

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of FDS)
Coke Plant, LLC, for a Certificate of) Case No. 07-703-EL-BGN
Environmental Compatibility and Public)
Need to Build a Cogeneration Facility.)

ENTRY

The Board finds:

- (1) On September 12, 2007, FDS Coke Plant, LLC, (FDS) filed an application for a certificate of environmental compatibility and public need to build a cogeneration facility (cogeneration facility) within the same 51-acre site where FDS is building its new nonrecovery coke oven plant (coke plant project). The site is located in Toledo, Lucas County, Ohio.
- (2) On October 28, 2008, the Board issued its Opinion, Order, and Certificate (Certificate) in this proceeding, authorizing the construction, operation, and maintenance of the cogeneration facility subject to 19 specific conditions. Among other conditions, the Certificate provided that, if FDS has not commenced a continuous course of construction of the proposed cogeneration facility within five years of the issuance of the Certificate, the Certificate would become invalid.
- (3) On September 12, 2013, FDS filed a motion to extend the authority granted in the Certificate for a period of 12 months. FDS states that it is engaged in the final development stages of an industrial project that consists of the coke plant project and the associated cogeneration facility. According to FDS, the cogeneration facility is a key technical and financial component of the coke plant project. FDS explains the circumstances surrounding the delay of the project, stating that such circumstances were out of its control and that, during the period since the issuance of the Certificate, FDS has complied with all of the conditions of the Certificate. FDS emphasizes that the electricity generated is a large economic benefit to the proposed project and, without the expected future power payments from the cogeneration facility, the entire project is not economically feasible. FDS offers that the cogeneration

facility is in the public interest and furthers the state of Ohio's energy policy set forth in Chapter 4928, Revised Code. No one opposed FDS's motion.

- (4) The Board finds that FDS's motion to extend the Certificate is reasonable and should be granted.

It is, therefore,


ORDERED, That FDS's motion to extend its Certificate for a period of 12 months be granted. It is, further,


ORDERED, That FDS's Certificate be extended until October 28, 2014, unless otherwise ordered by the Board. It is, further,


ORDERED, That a copy of this Entry be served upon FDS and all other interested persons of record.

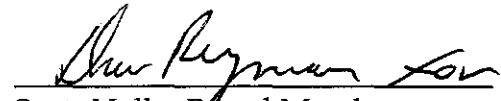
THE OHIO POWER SITING BOARD

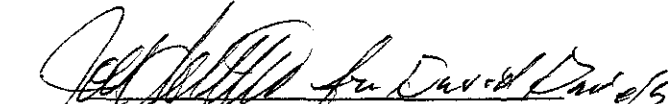

Todd A. Snitchler, Chairman
Public Utilities Commission of Ohio

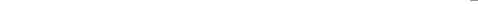
 For
David Goodman, Board Member
and Director of the Ohio
Development Services Agency

 for
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources

 Designee
Theodore Wymyslo, Board
Member and Director of the
Ohio Department of Health

 for
Scott Nally, Board Member
and Director of the Ohio
Environmental Protection Agency

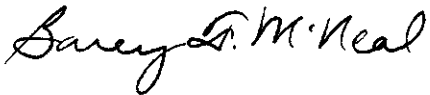
 for David Daniels
David Daniels, Board Member
and Director of the Ohio
Department of Agriculture


Jeffrey J. Lechak, Board Member
and Public Member

CMTP/vrm

Entered in the Journal

SEP 30 2013



Barcy F. McNeal
Secretary