

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
STATE OF NEW YORK,	)	
STATE OF NEW JERSEY,	)	
STATE OF CONNECTICUT,	)	
HOOSIER ENVIRONMENTAL COUNCIL,	)	
and OHIO ENVIRONMENTAL COUNCIL,	)	
Plaintiff-Intervenors,	)	
	)	
vs.	)	
	)	
PSI ENERGY, INC. and	)	
THE CINCINNATI GAS & ELECTRIC	)	
COMPANY,	)	
Defendants.	)	

1:99-cv-1693-LJM-JMS

**VERDICT FORM**

We, the Jury in the above-entitled action, unanimously find in favor of:

**PROJECTS FOR WHICH DEFENDANTS ASSERT A  
ROUTINE MAINTENANCE, REPAIR, AND REPLACEMENT DEFENSE**

<u>      </u>	Plaintiffs	<u>  ✓  </u>	Defendants	on Project #4, the condensor retubing project at Beckjord unit 5 from January 1991 to February 1991;
<u>      </u>	Plaintiffs	<u>  ✓  </u>	Defendants	on Project #5, the condensor retubing project at Beckjord unit 6 from September 1994 to November 1994;
<u>  ✓  </u>	Plaintiffs	<u>      </u>	Defendants	on Project #11, the front wall radiant superheater replacement project at Wabash River unit 2 from June 1989 to July 1989;

<input checked="" type="checkbox"/> Plaintiffs	<input type="checkbox"/> Defendants	on Project #12, the high temperature finishing superheater tubes and upper reheater tubing assemblies replacement project at Wabash River unit 2 from May 1992 to September 1992;
<input checked="" type="checkbox"/> Plaintiffs	<input type="checkbox"/> Defendants	on Project #13, the finishing, intermediate, and radiant superheater tubes and upper reheat tube bundles replacement project at Wabash River unit 3 from June 1989 to October 1989;
<input checked="" type="checkbox"/> Plaintiffs	<input type="checkbox"/> Defendants	on Project #15, the boiler pass and heat recovery actions replacement project at Wabash River unit 5 from February 1990 to May 1990;

**REMAINING PROJECTS**

<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #1, the life extension project at Beckjord unit 1 from November 1987 to February 1988;
<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #2, the life extension project at Beckjord unit 2 from October 1987 to January 1988;
<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #3, the life extension project at Beckjord unit 3 from October 1985 to January 1986;
<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #6, the pulverizers replacement project at Gallagher unit 1 from April 1998 to July 1998;
<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #7, the condensor retubing project at Gallagher unit 2 from August 1990 to December 1990;
<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #8, the pulverizers replacement project at Gallagher unit 3 from February 1999 to April 1999;
<input type="checkbox"/> Plaintiffs	<input checked="" type="checkbox"/> Defendants	on Project #9, the reheater tube section replacement project at Gibson unit 2 from February 2001 to May 2001; and

\_\_\_\_ Plaintiffs

Defendants

on Project #10, the slope tubes and lower headers replacement project at Miami Fort unit 5, January 1995 to March 1995.

SEE COURT FILE  
FOR ORIGINAL

May 22, 2008  
Date