

FILE

PUCO EXHIBIT FILING

Date of Hearing: 10/6/14

Case No. 14-1396-EL-BCA

PUCO Case Caption: OREGON CLEAN ENERGY

List of exhibits being filed:

Applicant

2

3

4

5

STAFF

1

2

PUCO

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Reporter's Signature: Michael J. [Signature]

Date Submitted: 10/7/14

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Technician [Signature] Date Processed OCT 07 2014

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of Oregon Clean : Case No.
Energy, LLC for an Amendment: 14-1396-EL-BGA
to its Certificate of :
Environmental Compatibility :
and Public Need. :

- - -

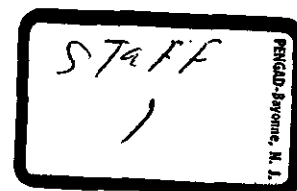
PROCEEDINGS

Before Nick Walstra, Administrative Law Judge,
held at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-D, Columbus, Ohio, on Monday,
October 6, 2014, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -



**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)
Oregon Clean Energy, LLC for an)
Amendment to its Certificate of)
Environmental Compatibility and Public)
Need for an Electric Generating Facility in)
Oregon, Ohio, Lucas County.)

Case No. 14-1396-EL-BGN

**PREFILED TESTIMONY
OF
Christopher K. Cunningham
ENERGY AND ENVIRONMENT DEPARTMENT
PUBLIC UTILITIES COMMISSION OF OHIO**

Staff Exhibit 1

October 2, 2014

1 1. Q. Please state your name and business address.

2 A. My name is Christopher K. Cunningham, and my business address is 180
3 East Broad Street, Columbus OH 43215.
4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed as a Public Utilities Administrator 2, in the Director's of the
7 PUCO's Energy and Environment Department.
8

9 3. Q. Please summarize your educational background and work experience.

10 A. I received a B.A. degree, Chemistry, from The Ohio State University and a
11 Masters Degree, City and Regional Planning, from The Ohio State
12 University.
13

14 I have been continuously employed by the PUCO since September 2006.
15 My responsibilities during this time have involved geographic information
16 systems, land use issues related to power siting, serving as lead analyst on
17 power siting cases, environmental enforcement, and renewable energy
18 policy.
19

20 4. Q. Have you testified in prior proceedings before the Ohio Power Siting Board
21 (Board)?

22 A. Yes.

1 5. Q. Describe your role in this proceeding?

2 A. I am the lead analyst for Oregon Clean Energy Facility in this case. I was
3 responsible for the preparation of the Staff Report of Investigation. I
4 coordinated the Staff's review of the application, including the conduct of
5 the field work at the site and discussions with representatives from Oregon
6 Clean Energy LLC.

7

8 6. Q. What is the purpose of your testimony in this proceeding?

9 A. My testimony is in support of the Staff Report filed on September 19, 2014.

10

11 7. Q. Do you recommend that the Board approve the amendment to the
12 Certificate of Environmental Compatibility and Public Need for Oregon
13 Clean Energy LLC in this case?

14 A. Yes.

15

16 8. Q. Does this conclude your testimony?

17 A. Yes. However, I reserve the right to submit supplemental testimony as
18 described herein, as new information subsequently becomes available or in
19 response to positions taken by other parties.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Prefiled Testimony of Christopher K. Cunningham, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, hand-delivered, and/or delivered via electronic mail, upon the following parties of record, this 2nd day of October, 2014.

/s/ Steven L. Beeler

Steven L. Beeler
Assistant Attorney General

Parties of Record:

Sally W. Bloomfield
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
sbloomfield@bricker.com

Robert J. Schmidt, Jr.
Porter Wright Morris & Arthur, LLP
41 South High Street
Columbus, OH 43215
rschmidt@porterwright.com

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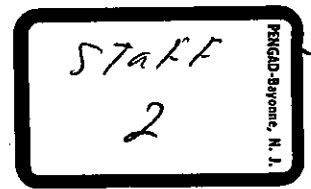
Commission of Ohio Docketing Information System on

10/2/2014 2:18:32 PM

in

Case No(s). 14-1396-EL-BGA

**Summary: Testimony Prefiled Testimony of Christopher K. Cunningham electronically filed by
Mrs. Tonnetta Y Scott on behalf of PUCO**



Ohio Power Siting Board Staff Report of Investigation

Case Number: 14-1396-EL-BGA (amends 12-2959-EL-BGN)

Project: Amendment to Oregon Clean Energy Certificate of Environmental Compatibility and Public Need

Applicant: Oregon Clean Energy, LLC

Report Date: September 19, 2014

Waiver Requests: None

Inspection Date(s): September 17, 2014

Staff Assigned: C. Cunningham, C. Burri, G. Zeto

Summary of Staff Recommendations (see report text for discussion):

Application: ☒ Approval ☐ Disapproval ☐ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Amendment Description

The Applicant is proposing two changes to the Certificate granted on May 1, 2013 in case number 12-2959-EL-BGN that would require the addition of new permanent and temporary property to the project area. The first change would be the relocation of the switchyard to an approximately 7.5 acre property adjacent to the north of the certificated facility. The second change is a proposal to add a temporary construction trailer and parking lot, also adjacent to the north of the certificated facility.

Amendment Review

The newly proposed switchyard and construction trailer would be located on agricultural land just south of the Bayshore - Monroe 345 kV (kilovolt) transmission line. The new switchyard location would not create new significant land use, recreational, cultural, aesthetic, wildlife or ecological impacts as these properties are substantially similar to the property previously certificated for the generation facility.

Recommended Findings

Staff recommends that the Board find that the proposed amendment to the Certificate poses a minimal social and environmental impact.

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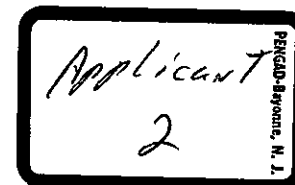
Commission of Ohio Docketing Information System on

9/19/2014 1:13:37 PM

in

Case No(s). 14-1396-EL-BGA

Summary: Staff Report of Investigation electronically filed by Mrs. Yvonne W Cooper on behalf of Staff of OPSB



**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **OREGON CLEAN**)
ENERGY, LLC for an Amendment to its Certificate to) Case No. 14-1396-EL-BGA
of Environmental Compatibility and Public Need.)

**NOTICE OF WITHDRAWAL OF THE REQUEST
TO ADD MEGAWATTS TO THE CERTIFICATE**

On August 15, 2014 Oregon Clean Energy, LLC ("OCE") filed an Amendment ("Amendment") to its Certificate that was granted by the Ohio Power Siting Board ("Board" or "OPSB") on May 1, 2013 in Case No. 12-2959-EL-BGN. In its Amendment, Oregon requested the Board approve several changes to its certificated authority, including an increase in the project's electric generating output from a nominal 799 MW, which the Board had approved, to 960 MW. Because PJM has not had the opportunity to complete the requisite studies, OCE now withdraws the request for the additional megawatts.

There are only two references in the Amendment that refer to the addition of the 161 megawatts. These are found on pages 3 (first partial paragraph) and 5, the first sentence under (1) Project Details, (a) Generating Units.

Respectfully submitted on behalf of
OREGON CLEAN ENERGY, LLC

Sally W. Bloomfield

Sally W. Bloomfield
Dylan Borchers
BRICKER & ECKLER LLP
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dborchers@bricker.com

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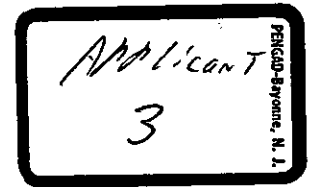
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in

Case No(s). 14-1396-EL-BGA

Summary: Notice of Withdrawal of the Request for the Additional Megawatts of Oregon Clean Energy, LLC electronically filed by Teresa Orahood on behalf of Sally Bloomfield



**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of OREGON CLEAN)
ENERGY, LLC for an Amendment to its Certificate to) Case No. 14-1396-EL-BGA
of Environmental Compatibility and Public Need.)

**NOTICE OF WITHDRAWAL OF THE REQUEST TO DELETE OR MODIFY
COMMITMENT NO. 8 IN THE CERTIFICATE ISSUED IN CASE NO. 12-2959-EL-BGN**

On August 15, 2014 Oregon Clean Energy, LLC ("OCE") filed an Amendment ("Amendment") to its Certificate that was granted by the Ohio Power Siting Board ("Board" or "OPSB") on May 1, 2013 in Case No. 12-2959-EL-BGN. In its Amendment, Oregon requested the Board approve several changes to its certificated authority, including a modification to Commitment 8 made in its Second Supplement to the Application (Case No. 12-2959-EL-BGN, filed on March 15, 2013) and approved by the Board in its Certificate. Commitment No. 8 states:

Any new transmission line constructed in order to deliver electricity from the generation project will become part of a filing with the Board, and must be approved prior to construction of the generation project.

OCE was unaware that American Transmission Systems, Inc. ("ATSI"), the entity that will construct transmission lines to the project, had filed an application (Case No. 12-1636-EL-BTX) with the Board that included a transmission line that will serve the OCE facility. On August 25, 2014, the Board granted a certificate to ATSI to construct the Hayes-West Fremont 138-kilovolt Transmission Line, the transmission line that will serve the OCE generation plant. There will be a small tap line, approximately 300 feet that will need to be constructed prior to the time that Oregon Clean Energy Center becomes operational, but it will need to be connected to the switchyard yet-to-be built, but authorized for OCE to build in Case No. 13-2959-EL-BGN.

OCE believes that its Commitment No 8 has been met because the transmission line that will serve Oregon Clean Energy Center has received Board approval and thus it now withdraws the request for either the deletion or the modification of Commitment No. 8.

There is only three paragraphs in the Amendment that refer to Commitment No. 8—on pages 1 and 2 under (A) Project Summary and Overview, (1) Description of the Facility.

Respectfully submitted on behalf of
OREGON CLEAN ENERGY, LLC

Sally W. Bloomfield

Sally W. Bloomfield
Dylan Borchers
BRICKER & ECKLER LLP
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Columbus, OH 43215-4291
Telephone: (614) 227-2368; 227-4914
Facsimile: (614) 227-2390
E-Mail: sbloomfield@bricker.com
dborchers@bricker.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Withdrawal was served via electronic mail upon the parties of record listed below this 18th day of September 2014.



Sally W. Bloomfield

Robert J. Schmidt, Jr.
L Bradfield Hughes
Porter Wright Morris & Arthur, LLP
41 South High Street
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rschmidt@porterwright.com

Anne Rericha
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9/18/2014 3:54:01 PM

in

Case No(s). 14-1396-EL-BGA

Summary: Notice of Withdrawal of Oregon Clean Energy, LLC electronically filed by Teresa Orahood on behalf of Sally Bloomfield



Bricker & Eckler
ATTORNEYS AT LAW

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Sally W. Bloomfield
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October 2, 2014

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Re: Oregon Clean Energy, LLC
Case No. 14-1396-EL-BGA

Dear Ms. McNeal:

I am attaching for filing in the above-referenced matter, pursuant to Ohio Administrative Code (OAC) Rule 4906-5-09, the proofs of publication attesting to the publication of the notice of amendment to proposed major utility facility. The notice was published in *The Toledo Blade* on Saturday, September 27, 2014 and Sunday, September 28, 2014. This publication was not required by the Board, but applicant made the publication to provide additional notice.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Sally W. Bloomfield

Attachments

Cc: Chris Cunningham (w/Attachments)

The Blade/toledoblade.com 541 N. Superior St. Toledo, OH 43660 419-724-6500

AFFIDAVIT OF PUBLICATION
STATE OF OHIO, LUCAS COUNTY}SS.

Advertiser's Name: Bricker & Eckler Attorneys At Law

Account # 424517

Width: 4 column Depth: 11.00 inches Ad# 210906

Price: \$3408.68

Run dates: Saturday, September 27, 2014

Section: Main News

I, Asapheli Wechsner being first duly Sworn, make oath and say that I am an Advertising Clerk in the employ of THE TOLEDO BLADE CO., the publishers of THE BLADE, that I personally know the facts herein stated, that said BLADE is a daily newspaper printed, and of general circulation in excess of 90,000, in said County, and in said State, and that the notice of which the below is a true copy of the text, was published in said Daily BLADE according to the above run schedule.

Subscribed in my presence and sworn to before me this 29th day of Sept. A.D. 2014.



CONNIE CROSS
Notary Public, State of Ohio
My Commission Expires 2-26-2017

Connie Cross
Notary Public, State of Ohio

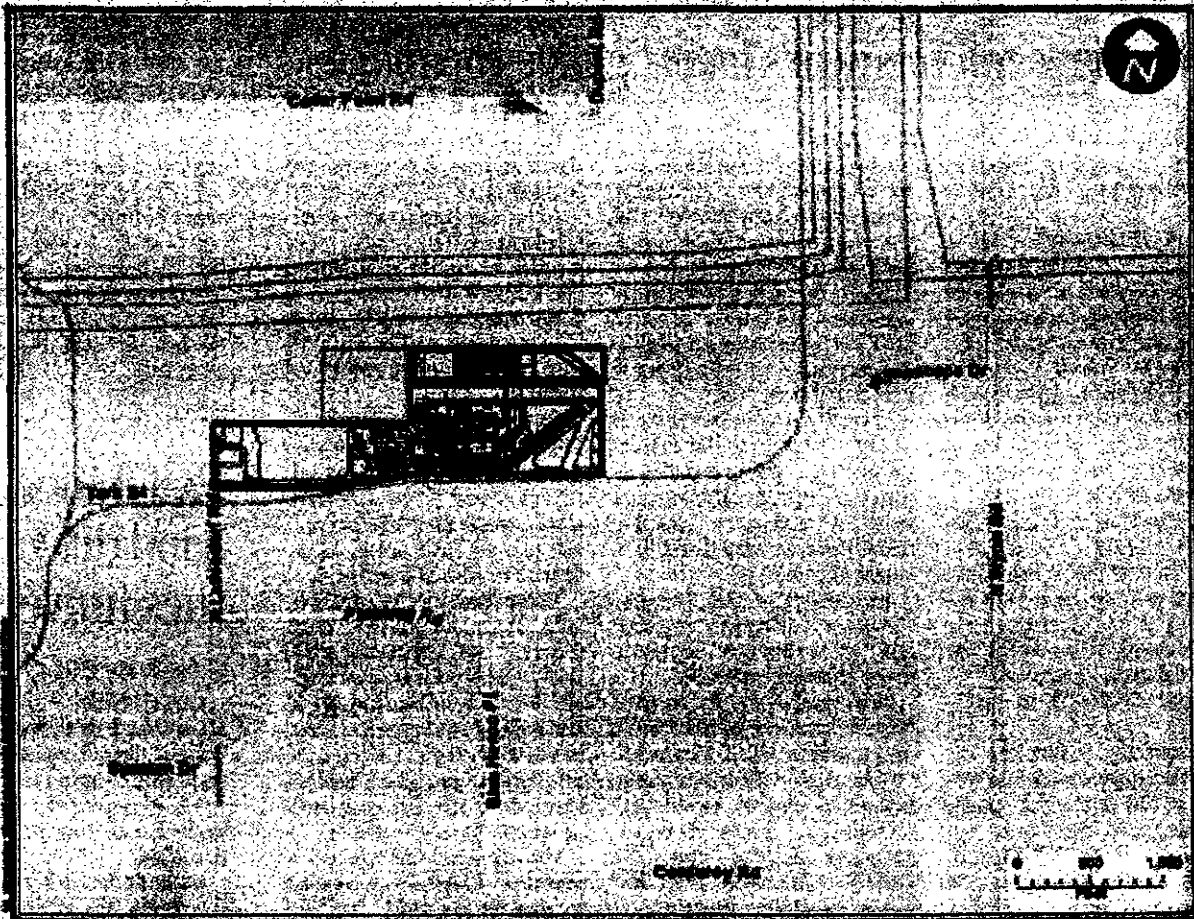
Notice of Amendment to Proposed Major Utility Facility

FACILITY DESCRIPTION

The Ohio Power Siting Board ("Board") issued an Order of Environmental Compatibility and Public Need authorizing Oregon Clean Energy, LLC to construct, own, and operate a nominal 799 megawatt (MW) natural gas fired combined cycle power station, Oregon Clean Energy Center. The Oregon Clean Energy Center will be located on a 30-acre property in a commercial/industrial-zoned area located at 816 N. Lallendorf Road near the intersection of York Road in the City of Oregon, Lucas County, Ohio.

LOCATION AND GENERAL LAYOUT

The general location of the Oregon Clean Energy Center is shown on the map below.



AMENDMENT NOW PENDING

Oregon Clean Energy, LLC ("OCE") has an Application for an Amendment of its Certificate of Environmental Compatibility and Public Need pending before the Board for approval of the switchyard parcel (new land area); approval of the area to be used for temporary construction trailer parking (new land area); approval of technical and conforming amendments related to the amendment of its air permit; and approval of revised noise studies related to changes in project layout.

The assigned docket number for the Amendment is Case No. 14-1396-EL-BGA. Copies of all filings in the case can be located at the Ohio Power Siting Board website at (<http://www.opsb.ohio.gov>) by scrolling down to "Pending Cases" and selecting the case by name or docket number. To view the filings, click the case number for the case record. A copy of the Amendment was also provided to the Toledo-Lucas County Public Library, 3340 Dustin Road, Oregon, Ohio.

DATE, TIME AND LOCATION OF HEARING

A hearing for this case has been scheduled for Monday, October 6, 2014 at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 11th Floor Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215-3793. Interested persons who wish to intervene should file their petitions by no later than October 1, 2014. Petitions should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite Case No. 14-1396-EL-BGA.

The Blade/toledoblade.com 541 N. Superior St. Toledo, OH 43660 419-724-6500

AFFIDAVIT OF PUBLICATION

STATE OF OHIO, LUCAS COUNTY}SS.

Advertiser's Name: Bricker & Eckler Attorneys At Law

Account # 424517

Width: 4 column Depth: 11.00 inches Ad# 210908

Price: \$7502.88

Run dates: Sunday, September 28, 2014

Section: Classified Legal Notices

I, Connie Cross being first duly Sworn, make oath and say that I am an Advertising Clerk in the employ of THE TOLEDO BLADE CO., the publishers of THE BLADE, that I personally know the facts herein stated, that said BLADE is a daily newspaper printed, and of general circulation in excess of 90,000, in said County, and in said State, and that the notice of which the below is a true copy of the text, was published in said Daily BLADE according to the above run schedule.

Subscribed in my presence and sworn to before me this 30th day of Sept. A.D. 2014



CONNIE CROSS
Notary Public, State of Ohio
My Commission Expires 2-26-2017

Connie Cross

Notary Public, State of Ohio

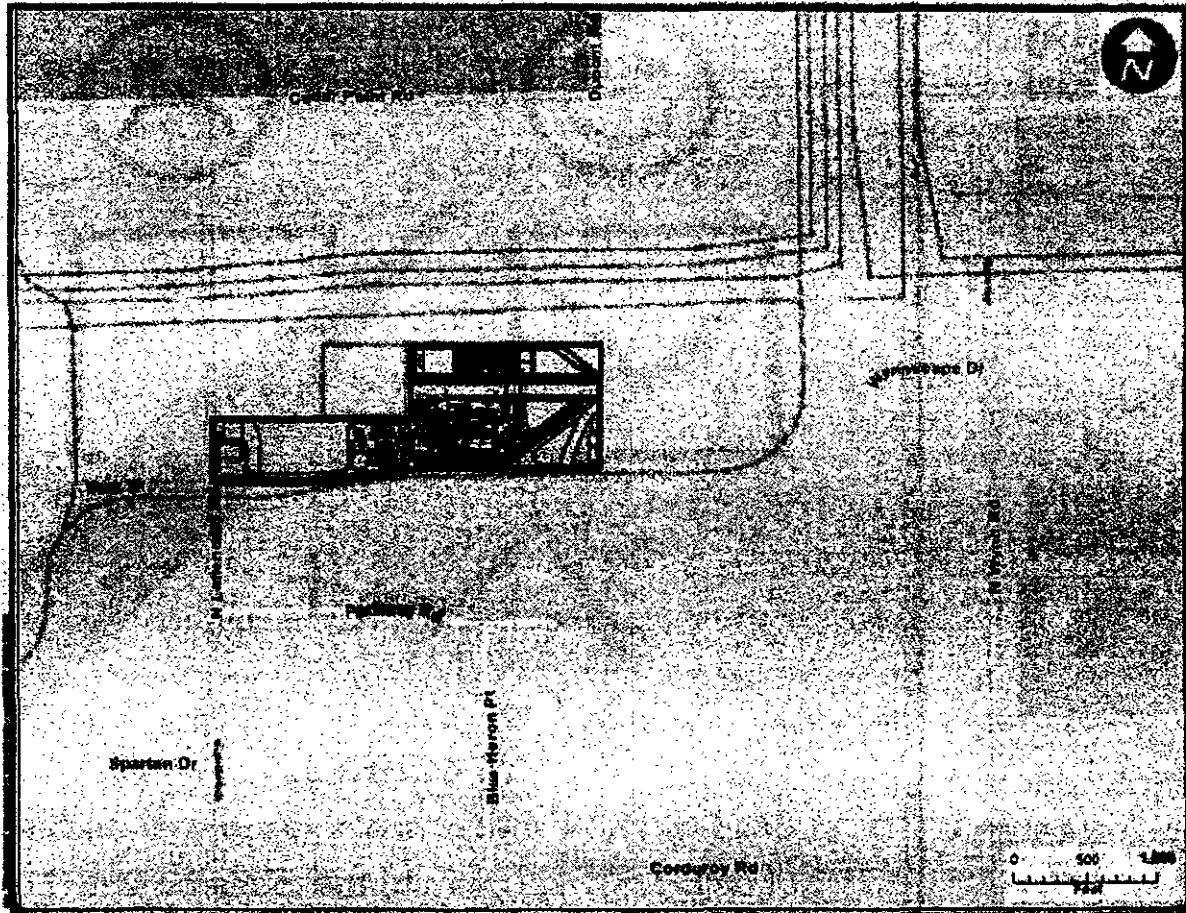
Notice of Amendment to Proposed Major Utility Facility

FACILITY DESCRIPTION

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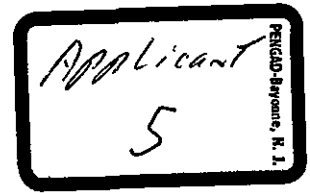
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in

Case No(s). 14-1396-EL-BGA

**Summary: Proof of Pub of Oregon Clean Energy, LLC electronically filed by Teresa Orahod
on behalf of Sally Bloomfield**



**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Oregon Clean**)
Energy, LLC for an Amendment of a Certificate of) Case No. 14-1396-EL-BGA
Environmental Compatibility and Public Need)

DIRECT TESTIMONY OF

William J. Martin

on behalf of

Oregon Clean Energy, LLC

October 2, 2014

1 **1. Please state your name.**

2 My name is William J. Martin.

3 **2. Please state your background.**

4 I am the President of CME Energy. I began my career in 1980 developing and
5 financing energy conservation projects such as heat recovery projects in
6 industrial facilities and developed one of the first biomass projects in the USA
7 under PURPA located in Western Massachusetts.

8 After forming CME International Inc. in 1992, I was the lead developer of the
9 first independent power project in North Africa, partnering with Caterpillar
10 Corporation. The project, located near Zarzis, Tunisia captures oil field gas,
11 prior to flaring as greenhouse gases, utilizing the gas in turbines, reducing the
12 greenhouse gas impact by over 90% while providing low cost energy to the
13 Tunisian grid.

14 During the early 1990's I served as an advisor to Scudder Stevens and Clark in
15 the formation of the Latin American Trust for Independent Power. I was a
16 member of the team that developed the fund's first three successful investments
17 including Mamonal, the first independent private power project in Latin
18 America. Throughout the 1990's I served as an advisor to such firms as
19 Tractebel, Duke, and Cogentrics and Massachusetts Institute of Technology
20 where I served as principal advisor regarding the re-development of its
21 cogeneration facility in Cambridge Massachusetts.

I was co-developer with Calpine Corporation of the nominally 700+ MW gas fired combined cycle plant in Fremont Ohio, now owned and operated by American Municipal Power.

In 2011, I formed a joint venture, North America Project Development, LLC ("NAPD") with Bill Siderewicz to develop combined cycle generating plants, largely in the Northeast USA. Bill and I have collectively developed more than 10,000 megawatts of private power plants on virtually every continent.

3. What is the organization of Oregon Clean Energy, LLC and your relationship to it?

NAPD is the sole owner of Oregon Clean Energy, LLC, which I will refer to as "Company." As one of the two members (Bill Siderewicz is the other) of the NAPD, I am a principal of the Company.

4. What is your role in the regulatory process before the Ohio Power Siting Board?

Along with Bill Siderewicz, we have acted as the project managers for purposes of obtaining all the authorizations from the Ohio Power Siting Board ("Board"), as well as from all the other governmental entities that issue permits or authorizations for this project. We have received the certificate from the Board to construct this project in 2013, Case No. 12-2959-EL-BGN.

5. What is the purpose of your pre-filed testimony?

My testimony will give background about this Amendment, indicate the Company's acceptance of the Staff Report that was issued September 19, 2014 and assuming that the Amendment is approved by the Board, request the Board to state that the Company may

43 give notice to the Board at the time of the transfer of the substation property to American
44 Transmission Systems, Inc. since the approval for the transfer was already addressed in
45 the original Application.

46 **6. Please provide the background concerning construction of the Oregon Clean Energy**
47 **Center.**

48
49 The Company will construct, own, and operate the Oregon Clean Energy Center, a new
50 natural gas-fired combined-cycle generating facility located in Lucas County, Ohio. It
51 will utilize advanced gas turbine/steam turbine, combined-cycle technology to generate
52 electricity. When the two Siemens gas turbines are fired at their maximum capability and
53 along with a heat recovery boiler and steam turbine supplemented by auxiliary firing, the
54 nominal plant output maximum will be 960 MW. [The Board approved 799 MW and we
55 will apply for Board approval of an additional 161 MW once the System Impact Study
56 from PJM is received].

57 The proposed location for the Oregon Clean Energy Center consists of an irregularly
58 shaped parcel of land, totaling approximately 30 acres, located entirely within Lucas
59 County, in the City of Oregon, Ohio ("City"). The site is within a mixed industrial,
60 commercial, and agricultural area and is commercially/industrially zoned within the
61 Cedar Point Development Park, a designated Foreign Trade Zone.

62 The fuel to the project will be natural gas supplied by a natural gas provider, North Coast
63 Gas Transmission. An approximately 300-foot interconnection corridor will extend on
64 the adjacent parcel, controlled by the Company, to reach the existing FirstEnergy 345 kV
65 transmission lines.

66 Raw water and potable water is to be provided by the City. The Company will also
67 discharge water to the City's facilities. All air quality impacts will be below the national
68 ambient air quality standards.

69 This Application for an Amendment was filed in order to secure authority for a new
70 location for the substation that had been approved in the prior case and for the area to be
71 used for trailer parking which has been leased by our contractor, Black and Veach. The
72 Amendment also requests approval of technical and conforming changes related to the
73 amendment of the Company's air permit and of revised noise studies related to changes
74 in the project layout. As set forth in the original Application and approved by the Board,
75 once the Company has completed construction, the Company would transfer the
76 substation and the substation site to American Transmission Systems, Inc.

77 **7. Did you review the Staff Report that was issued on September 19, 2014?**

78 Yes, I did and the Staff Report recommended that the Board find that the Amendment
79 poses minimal social and environmental impact. I am assuming that the favorable
80 recommendation means that the Staff is also recommending approval of the Amendment.

81 **8. Do you have a request with respect to the mechanics of the transfer of the substation**
82 **and site to American Transmission System, Inc.?**

83 Yes. Because the Board has already approved our original Application, which included
84 the proposed transfer of the substation, assuming the Board approves this Amendment, I
85 would like to request that its order provide that at the time of the transfer, the Company
86 merely submit a notice of the transfer to the Board. Since the approval has been given, it
87 does not seem logical to apply to the Board once more.
88

89 **9. Do you have any further comments?**

90 Yes, I want to express my appreciation to the Staff for working with the Company
91 through the Amendment process. We have been working against the clock to get this
92 Amendment approved so that we may begin construction on this project which will take
93 almost two years and which requires a financial commitment of approximately \$800
94 million. The Staff has worked diligently, efficiently and quickly in this process and we
95 are deeply grateful.

96 **10. Does this conclude your testimony?**

97 Yes, it does.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Testimony was served upon the following parties of record via regular or electronic mail this 2nd day of October 2014.



Sally W. Bloomfield

Steven Beeler
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
steven.beeler@puc.state.oh.us

Robert S. Schmidt, Jr.
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Nicholas Walstra
Administrative Law Judge
Ohio Power Siting Board
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in

Case No(s). 14-1396-EL-BGA

**Summary: Testimony of William J. Martin on behalf of Oregon Clean Energy, LLC
electronically filed by Teresa Orahod on behalf of Sally Bloomfield**