

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Construction Notice)
of Republic Steel for a 138 kV Melt Shop) Case No. 12-2453-EL-BNR
Transmission Line Project.)

ENTRY

The administrative law judge finds:

- (1) On September 5, 2012, Republic Steel, in accordance with Rule 4906-11-02, Ohio Administrative Code (O.A.C.), filed a construction notice for a 138 kilovolt melt shop transmission line project.
- (2) Rules 4906-5-02(B)(1) and (3), O.A.C., govern the timeframes for the filing, review, and approval of construction notices. Specifically, a construction notice is to be filed not less than 42 days before commencement of construction and, if the Board does not act upon the filing within 42 days, the notice is deemed automatically approved. However, the applicant may request expedited processing, in which case, it must file the application not less than 21 days prior to commencement of construction and, if the Board does not act upon the notice within 21 days, it is deemed automatically approved. The rule also provides that, for good cause shown, the administrative law judge (ALJ) may waive the 42- or 21-day time period.
- (3) On September 5, 2012, Republic Steel filed a motion for waiver of the 21-day requirement set forth in Rules 4906-5-02(B)(1) and (3), O.A.C., to maintain its expeditious construction schedule and ensure the project is completed in a timely manner. In support of its motion, Republic Steel states that the purpose of the project is to supply power to a new melt shop at Republic Steel's Lorain, Ohio, facility. According to Republic Steel, employment for approximately 400 people is dependent on the project being finished as quickly as possible. In order to avoid costly delays, Republic Steel states that it is necessary to complete the project as soon as possible. Given these extraordinary circumstances, Republic Steel

requests that the 21-day time period be waived to allow construction to begin on September 10, 2012.

- (4) On September 7, 2012, Staff filed its report of investigation (Staff Report) recommending that the application be automatically approved on September 10, 2012.
- (5) Under the circumstances in this case, the ALJ finds that an expedited ruling is necessary. Upon consideration of Republic Steel's motion for waiver and the Staff Report, the ALJ finds that Republic Steel's motion is reasonable and in the public interest and should be granted. Therefore, the processing of Republic Steel's application will be expedited and the automatic approval date for this application will be September 10, 2012.

It is, therefore,

ORDERED, That Republic Steel's motion be granted and the automatic approval date for this application be September 10, 2012. It is, further,

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

THE OHIO POWER SITING BOARD

s/Jonathan Tauber

By: Jonathan J. Tauber
Administrative Law Judge

JRJ/sc

Entered in the Journal



Barcy F. McNeal
Secretary

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in

Case No(s). 12-2453-EL-BNR

Summary: Entry by Administrative Law Judge granting Republic Steel's motion for waiver of the 21-day requirement set forth in Rules 4906-5-02(B(1) and (3), O.A.C., and expediting the processing of Republic Steel's application to the automatic approval date of 09/10/12. - electronically filed by Sandra Coffey on behalf of Jonathan Tauber, Attorney Examiner, Public Utilities Commission of Ohio