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**VIA OVERNIGHT MAIL**

December 10, 2009

Renee Jenkins  
The Ohio Power Siting Board  
180 E. Broad Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215

**Re: BP-Husky Refining, LLC Toledo Refinery 138/69-kV Substation Project  
OPSB Case No. 09-750-EL-BSB  
Proof of Publication**

Dear Ms. Jenkins:

As required by Ohio Administrative Code §4906-5-09, enclosed please find the proof of publication in the local newspaper of the first public notice regarding Ohio Power Siting Board Case No. **09-750-EL-BSB**, In the Matter of the Application of BP-Husky Refining, LLC Toledo Refinery 138/69-kV Substation Project. Also enclosed is a copy of the notice as it appeared in *The Toledo Blade* on December 5, 2009.

Very truly yours,



Kurt J. Boehm, Esq.  
**BOEHM, KURTZ & LOWRY**

KJBkew

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
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I, Debra L. Yap being first duly Sworn, make oath and say that I am an Advertising Clerk in the employ of THE TOLEDO BLADE CO., the publishers of THE BLADE, that I personally know the facts herein stated, that said BLADE is a daily newspaper printed, and of general circulation in excess of 15,000, in said County, and in said State, and that the notice of which the below is a true copy of the text, was published in said Daily BLADE according to the above run schedule.

Subscribed in my presence and sworn to before me this 7<sup>th</sup> day of Dec. A.D. 2009



**BONNIE SUE CURRY**  
Notary Public, State of Ohio  
Commission Expires 10-24-2010

Bonnie Sue Curry  
Notary Public, State of Ohio

## LEGAL NOTICE NOTICE OF PROPOSED

Name and Description of the Proposed Facility: BP Husky Refining, LLC ("BP-Husky") has filed an application with the Ohio Power Siting Board for a certificate to construct, operate, and maintain a new 138/69 Kilo-volt (KV) substation to provide additional electrical power and improve the reliability of the electrical power-feed to the BP-Husky Refinery in Oregon, Ohio. The existing 69-KV power system serving the refinery is not capable of providing the power required to the existing refinery and the addition of the proposed new Refiner 3 process unit scheduled for completion in early 2012. The additional power provided by the 138/69 KV substation will allow the separation of the refinery power supply from the local 69 KV transmission system, allowing for more reliable service to the public and the refinery. The substation will be set back off of the south side of Cedar Point road and will be accessed via a new road between the fenced substation and Cedar and Cedar Point Road. A map of the location is contained at the end of this notice.

Date, Time and Location of Public Hearings: BP-Husky Application is now pending before the Ohio Power Siting Board under the Case Number 09-750-EL-BSB. Public Hearing on this Application consists of two parts: first, a local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on January 21, 2010, at 6:00 p.m., at the Oregon City Council Chambers, 5330

in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number. An electronic version of the application can be found in the Ohio Power Siting Board's Web site at <http://opsb.ohio.gov>. To review the Application, search under "Current Cases" for Case No. 09-750-EL-BSB.

Officials Served Pursuant to rule 4906-5-06 of the Administrative Code the following officials and agencies were served with the Application: Board of Zoning Appeals:

Mr. Jim Sommers  
Mr. Brent Shimmann  
Mr. Ben Kieger  
Mr. Michael Rowe  
Mr. Richard Jaccques  
Lucas County Officials:

Mr. Mike Beazley, County Administrator  
Ms. Tina Skeldon Wozniak, Commissioner  
Mr. Ben Konop, Commissioner  
Mr. Pete Gerken, President of Board of Lucas County Commissioners

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# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

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in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

An electronic version of the application can be found in the Ohio Power Siting Board's Web site at <http://opsb.ohio.gov>. To review the Application, search under "Current Cases" for Case No. 09-750-EL-BSS.

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Mr. Ben Krieger  
Mr. Michael Rowe  
Mr. Richard Jacques  
Lucas County Officials:  
Mr. Mike Beazley, County Administrator  
Ms. Tina Skeldon Wozniak, Commissioner

Mr. Ben Konop, Commissioner  
Mr. Pete Gerken, President of Board of Lucas County Commissioners

#### Oregon City Officials:

Mayor Margie Brown  
Mr. Jim Gilmore, Commissioner  
Mr. Tom Susar, Chairman, Oregon Planning Commission  
Mr. Paul Buehner, Electric Inspection & Planning Commission  
Mr. Gerry Wasserman, Building Inspection & Board of Zoning Appeals

Mr. Dave Denman, Building/Mechanical Inspection & Signs  
Mr. Bob LeMaitre, Plumbing Inspection & Sewers

The Ohio Environmental Protection Agency

The Application is also available for public inspection at Toledo Lucas County Public Library, 3340 Dustin Road, Oregon, Ohio 43616; and at Ohio Power Siting Board, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

Criteria Used to Review the Application. Pursuant to RC 4906.10, the Ohio Power Siting Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following: (1) The basis of the need for the facility if the facility is an electric transmission line or gas or natural gas transmission line; (2) The nature of the probable environmental impact; (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives; (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability; (5) That the facility will comply with Chapters 3704, 3734, and 6111, of the Revised Code and

all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code. (6) That the facility will serve the public interest, convenience, and necessity; (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929, of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to

evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site. (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives. Revised Code Section 4906.7 provides that:

(A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable. (B) On an application for an amendment of a certificate, the board shall hold a hearing in

the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application. (C) The chairman of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

