

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Air)
Products and Chemicals, Inc. for a)
Certificate of Environmental Compati-)
bility and Public Need to Construct a) Case No. 10-847-EL-BGN
Waste Energy Recovery/Combined)
Cycle Electric and Steam Generation)
Facility in Middletown, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On November 10, 2010, Air Products and Chemicals, Inc. (Air Products) filed, with the Ohio Power Siting Board (Board), an application for a certificate to construct and operate a waste energy recovery/combined cycle power electric and steam generation facility at the AK Steel Corporation's Middletown Works in Middletown, Ohio.
- (2) By entry issued February 2, 2011, the administrative law judge established a procedural schedule in this case. Pursuant to the entry, a local public hearing was scheduled to commence on April 25, 2011, and an evidentiary hearing was scheduled to commence on April 28, 2011.
- (3) On April 22, 2011, Air Products filed a motion for a temporary suspension of the proceedings, requesting that both the April 25, 2011, local public hearing and the April 28, 2011, evidentiary hearing be postponed. In support of its request, Air Products explains that economic issues and federal regulatory uncertainty have escalated the costs to build and operate the facility proposed in its application. Therefore, Air Products states that it is hopeful that achieving acceptable permits will help it clarify the project. However, Air Products requests that its application remain under consideration until further notice.
- (4) The administrative law judge finds that Air Products' motion to postpone the hearings should be granted. Accordingly, the local public hearing, currently scheduled for April 25, 2011, at 6:00 p.m. at the City Building, City Council Chambers, Lower Level, 1 Donham Plaza, Middletown, Ohio, and the adjudicatory hearing

currently scheduled for April 28, 2011, in the offices in Columbus of the Public Utilities Commission of Ohio, shall both be cancelled. The local public hearing and the adjudicatory hearing will be rescheduled and will occur at locations and on dates that will be announced in an entry to be issued in this case in the future.

- (5) Air Products is directed to post a notice, on April 25, 2011, at the local public hearing location that had been established by the February 2, 2011, entry. The notice should state that the local public hearing in this case scheduled for April 25, 2011, and the adjudicatory hearing in this case scheduled for April 28, 2011, have been cancelled and that the local public hearing and the adjudicatory hearing will be rescheduled to future dates and times.

It is, therefore,

ORDERED, That Air Products' motion to postpone hearings be granted in accordance with Finding (4). It is, further,

ORDERED, That, in accordance with the directives of Finding (5), Air Products shall post notice concerning the cancellation and rescheduling of the hearings. It is, further,

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

THE OHIO POWER SITING BOARD



By: Katie L. Stenman
Administrative Law Judge

ST/dah

Entered in the Journal

APR 22 2011



Betty McCauley
Secretary