pursuant to Section 70 of the Public Service Law and Part 31 of the Commission's Rules of Procedure, 16 NYCRR Part 31, approval of Seneca's sale of the "gas plant" described below. More particularly Seneca proposes to transfer those certain natural gas pipelines (the "Pipelines"), consisting of a 6-inch gas pipeline, two 8-inch gas pipelines and a 4-inch gas pipeline comprising approximately 15.33 miles in the Olean, New York area to National Fuel Gas Supply Corporation ("Supply"), an interstate transmission company for an amount that will be equivalent to the Net Book Value at the time of the transfer, less an accrued prepayment of transportation fees from one of Seneca's customers. The calculation of the Net Book Value shall not reflect any increases to it that might be caused as a result of capital expended on the Pipelines by Supply prior to the sale but shall reflect increases to it that might be caused as a result of capital expended on the Pipelines by Seneca. As of December 31, 2006, the Net Book Value was \$528,727 and the accrued prepayment was \$316,400. This leaves a balance of the sales price of \$212,327 as of that date. It is anticipated that the Net Book Value and the accrued prepaid transportation fees will be lower at the date of the transfer. A Contract of Sale is anticipated to be executed by Supply and Seneca before June 30, 2007.

This Petition is made by Seneca, although Seneca makes no admission that it is subject to the jurisdiction of the State of New York Public Service Commission or that this filing is

required to transfer facilities to Supply, an entity regulated by the Federal Energy Regulatory Commission ("FERC"). This Petition is further made contingent upon Supply's receipt of FERC authorization under Sections 157.203, 157.205 and 157.211(a)(2) of FERC Regulations to acquire a delivery point in connection with its acquisition of the Pipelines. In addition, upon approval of this Petition, Seneca shall be deemed to have withdrawn its Petition for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law §68 and for Exemption Pursuant to Public Service Law §66(13) having Case No. 00-G-1212, which was dated June 30, 2000 and is still pending.

I. Description of Pipelines to be Transferred

Seneca, is a corporation organized and existing under the requirements of an Act of the General Assembly of The Commonwealth of Pennsylvania, and is the owner of the Pipelines which are utilized to provide service to facilities at Dresser Rand Company ("Dresser"), St. Bonaventure University ("St. Bonaventure") and Indeck-Olean Limited Partnership ("Indeck") (collectively, the "Customers"), all of which are located in Olean, New York. The rights of way associated with the Pipelines are listed on the attached Exhibit A. The Pipelines consist of the following and are depicted on the map attached hereto as Exhibit A-1:

1. A 6-inch gas pipeline, approximately 8.96 miles long, which runs between the Limestone Compressor Station, owned and operated by Supply, and the "Allegany Gas Control Station" an interconnection point owned by Seneca, wherein two other pipelines described herein connect;
2. An 8-inch gas pipeline, approximately 2.74 miles long, which runs between the delivery point to the Dresser plant and the Allegany Control Station;
3. An 8-inch gas pipeline, approximately 3.57 miles long, which runs between the measurement / compression station at Hartzfelt Mountain and the Allegany Gas Control Station;

4. A 4-inch gas pipeline, approximately 300 feet long, which runs between Line EE-17 at a tie-in point located on the City of Olean's Gargoyle Park property near the southwest corner thereof, to a regulator station located near the southeast corner of St. Bonaventure's property, which is adjacent to the park.

In addition, the Pipelines also include compression, metering, pressure regulators and other equipment typically associated with gas pipelines.

II. Background

The Commission has previously found that providing services to Dresser through the Pipelines at issue was in the public interest during proceedings regarding Felmont Oil Corporation's and Empire Exploration Inc.'s ("Empire") prior petitions before the Commission. Felmont Oil Corporation received a certificate of public convenience and necessity to operate the natural gas storage and pipeline system in Case 23761 on March 1, 1966. Felmont Oil Corporation and Felmont Natural Gas Storage Company, Inc. ("Felmont Storage") received approval under PSL Article VII to construct and operate additional facilities. Three certificates of environmental compatibility and public need were also granted to Felmont Storage in Case 70366. The three certificates held by Felmont Oil Corporation were approved for transfer to Felmont Storage in Case 89-T-0201.

In 1990 Felmont Storage conveyed its certified pipeline facilities to Empire. Authorization for conveyance of the property was not necessary because Felmont Storage was granted an exemption from §70 and other provisions of Article IV of the PSL in Case 89-T-0201. Seneca currently owns and operates the natural gas pipelines that were originally granted to Felmont Oil Corporation as described above, and subsequently conveyed to Empire. Seneca acquired ownership of the natural gas pipeline described herein as a result of a merger of Empire into Seneca on July 1, 1994.

Seneca desired to continue service to Dresser, Indeck and St. Bonaventure and subsequently filed Petition for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law §68 and for Exemption Pursuant to Public Service Law §66(13) having Case No. 00-G-1212, which was dated June 30, 2000. That petition is still pending.

Seneca's primary business is the exploration and production of oil and natural gas in the Gulf Coast Region of Texas and Louisiana, the Appalachian Region, California and Canada. In addition to its primary business, Seneca supplies three commercial customers with natural gas.

1. Dresser, located at North Fifth Street, Olean, New York 14760. Dresser uses the gas in part to test, under "field conditions", large turbine compressors manufactured by Dresser;
2. Indeck, located within the City of Olean, New York 14760. Indeck is a natural gas-fired cogeneration facility.
3. St. Bonaventure, located within the Town of Allegany and the City of Olean, New York 14778, is a mixed-use customer that operates its own gas distribution system. Seneca provides natural gas service to St. Bonaventure by delivering supplies to a receipt point within its campus.

Felmont Oil Corporation and Dresser entered into a Gas Sales Agreement dated May 31, 1988, which was assigned to Empire (later Seneca by Merger) on September 17, 1990. In addition Seneca entered into a Program For The Sale Of Natural Gas, set forth in a letter agreement dated November 1, 1996, which was amended and extended by mesne agreements through January 31, 2006. The companies entered into a Transport Agreement effective February 1, 2006 which replaced the previous gas sales arrangements with an arrangement whereby Seneca transports gas to the Dresser facility that Dresser purchases from other sources and has transported to an interconnect on the Pipelines.

Empire entered into a Firm Natural Gas Transportation Agreement dated May 11, 1992 as amended whereby Empire agreed to transport natural gas, to the Indeck cogeneration

facility in Olean, New York, which Indeck had purchased from other parties and had transported to interconnections on the Pipelines. Subsequent to its merger with Empire, Seneca has continued to provide this service under that contract.

Seneca entered into a Natural Gas Transportation and Sales Agreement with St. Bonaventure, having an effective date of July 1, 1988, and a Program For The Sale Of Natural Gas, with an effective date of September 4, 1998, which was amended and extended by mesne agreements through October 31, 2005. St. Bonaventure and Seneca thereafter entered into a Transport Agreement effective November 1, 2005 which replaced the previous gas sales arrangements with an arrangement whereby Seneca transports gas to a delivery point on the property of St. Bonaventure that St. Bonaventure purchases from other sources and has transported to an interconnect on the Pipelines.

III. Statement of Public Interest

The core business of Seneca is the exploration and production of oil and gas. Although Seneca operates and maintains numerous miles of gathering systems as part of the operation of its production facilities, the operation and maintenance of high-pressure pipelines solely for the delivery of gas to end-use customers is not part of its core business. Seneca believes that its small staff is much better suited to its core business. Conversely, although Seneca has operated the Pipelines for numerous years without any incident, it believes that Supply is much better suited, because of the size of their staff and expertise, to operate these high-pressure pipelines, especially with regard to compliance with the safety standards imposed by the Pipeline and Hazardous Materials Safety Administration ("PHMSA") of the United States Department Of Transportation ("USDOT") and other authorities having jurisdiction over pipeline operations and maintenance.

It is anticipated that, Dresser, Indeck and St. Bonaventure will pay the same or lower transportation rates to Supply than they are currently paying to Seneca. To the extent required,

these new transportation contracts and associated transport rates will be filed with FERC for approval. Since the transportation rates of Supply are regulated; these customers will realize a greater degree of protection and involvement in the process of determining future transportation rates and service. To facilitate the transfer, Seneca's contracts with the Customers will be terminated (consistent with and to the extent of their terms) to enable Supply to negotiate replacement contracts.

In addition the sale of the pipelines to Supply by Seneca is anticipated to benefit Indeck, Dresser and St. Bonaventure by providing a broader spectrum of gas marketers and gas suppliers to them and also provides them with direct access to many different pipeline receipt points than are available through Seneca.

Finally, Indeck, Dresser and St. Bonaventure will also have access to additional services from Supply, such as gas storage, which would not be available directly through Seneca.

Upon transfer of the Pipelines to Supply, Seneca's Petition for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law §68 and for Exemption Pursuant to Public Service Law §66(13) having Case No. 00-G-1212, which was dated June 30, 2000, would become unnecessary since Seneca would no longer be serving the customers that it requested the permission to serve under that Petition. As such Seneca would withdraw the Petition, which would allow the Commission to discontinue its consideration of such.

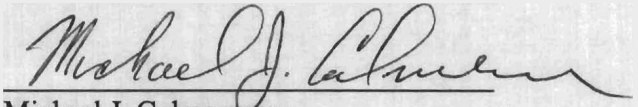
IV. Conclusion

The transfer of the Pipelines from Seneca to Supply will provide added ability for the maintenance and operation of the Pipelines in accordance with applicable safety guidelines while offering the transportation customers on the Pipelines lower transportation rates, access to other transportation / storage services, direct access to more pipeline receipt points and greater access to gas suppliers. Seneca respectfully requests that this Petition be granted

contingent upon the approval by the FERC of the transfer of the Pipelines to Supply and the actual purchase of the Pipelines by Supply.

Respectfully submitted,

SENECA RESOURCES CORPORATION

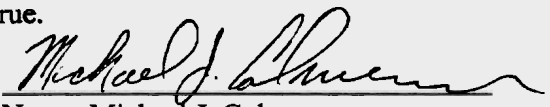

Michael J. Colmerauer
East-Division Attorney

Dated: March 26, 2007

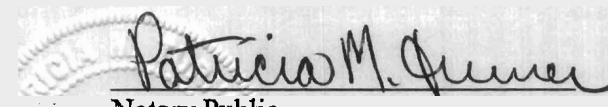

Verification

STATE OF NEW YORK)
)
COUNTY OF ERIE) SS.:

Michael J. Colmerauer, being duly sworn, deposes and says that he is the East-Division Attorney for Seneca Resources Corporation, the Petitioner in the above Petition; that he has read the foregoing Petition and knows the contents thereof; that the above Petition is true to the best of his knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.


Name: Michael J. Colmerauer
Title: East Division Attorney

Subscribed and sworn to before me
This 26th day of MARCH, 2007


Notary Public
 PATRICIA M. TURNER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Jan. 31, 2011

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EXHIBIT A

A. Conveyance, Assignment and Bill of Sale of all the rights and interests held by Seneca Resources Corporation in the rights of way and in pipeline conveyed from Felmont Natural Gas Storage Company, Inc. to Empire Exploration, Inc., effective April 20, 1990, recorded May 18, 1990 in the Cattaraugus County Clerk's Office at Liber 900, Page 762 of Deeds, re-recorded July 19, 1990 at Liber 902, Page 569, and re-recorded March 6, 1992 at Liber 918, Page 17.

Subject to the **Assignment and Bill of Sale** to a 20-inch diameter water pipeline, approximately 2.74 miles in length, eight (8) water wells and other appurtenances facilities thereto, together with the necessary leases and/or rights of way associated therewith, located in the Town of Allegany, the Town of Olean and the City of Olean, Cattaraugus county, State of New York associated therewith, conveyed to Indeck in Conveyance, Assignment and Bill of Sale, dated January 30, 1992, between Empire Exploration, Inc. and Indeck-Olean Limited Partnership. Empire Exploration, Inc. was merged into Seneca Resources Corporation by corporate merger effective July 1, 1994.

The rights of way assigned to Empire Exploration, Inc. under the above referenced Conveyance, Assignment and Bill of Sale consist of (ITEMS 1, 2 AND 3) as follows:

ITEM 1 – 6-Inch Gas Pipeline

(“Allegany Gas Control Station” to the Limestone Compressor Station)

That certain 6-inch gas pipeline, approximately 47,306 feet in length, (8.96 miles long), presently installed to connect the “Allegany Gas Control Station” to the Limestone Compressor Station and an assignment of all of its rights to maintain, operate, replace and remove said pipeline through lands of others under associated rights-of-way, road crossing permits, and stream crossing permits, including without limiting the generality of the foregoing:

- A. Right-of-Way Agreement from Pennzoil Company, dated January 14, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 457.
- B. Right-of-Way Agreement from The Baltimore & Ohio Railroad Company, dated July 1, 1965, not recorded.
- C. Right-of-Way Agreement from George D. Brown, Jr., dated March 28, 1966, recorded in the Cattaraugus county Clerk's Office, Liber 679, Page 293.
- D. Right-of-Way Agreement from George W. Stevenson et ux June H. Stevenson, dated March 19, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 556.
- E. Right-of-Way Agreement from R. Paul Ryan et ux Rosemary M. Ryan, dated March 29, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 666, page 178.
- F. Right-of-Way Agreement from Edward F. Smith, dated December 15, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, page 442.
- G. Right-of-Way Agreement from George C. Day et ux Gertrude M. Day, dated December 20, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 681, page 189.

- H. Right-of-Way Agreement from Floyd J. Putt, Jr., et ux Catherine Putt, dated December 16, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 439.
- I. Right-of-Way Agreement from Floyd H. Putt et ux Helen F. Putt, dated December 15, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, page 436.
- J. Right-of-Way Agreement from Albert F. Bucher and Donald J. Bucher, dated December 16, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 430.
- K. Right-of-Way Agreement from Clair G. Geringer and Florence P. Geringer, dated December 16, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 433.
- L. Right-of-Way Agreement from Alva H. Spring and Alice K. Spring, dated December 15, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 445.
- M. Right-of-Way Agreement from Frank J. Weinaug and Elma J. Weinaug, dated December 16, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, page 448; supplemental Right-of-Way Agreement from Frank J. Weinaug and Elma Weinaug, dated May 20, 1966, recorded in the Cattaraugus County Clerk's Office, Liber 682, Page 214.
- N. Right-of-Way Agreement from Mabel M. Carls, dated December 15, 1964, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 451.
- O. Right-of-Way Agreement from Grace Garr, dated October 22, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 679, Page 85.
- P. Right-of-Way Agreement from Louis F. King, dated February 24, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 665, Page 426.
- Q. Right-of-Way Agreement from Celestine G. Dugan, dated November 17, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 675, Page 578.

ITEM 2 – 8-Inch Gas Pipeline
(City of Olean to the “Allegheny Gas Control Station”)

That certain 8-inch gas pipeline approximately 2.74 miles in length, presently installed between Felmont's former Ammonia Plant Site and the site known as “Felmont's Allegheny Gas Control Station” on the southerly bank of the Allegheny River, all in Cattaraugus County, New York, and an assignment of all its rights to maintain, operate, replace and remove said 2.74 mile 8-inch pipeline through lands retained by Felmont Oil Corporation and Felmont Natural Gas Storage Company, Inc. (being certain lands immediately easterly and westerly of Buffalo Street in the City of Olean), and through lands of others based on the following listed rights of way and other agreements (except reserving the right to use the same in common with grantee to the extent certain effluent lines in place lie within the bounds of said listed rights of way) and as described on the map attached as Exhibit A-1.

- A. Permit No. 2-29-66 from the State of New York Water Resources Commission issued July 13, 1966 (for installation of pipeline under Allegheny River bed).
- B. Right-of-Way granted by City of Olean, dated December 14, 1965, recorded in Cattaraugus County Clerk's Office, Liber 689 of Deeds, page 384.

- C. Right-of Way Agreement from St. Francis Hospital dated October 23, 1989, recorded in Cattaraugus County Clerk's Office, Liber 894, Page 502.
- D. Right-of-Way Agreement from St. Francis Hospital, dated July 15, 1980, recorded in Cattaraugus County Clerk's Office, Liber 803, Page 373.
- E. Right-of-Way Agreement from St. Francis Hospital dated July 15, 1980, recorded in Cattaraugus County Clerk's Office, Liber 803 of Deeds, Page 375.
- F. Right-of-Way Agreement from St. Francis Hospital dated July 12, 1978, recorded in Cattaraugus County Clerk's Office, Liber 784 of Deeds, Page 1061.
- G. Right-of-Way Agreement from St. Francis Hospital dated October 23, 1989, recorded in Cattaraugus County Clerk's Office, Liber 894 of Deeds, Page 502.
- H. Permit No. 1215 issued by the State of New York Department of Public Works on December 6, 1965 for pipelines crossing the flood control dike.
- I. Easement Agreement dated April 16, 1975 between Niagara Mohawk Power Corporation and Felmont Oil Corporation, recorded in Cattaraugus County Clerk's Office, Liber 757 of Deeds, Page 544.
- J. Deed of Easement from Consolidated Rail Corporation dated March 17, 1982, recorded in Cattaraugus County Clerk's Office, Liber 820 of Deeds, Page 615.
- K. An easement for pipelines as excepted and reserved in a deed from Felmont Oil Corporation to Joseph A. DeRose dated July 11, 1988, recorded in the Cattaraugus County Clerk's Office, Liber 881 of Deeds, Page 284.
- L. An easement in common with Grantor for pipelines reserved in a deed from Felmont Oil Corporation to Agway, recorded in the Cattaraugus County Clerk's Office, Liber 686, Page 222.

ITEM 3 – 8-Inch Gas Pipeline
(Hartzfelt Mountain to the “Allegany Gas Control Station”)

That certain 8-inch gas pipeline, approximately 3.57 miles in length, presently installed to connect the Allegany Gas Control Station with the Columbia Gas of New York pipeline at Hartzfelt Mountain in the Town of Allegany, Cattaraugus County, New York and an assignment of all its rights to maintain, operate, replace and remove said pipeline through lands of others under those certain Rights-of-Way identified below and as described on the map attached hereto as Exhibit A-1:

- A. Right-of-Way from Helen Miles, Egbert J. Miles, Jr. Jean N. Miles, Richard C. Miles, Joan H. Miles, Philip G. Miles and Eleanor A. Miles dated December 29, 1965, recorded Cattaraugus County Clerk's office, Liber 678 of Deeds, Page 182.
- B. Right-of-Way from Kendall Refining Company dated December 1, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 678 of Deeds, page 190.
- C. Right-of-Way from Paul J. Warters, Ray J. Warters and Guy N. Hitchcock, dated December 11, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 678 of

Deeds, page 179, as supplemented by R.O.W. Agreement from Potter Lumber Co., Inc. dated August 2, 1983, recorded in the Cattaraugus County Clerk's Office on August 15, 1983, Liber 833 of Deeds, Page 596.

- D. Right-of-Way from Paul L. Wasson and G. J. McDonough, Jr. dated December 10, 1965, recorded Cattaraugus County Clerk's Office; Liber 678 of Deeds, page 418.
- E. Right-of-Way from Margaret M. Hitchcock dated December 16, 1965, recorded Cattaraugus County Clerk's office, Liber 678 of Deeds, Page 193.
- F. Right-of-Way from Mildred J. Tapp, Henry C. Buffington, Francis S. Buffington, M. Patricia McGrath, Henry C. Abuffington, Jr., George F. Buffington, Robert J. Buffington, Richard J. Buffington and Joanne Buffington, dated January 6, 1966, recorded in the Cattaraugus County Clerk's office on November 10, 1983, Liber 836, Page 391.
- G. Right-of-Way dated December 22, 1965 from Kinley Oil Company recorded Cattaraugus County Clerk's Office, Liber 678 of Deeds, page 196.
- H. Pipeline Right-of-Way from C. A. Bucher and Sopic M. Bucher dated August 8, 1929, recorded in Cattaraugus County Clerk's Office, Liber 51 Miscellaneous Records, page 228, and replaced by R.O.W. Agreements with Charles J. Bucher, dated July 27, 1983, recorded in the Cattaraugus County Clerk's Office on August 15, 1983, Liber 833 of Deeds, page 594 and with William A. and Lula I. Bucher, dated July 26, 1983, recorded in the Cattaraugus County Clerk's Office on August 15, 1983, Liber 833 of Deeds, Page 592.
- I. Right-of-Way Agreement from Paul J. Wartens dated December 28, 1965, recorded in the Cattaraugus County Clerk's Office, Liber 678 of Deeds, Page 177.
- J. Pipeline Right-of-Way from A. J. Grandusky dated August 14, 1929, recorded in Cattaraugus County Clerk's Office, Liber 57 of Miscellaneous Records, page 222, and subsequent assignments in Liber 68 of Miscellaneous Records, Page 346, and Liber 96 of Miscellaneous Records, page 380.

Additional Rights of Way and Agreements with Park Center Development, Inc.

Note The following list of agreements and rights of way amend the rights of way listed in Item 2 from St. Francis Hospital, originally recorded at Liber 594 page 373:

- A. **Easement Development Agreement** between Seneca Resources Corporation, Indeck-Olean Limited Partnership and Park Centre Development, Inc., effective July 1, 1998, recorded November 2, 1998 in Cattaraugus County Clerk's Office, Liber 978, Page 884.
 - B. **Agreement** between Park Center Development, Inc. and Seneca Resources Corporation for future construction of improvements on property, dated effective July 1, 1998, recorded January 22, 1999 in Cattaraugus County Clerk's Office, Liber 980, Page 567.
 - C. **Right of Way Agreement** between Seneca Resources Corporation and Park Centre Development, Inc., dated effective July 1, 1998, recorded January 22, 1999 in Cattaraugus County Clerk's Office, Liber 980, Page 570.
- B. 4-Inch Gas Pipeline, From Line EE-17 to St. Bonaventure**, approximately 300 feet in length, from Line EE-17 at a tie-in point located on the City of Olean's Gargoye Park

property near the southwest corner thereof, to a regulator station located near the southeast corner of St. Bonaventure University's property, which is adjacent to the park, and an assignment of all its rights to maintain, operate, replace and remove said pipeline through lands of others under those certain Rights-of-Way identified below and as described on the map attached hereto as Exhibit A-1:

1. Right-of-Way dated effective July 1, 1998 by and between the City of Olean, New York and Seneca Resources Corporation, recorded September 22, 1998 in the Cattaraugus County Clerk's Office, Liber 977, Page 634.
2. Right-of-Way dated effective July 1, 1998 by and between Gargoyle Lake, Inc. and Seneca Resources Corporation, recorded September 22, 1998 in the Cattaraugus County Clerk's Office, Liber 977, Page 629.

END OF EXHIBIT A