

BEFORE


THE OHIO POWER SITING BOARD

In the Matter of the Application of Lawrence)
County Energy Center, LLC for a Certificate)
of Environmental Compatibility and Public) Case No. 01-369-EL-BGN
Need for the Lawrence County Energy)
Center Electric Generation Facility in)
Lawrence County, Ohio.)

ENTRY

The Ohio Power Siting Board finds as follows:

- (1) On January 28, 2002, the Ohio Power Siting Board (Board) issued to Lawrence County Energy Center, LLC (Applicant), an affiliate of Calpine Corporation (Calpine), a Certificate of Environmental Compatibility and Public Need (certificate) to build the Lawrence County Energy Center Generation Facility (project) in Lawrence County, Ohio.
- (2) Calpine voluntarily filed petitions to restructure under Chapter 11 of the U.S. Bankruptcy Code on December 20, 2005. Applicant and Calpine have transferred their interests in this project to CME Energy, Inc.'s (CME) affiliate, Hanging Rock Energy Project, LLC (Hanging Rock). Subsequently, Hanging Rock transferred all its interests in the project to Ironton Energy Center, LLC (Ironton), another affiliate of CME. The parties have requested approval of the transfers set forth above pursuant to Section 4906.04, Revised Code. Ironton states that it has assumed all development activities associated with the project and requests the certificate for the project be transferred to it.
- (3) Section 4906.04, Revised Code, provides that a certificate may be transferred, with the approval of the Board, to a person who agrees to comply with the terms, conditions and modifications contained in the certificate.
- (4) The Board finds that it is not inconsistent with the original certificate that was issued in this case to have Ironton assume the obligations of the certificate with the terms, conditions and modifications contained in the certificate. The request to transfer the certificate is reasonable and should be granted.

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- (5) One of the conditions of the certificate is that the certificate shall become invalid if the applicant has not commenced a continuous course of construction of the proposed facility within five years of the date the certificate was issued. Ironton has also requested an extension of the certificate's January 28, 2007 expiration date and wishes to meet with the Board's staff to discuss technical configurations it proposes to make to enhance the project's future and market viability. Ironton requests an extension of the certificate until such time as its proposed enhancements of the project are approved by the Board.
- (6) The Board will approve an extension of the certificate until such time as it rules upon the changes to the certificate to be proposed by Ironton or until July 31, 2009, whichever occurs first. During the extension, all of the other conditions set forth in the certificate shall remain in effect; any expired permits shall be updated as necessary to construct and operate the facility as detailed in the original filing, prior to the commencement of construction; and Ironton shall meet with our staff no later than January 31, 2007 to discuss its proposed changes to the project.

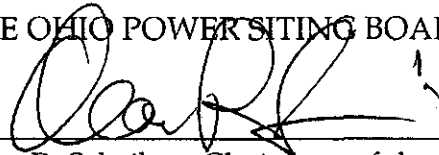
It is, therefore,

ORDERED, That the request to transfer the certificate in this case to Ironton Energy Center, LLC is granted. It is, further,

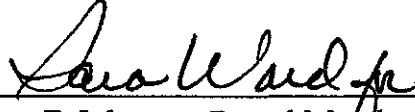
ORDERED, That an extension of the certificate is granted under the conditions set forth in finding (6). It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD



Alan R. Schriber, Chairman of the
Public Utilities Commission of Ohio

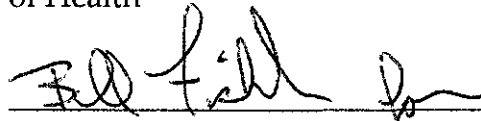


Bruce E. Johnson, Board Member
and Director of the Ohio Department
of Development

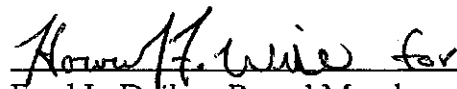


Samuel W. Speck, Board Member
and Director of the Ohio Department
of Natural Resources

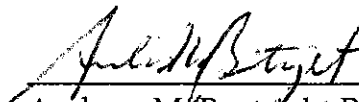
Nick Baird M.D., Board Member
and Director of the Ohio Department
of Health



Joseph Koncelik, Board Member and
Director of the Ohio
Environmental Protection Agency



Fred L. Dailey, Board Member and
Director of the Ohio Department
of Agriculture



Andrew M. Boatright P.E., Board
Member and Public Member

RRG:ct

Entered in the Journal

NOV 20 2006



Renee J. Jenkins
Secretary