

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Carroll County Energy LLC for a)	
Certificate of Environmental)	Case No. 13-1752-EL-BGN
Compatibility And Public Need to)	
Construct an Electric Generation Facility)	

MOTION FOR WAIVERS

Pursuant to Section 4906.06(A)(6), Revised Code and Rule 4906-1-03 of the Ohio Administrative Code, Carroll County Energy LLC (“CCE” or “the Applicant”) moves the Ohio Power Siting Board (“the Board”) to grant certain waivers from Chapter 4906-13 of the Ohio Administrative Code. CCE will be filing an application to construct and operate the Carroll County Energy (the “Facility”), a new natural gas-fired combined-cycle generating facility to be located in Carroll County, Ohio. Although the application is being filed in accordance with Chapter 4906-13 of the Ohio Administrative Code, CCE seeks waivers in part, from Rule 4906-13-03 (site selection study for alternatives); Rule 4906-13-04(A)(3) (mapping of vegetative cover); and Rule 4906-13-04(B)(2) (mapping of water supply lines, sewage lines and grade elevations to be modified). A memorandum in support of the requested waivers is attached hereto.

WHEREFORE, CCE respectfully requests that the Board grant waivers in part or in

whole from Rule 4906-13-03; Rule 4906-13-04(A)(3); and Rule 4906-13-04(B)(2) of the Ohio Administrative Code.

Respectfully submitted,

s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Carroll County Energy LLC (hereafter referred to as “the Applicant” or “CCE”), is proposing to construct a 742 net megawatt natural gas-fired combined-cycle electric generation facility to be located in Carroll County, Ohio (the “Facility”). The Facility will help meet energy demand in the region, particularly in light of the retirement of aging generating capacity, with the retirement of 6.3 gigawatts (GW) of capacity announced for retirement in Ohio before 2016.

In support of its application to construct the Facility, CCE is seeking the following waivers from the Board’s rules: (1) a waiver from the requirement to provide an extensive site selection study pursuant to Rules 4906-13-03(A)-(B) of the OAC; (2) a waiver from Rule 4906-13-04(A)(3) to provide preliminary grading plans showing vegetative cover information for the site rather than showing existing and removed vegetative cover on the site map; (3) a waiver from Rule 4906-13-04(B)(2)(d) to provide the location of water supply lines and sewage lines in final engineering drawings; and (4) a waiver from Rule 4906-13-04(B)(2)(i) to provide a preliminary grading plan rather than showing grade elevation modifications on the layout map.

As more fully explained below, good cause exists to grant the waivers. Moreover, CCE’s application will provide all information necessary for the Board and its Staff to conduct a review and make a determination that the site represents the minimum adverse environmental impact as required by Section 4906.10, Revised Code.

II. REQUESTED WAIVERS

A. Rules 4906-13-03(A)-(B) of the Ohio Administrative Code (Site Alternatives Analysis)

Rule 4906-13-03(A) of the Ohio Administrative Code requires an applicant to conduct a site selection study prior to submitting an application for an electric power generating facility, while Rule 4906-13-03(B) requires an applicant to provide a summary table comparing the sites, utilizing the technical, financial, environmental, socioeconomic, and other factors identified in the study. CCE did conduct a site selection process that evaluated the ability to site the Facility in other counties. After identifying Carroll County as the preferred region, CCE proceeded with a site selection process that further refined the siting of the Facility to the preferred Project Area. This process included evaluation of quantitative and qualitative factors within Carroll County, but did not involve a formal evaluation of alternative sites for the Facility.

Because CCE did not formally evaluate alternative sites, it respectfully requests that the Board grant a waiver from the above-cited rule requirements that it be required to conduct a site alternative analysis prior to submitting the application and provide a summary table. CCE will provide a discussion of its site selection process, the site selection criteria utilized in identifying the Facility site and the key attributes met by the site. This information will assist the Board in its review, and will support a finding that the site represents the minimum adverse environmental impact as required by Section 4906.10, Revised Code.

The Board has granted similar requests for this waiver in other proceedings, most recently in Oregon Clean Energy's application proceeding, *In re Oregon Clean Energy, LLC*,

Case No. 12-2959-EL-BGN, Entry dated December 5, 2012 at ¶5.¹

B. Rule 4906-13-04(A)(3) of the Ohio Administrative Code (Mapping of Vegetative Cover)

Rule 4906-13-04(A)(3) requires an applicant to supply a site map that shows existing vegetative cover and vegetative cover that may be removed during construction. CCE will provide that information, but will do so via its Facility site preliminary grading plans. These plans show existing vegetative cover and areas designated for vegetation removal within the 17 acre site, construction laydown area and the site access road. Moreover, the preliminary grading plans will provide the Board's Staff with all necessary information to identify the areas subject to vegetative cover removal at the Facility Site. Accordingly, for good cause shown, CCE respectfully requests that the Board grant a waiver from the requirement under Rule 4906-13-04(A)(3)(b) and (g) to show existing vegetative cover and vegetative cover that may be removed during construction, and allow for the alternate submission of preliminary grading plans, which show vegetative cover, for the Facility site.

C. Rule 4906-13-04(B)(2)(d) of the Ohio Administrative Code (Water Supply and Sewage Lines)

Rule 4906-13-04(B)(2)(d) requires an applicant to supply a map of the proposed electric power generating plant site showing certain features, including water supply and sewage lines. CCE will be providing this map, but has not identified exact locations for the water supply and water discharge lines from the proposed Facility. CCE is currently in discussions with the Village of Carrollton and Carroll County (which would supply water from the Village of

¹ See also In re: Rolling Hills Generating, LLC, a Subsidiary of Dynegy Power, Case No. 00-1616-EL-BGN, Entry, December 8, 2000; In re: Sun Coke Company, a Division of Sunoco, Case No. 04-1254-EL-BGN, Entry, January 21, 2005; In re: FDS Coke Plant, LLC, Case No. 07-703-EL-BGN, Entry Dec, 18, 2007; In re: Middletown Coke Company, a Subsidiary of Sun Coke Energy, Case No. 08-281-EL-BGN, Entry, May 28, 2008; and In re: Air Products and Chemicals, Case No. 10-847-EL-BGN, Entry Oct. 28, 2010.

Malvern) to provide water services to the Facility. Either entity would provide water services at the Facility site, with metering being at the Facility site boundary or at a terminating connection at the Facility. The final routing of the water supply and take-away pipelines, however, will not be determined until after a supplier has been selected, and will be sited as part of the Facility's final engineering design work. Given this timing, CCE respectfully requests a waiver from Rule 4906-13-04(B)(2)(d) which requires the location of water supply and sewage lines on the layout map. Locations for these lines will be shown on CCE's final engineering drawings, which will be submitted to the Board's Staff prior to construction.

D. Rule 4906-13-04(B)(2)(i) of the Ohio Administrative Code (Grade Elevations Where Modified During Construction)

Rule 4906-13-04(B)(2)(i) requires an applicant to supply a map of the proposed electric power generating plant site showing the grade elevations where modified during construction. CCE will provide that information, but would like to provide that information via its Facility site preliminary grading plans. These plans provide detailed information of the areas within the 17 acre site, construction laydown area and the site access road that will be subject to grading. Accordingly, for good cause shown, CCE respectfully requests that the Board grant a waiver from the requirement under Rule 4906-13-04(B)(2)(i) to show grade elevations where modified during construction on the layout map.

III. CONCLUSION

As good cause exists for granting the waivers, CCE respectfully requests that the Board grant waivers in part or in whole from Rules 4906-13-03, 4906-13-04(A)(3), and

4906-13-04(B)(2)(d) and (B)(2)(i) of the Ohio Administrative Code.

Respectfully submitted,

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Summary: Motion for Waivers electronically filed by Mr. Michael J. Settineri on behalf of
Carroll County Energy LLC