

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Norton )  
Energy Storage, LLC for a Certificate of )  
Environmental Compatibility and Public ) Case No. 99-1626-EL-BGN  
Need for an Electric Power Generating )  
Facility in Norton, Ohio. )

ENTRY

The Administrative Law Judge finds:

- (1) On May 21, 2001, the Ohio Power Siting Board (Board) issued its Opinion, Order, and Certificate (Certificate Order) granting the application of Norton Energy Storage, LLC (NES) for a certificate. With this certificate, NES was authorized to develop a 2,700-megawatt compressed air energy storage project (project) within the city of Norton, Summit County, Ohio, in accordance with the conditions identified in the Certificate Order. The NES certificate is subject to 24 specific conditions. One of the conditions of the certificate is:

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 of journalization of the certificate.

- (2) On February 27, 2006, NES filed a motion to extend the validity dates for the certificate by an additional 30 months. On March 20, 2006, the Board granted an extension of the certificate from May 21, 2006, through November 21, 2008, subject to two additional conditions: that any expired permits be updated as necessary to construct and operate the facility, as detailed in the original filing, prior to the commencement of construction; and that NES provide staff with an annual update regarding the progress of the project.
- (3) On May 16, 2008, NES filed a second motion to extend the validity dates for the certificate by an additional 30 months. On June 2, 2008, the Board granted the motion for a second extension of the certificate from November 21, 2008, through May 21, 2011, subject to all the prior conditions plus a condition

that changes or modifications of the project from the Certificate Order shall cause NES to file an application for a certificate amendment with the Board.

- (4) On November 23, 2009, NES notified the Board that FirstEnergy Solutions Corporation purchased the membership interest of NES and, thus, NES is a wholly owned subsidiary of FirstEnergy Generation Corporation.
- (5) On December 11, 2012, NES notified the Board that, due to current and foreseeable market conditions, construction activities on the project had been suspended. In light of the extensions granted to NES and the suspension of construction activities, the Administrative Law Judge (ALJ) directs that, unless NES files an affidavit by June 27, 2013, evidencing that the project is no longer suspended and is currently or will be moving forward within 30 days in compliance with the conditions of the certificate, the ALJ will recommend to the Board that the certificate be found invalid and the associated case closed.

It is, therefore,

ORDERED, That, in accordance with finding (5), unless NES files an affidavit in this docket by June 27, 2013, the ALJ will recommend the certificate be found invalid and the associated case closed. It is, further,

ORDERED, That a copy of this Entry be served upon NES and its counsel, and all other interested persons of record in this proceeding.

THE OHIO POWER SITING BOARD

s/ Greta See

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By: Greta See  
Administrative Law Judge

jrj/vrm

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**in**

**Case No(s). 99-1626-EL-BGN**

Summary: Administrative Law Judge Entry requesting Norton to provide affidavit regarding construction status; electronically filed by Vesta R Miller on behalf of Greta See, Administrative Law Judge, Ohio Power Siting Board