

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
FDS Coke Plant, LLC, for a Certificate )  
of Environmental Compatibility and ) Case No. 07-703-EL-BGN  
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 in this proceeding, authorizing the construction, operation, and maintenance of the cogeneration facility. In addition, the Order 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 Order, the certificate would become invalid.
- (3) By Entry issued September 20, 2013, the Board granted FDS's motion to extend the expiration date of its certificate for a period of 12 months, ending on October 28, 2014.
- (4) On October 16, 2014, FDS filed a second motion to extend the authority granted in the certificate for a period of 24 months. FDS states that it is engaged in the final financing and construction planning stages of an industrial project that consists of a state-of-the art

nonrecovery metallurgical coke oven 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 that, during the 12-month extension of the certificate, FDS continued an ongoing good faith effort to finalize financing and begin construction of the facility by continuing to work on interconnection with PJM Interconnection, LLC. According to FDS, the 24-month additional extension of the certificate is needed to allow FDS to finalize financing and initiate onsite construction activities. FDS offers that the cogeneration facility is in the public interest and furthers the state of Ohio's energy policy set forth in R.C. Chapter 4928.

- (5) The Board finds that FDS's motion to extend the term of the certificate is reasonable and should be granted.

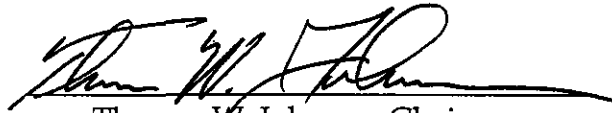
It is, therefore,

ORDERED, That FDS's motion to extend the term of its certificate for a period of 24 months be granted. It is, further,

ORDERED, That FDS's certificate be extended until October 27, 2016, 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



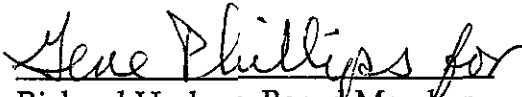
Thomas W. Johnson, Chairman  
Public Utilities Commission of Ohio



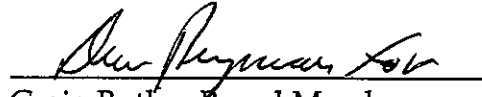
David Goodman, Board Member  
and Director of the Ohio  
Development Services Agency



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



Richard Hodges, Board Member  
and Director of the Ohio  
Department of Health



Craig Butler, Board Member  
and Director of the Ohio  
Environmental Protection Agency



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

Jeffrey J. Lechak, Board Member  
and Public Member

CMTP/sc

Entered in the Journal

OCT 27 2014



Barcy F. McNeal  
Secretary