

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Fremont)
Energy Center LLC for a Certificate of)
Environmental Compatibility and Public) Case No. 00-1527-EL-BGN
Need for a Merchant, Combined Cycle, 704-)
Megawatt Power Plant in Sandusky County,)
Ohio.)

ENTRY

The Ohio Power Siting Board finds:

- (1) On May 21, 2001, as amended on June 18, 2001, The Ohio Power Siting Board (Board) issued to Fremont Energy Center LLC (Fremont), a certificate of environmental compatibility and public need (certificate) to construct a 704-megawatt (MW) electric generating station in Sandusky Township, Sandusky County, Ohio.
- (2) On December 15, 2003, the Board approved the transfer of the certificate from Fremont to its parent corporation Calpine Corporation (Calpine).
- (3) On February 11, 2008 as amended on February 15, 2008, a joint application to transfer the certificate was filed to transfer all of the assets of the project including the certificate, permits, and other authorizations pertaining to the generating facility from Calpine to FirstEnergy Generation Corp. (FirstEnergy), pursuant to Section 4906.04, Revised Code. The parties state that the generating facility is now approximately 70 percent complete and that FirstEnergy plans to continue construction of the generation facility in accordance with the certificate issued and modified by the Board. FirstEnergy also agrees to comply with the terms, conditions, and modifications contained in the certificate issued to Calpine. Upon receiving Board approval, Calpine will transfer the generation facility to FirstEnergy.
- (4) Staff has no objections to the proposed transfer of the certificate from Calpine to FirstEnergy, subject to FirstEnergy's compliance with the terms, conditions, and modifications contained in the certificate issued to Calpine. Staff also recommends that the Board condition the transfer on

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FirstEnergy providing upon certificate transfer completion an upfront procurement and construction timeline documentation as well as quarterly status reports on the project to the Board staff until construction completion of the project.

- (5) Pursuant to Section 4906.04, Revised Code, certificates may be transferred when the new owner agrees to comply with the terms, conditions, and modifications contained therein. Based upon the foregoing, the Board concludes that the certificate previously granted to Calpine for the construction and operation of a 704-MW electric generating station in Fremont, Sandusky County, Ohio, should be transferred to FirstEnergy. FirstEnergy shall be bound by and comply with all terms and conditions of this certificate. FirstEnergy shall also comply with staff's recommendation set forth in finding (4).

It is, therefore,

ORDERED, That the application to transfer the certificate of environmental compatibility and public need for the construction and operation of the 704-MW electric generating station in Fremont, Sandusky County, Ohio, from Calpine to FirstEnergy Generation Corp. is granted upon the terms set forth in finding (5). It is, further,

ORDERED, That a copy of this entry should be served upon Calpine and FirstEnergy, their respective counsel, and all interested persons of record.

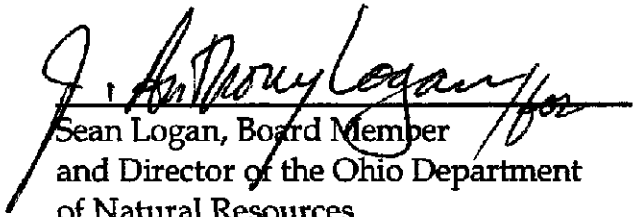
THE OHIO POWER SITING BOARD



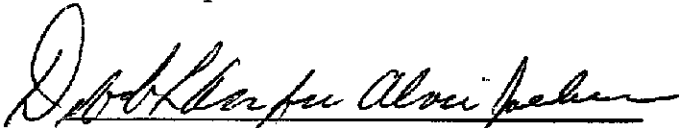
Alan R. Schriber, Chairman of the
Public Utilities Commission of Ohio




Lee Fisher, Board Member
and Director of the Ohio Department
of Development



Sean Logan, Board Member
and Director of the Ohio Department
of Natural Resources



Alvin Jackson M.D., Board Member
and Director of the Ohio Department
of Health



Christopher Kozleski, Board Member and
Director of the Ohio
Environmental Protection Agency



Robert Boggs, Board Member and
Director of the Ohio Department
of Agriculture

ABSTAIN

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

RRG:ct

Entered in the Journal

MAR 03 2008



Renee J. Jenkins
Secretary