

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of South Field)
Energy LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct an) Case No. 15-1716-EL-BGN
Electric Generation Facility in Columbiana)
County, Ohio)

In the Matter of the Application of South Field)
Energy LLC for a Certificate of Environmental) Case No. 15-1717-EL-BTX
Compatibility and Public Need for a 345kV)
Transmission Line in Columbiana County, Ohio)

SOUTH FIELD ENERGY LLC'S RESPONSE TO OHIO VALLEY JOBS ALLIANCE'S PETITION TO INTERVENE

I. INTRODUCTION

The Ohio Power Siting Board should not allow the Ohio Valley Jobs Alliance (“OVJA”) to intervene in the above-captioned cases because OVJA has not stated any real interest relevant to the proposed electric generation facility and associated interconnection facilities. OVJA fails to disclose that it is a pro-coal West Virginia non-profit corporation¹ that opposes gas-fired generation facilities for purely economic reasons.² OVJA simply parrots applicable statutory criteria all the while claiming an interest in Ohio energy policies and PJM grid reliability issues that have no connection to OVJA’s stated mission “to promote and protect jobs in the Ohio Valley region and to protect the related interests of its members and residents in the Ohio Valley.”³ OVJA also fails to explain how its economic special interests can justify intervention in this proceeding with the apparent goal of stopping the development of the proposed facilities.

¹ See <http://apps.sos.wv.gov/business/corporations/>.

² See, e.g., <https://www.facebook.com/pages/Ohio-Valley-Jobs-Alliance/818523324896025?sk=timeline> (OVJA Facebook post, July 28, 2015 (“We’re very concerned about gas-fired power plants coming into our region and their impact on coal mining jobs.”)). See also <http://www.ohiovalleyjobs.org/> and <http://www.ohiovalleyjobs.org/blog>.

³ Petition at 2. See also <http://www.ohiovalleyjobs.org/about.html>: (“The Ohio Valley Jobs Alliance is a grassroots organization and movement whose mission is to promote and protect the good paying jobs in the Ohio Valley region.”)

Competitive economic interests are not relevant in this proceeding, and OVJA makes no showing that its special interest in protecting coal industry interests would be affected by the facilities.

OVJA also does not identify any “related interests of its members” it proposes to protect. It does not identify its members except for Mr. Kenneth Johnson, about whom OVJA provides no information regarding his place of residence or his job –what he does and where or how he would be affected by the proposed facilities. The petition to intervene (“Petition”) contains only a hollow recitation of interests without any attempt to identify OVJA and its members or to describe how the proposed facilities would affect them. For example, OVJA claims impacts to local roads, homes and properties yet fails to identify any specific interests, individual members, or any nexus with alleged impacts by the proposed facilities to any roads, or other specific features of the County.

OVJA’s apparent but unstated supposition is that a natural gas fired generation plant cannot co-exist with coal-fired generation plants. The Board’s role, however, is not to pick one industry over the other. Just as important, debates on energy policies that may favor one industry over another should take place at the Ohio General Assembly and not before the Board. The Board should deny the Petition for lack of good cause.

II. BACKGROUND

South Field Energy LLC (“SFE” or the “Applicant”) filed an application to construct a state-of-the-art 1,105 megawatt natural gas-fired electric generation facility in Yellow Creek Township, Columbiana County, Ohio (the “Generation Facility”) in Case No. 15-1716-EL-BGN. SFE has also filed an application in Case No. 15-1717-EL-BTX to construct an approximately three and one-half mile generator lead line, switchyard and related facilities in Madison and Yellow Creek Townships, Columbiana County, Ohio (collectively, the “Interconnection

Facilities” and, with the Generation Facility, the “Facilities”).⁴ Ultimately, the Interconnection Facilities will interconnect the Generation Facility with the existing American Transmission System, Incorporated (“ATSI”) 345kV transmission circuit.

OVJA seeks to intervene in both captioned cases. Although the Generation Facility and Interconnection Facilities have different anticipated impacts and regulatory requirements, OVJA does not differentiate between the two in its Petition. In addition to a claimed interest in “consistent, uniformly-applied and appropriate regulatory review by state and federal agencies,”⁵ OVJA lists the following interests at page 5 of the Petition:

- Ensuring electric generating facilities are reliable and consistent with appropriate regional grid considerations
- Ensuring full and fair regulatory review to assess and mitigate adverse environmental impacts
- Protection of local property interests of its membership
- Ensuring balanced state and local tax financing support for different generation sources
- Minimizing impacts on affected cultural, recreation and socio-economic interests

OVJA restates those interests at pages 9 to 10 of the Petition, alleging the construction of the Facilities will “present substantial problems” for the “preservation of affordable, reliable, safe and secure supplies of electricity for OVJA’s members...[.]” OVJA also claims that the Facilities will “threaten the reliability of the electric system” and the “reliability of the regional electric system[.]” along with “detrimentally [affecting] the livelihoods of numerous Columbiana

⁴ The application for the Generation Facility will be referred to as the “Generation Application,” the application for the Interconnection Facilities will be referred to as the “Interconnection Application,” and together they will be referred to as the “Applications.”

⁵ Petition at 2.

County residents, including OVJA members[.]”⁶ OVJA continues by claiming that the Facilities will “subvert the reliability of the PJM grid[.]” will “interfere with Columbiana County property owners’ enjoyment and use of their homes and properties[.]” will “adversely impact the roads and other infrastructure in Columbiana County[.]” and are “contrary to sound energy policy for the state of Ohio” and “public need of Ohio residents.”⁷

III. ARGUMENT

A. Standard of Review

The Petition is governed by Rule 4906-2-12 of the Ohio Administrative Code. Under that rule, the OVJA must show good cause for the intervention. OAC 4906-2-12(B). Whether good cause exists depends upon a discretionary determination of (a) the nature and extent of OVJA’s interest, (b) the extent to which the OVJA’s interest is represented by existing parties, (c) the OVJA’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding, and (d) whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party. *Id.*

B. OVJA has not Stated Any Interests that Warrant Intervention.

OVJA’s alleged interests are nothing more than generalized restatements of statutory criteria for the Applications. As discussed below in this section, OVJA has made no showing of any valid, vested interest that would be affected in these cases. Instead, it proposes to advance its own special interests through this proceeding rather than before the Ohio General Assembly. Simply put, allowing OVJA to intervene in this case to pursue a special interest that is unrelated to the Applications would prejudice South Field Energy and unduly complicate and delay the proceedings.

⁶ Petition at 9-10.

⁷ *Id.*

1. OVJA’s alleged interest in grid reliability and “sound energy policy” is overbroad and unsupported.

OVJA’s claimed interest in energy policy grid reliability is overbroad and wholly unsupported.⁸ OVJA does not specify how grid reliability affects its special interests or why OVJA and its members would have any unique interest in “grid reliability” different from that of millions of others who receive electricity through the PJM regional transmission grid. Nor does OVJA explain how the proposed Facilities present any threat to Ohio’s energy policy, which is set by the General Assembly. OVJA may not use this proceeding to litigate the energy policy for the state of Ohio. *See, e.g., In the Matter of the Application of Black Fork Wind Energy, LLC*, 10-2865-EL-BGN, Entry ¶12 (Aug. 30, 2011) (rejecting intervention to the extent intervenor proposed general objections to energy policy or to represent other affected landowners).

OVJA’s claimed concerns about grid reliability also do not support intervention. First, PJM Interconnection LLC has overall responsibility for the regional transmission grid.⁹ PJM operates a centrally dispatched, competitive wholesale electric power market that, as of December 31, 2015, had installed generating capacity of 177,683 megawatts (MW) and 957 members including market buyers, sellers and traders of electricity in a region including more than 61 million people in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.¹⁰ PJM’s oversight over SFE’s interconnection with the regional transmission grid (which includes a number of studies including a System Impact Study) leaves OVJA’s claimed concerns about grid reliability remote and not sufficient to warrant intervention.

⁸ Petition at 5,9.

⁹ See <http://www.pjm.com/about-pjm/who-we-are.aspx> (“PJM operates a competitive wholesale electricity market and manages the high-voltage electricity grid to ensure reliability for more than 61 million people.”)

¹⁰ March 10, 2016 Quarterly State of the Market Report for PJM at page 4, Vol. I available at http://www.monitoringanalytics.com/reports/PJM_State_of_the_Market/2015.shtml.

Second, OVJA's claimed interests in grid reliability as a result of alleged unavailability of natural gas (Petition at 9) and gas interruptions (Petition at 9) are too remote (and not realistic) to justify intervention in this proceeding. OVJA's claim that natural gas supplies may not exist is entirely speculative and has no relationship to the Board's evaluation of the Applications. As well, OVJA's concern that a fuel supply may be interrupted is not inherent or unique to gas-fired facilities (and also ignores the fact that the Generation Facility will have dual fire capability using oil or gas). And as the PJM Independent Market Monitor has publicly noted, coal production, too, is subject to interruption as there are frozen coal piles, issues with trains and issues with barge traffic.¹¹ OVJA's alleged interests on fuel supply availability and delivery issues are remote, not relevant to the Board's review of the Applications and do not warrant intervention.

Third, OVJA has made no claim that adding more capacity will make the PJM regional transmission grid unstable. If anything, adding capacity to a transmission grid with the oversight of PJM as to any transmission constraints promotes grid reliability – especially in light of announced coal plant retirements. Assuming that OVJA's concern is that the Facilities will compete with existing coal-fired generation plants, that is not a concern or interest that is proper before this Board, which is not tasked with picking one industry over another.

Because OVJA states no real, unique interest in grid reliability and does not claim that having more generation sources would challenge grid reliability, this alleged interest does not support intervention. Moreover, the Public Utilities Commission of Ohio is “vested with the authority to ensure Ohio consumers of an adequate, reliable electric service at reasonable prices”, while the Board is “vested with the authority to evaluate a proposed line's or plant's effect on

¹¹ See *In the Matter of the Application Seeking Approval of Ohio Power company's Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case Nos. 14-1693-EL-RDR, et al., Transcript Volume XII at 3090 to 3091.

environmental values and, in the case of a transmission line, the basis of the need for the facility.” *See In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company*, Case No. 06-309-EL-BTX, Entry ¶ 8-9 (Nov. 20, 2006) (denying petition to intervene even though petitioner alleged reliability interests in transmission line).

2. OVJA’s alleged interest in “ensuring ... consistent, uniformly-applied and appropriate regulatory review” does not support intervention.

OVJA claims an interest in “ensuring that major utility facilities, such as this Facility, are subject to consistent, uniformly applied, and appropriate regulatory review by state and federal agencies to ensure a full and complete record for siting certifications, permitting, and compliance enforcement.”¹² OVJA does not claim any ownership interest in other regulated electric generation facilities and shows no connection between its actual interest (industry specific jobs) and its alleged interest in “regulatory review by state and federal agencies....”

Even if OVJA had a genuine interest in consistency and uniformity in all regulatory proceedings for siting, permitting and compliance enforcement (which it does not), it will not advance that overbroad interest by intervening in these two cases alone. The Board has the ultimate responsibility to review and consider the Applications in these proceedings aided by its Staff and, when appropriate, parties with real interests that will otherwise go unrepresented. *See In the Matter of the Commission's Investigation Into the Pass Through of Access Charge Reductions by Certain Regulated Entities*, No. 98-842-TP-COI, Finding & Order ¶ 5 (Sept. 30, 1999) (denying motion for intervention premised, in part, on alleged need to ensure that the terms of a Stipulation were being followed because the Commission was “undertaking that role” itself). Because the Board has developed specialized expertise in power siting matters, it is

¹² Petition at 2.

vested with discretion in applying regulatory criteria and making fact-based determinations on power siting applications.

OVJA's alleged interest in ad hoc, de facto oversight of the Board in these cases is simply not warranted, unsupported, overbroad and too ambiguous to justify OVJA's intervention. As well, that type of policy interest is best suited for federal and/or state legislatures.

3. OVJA's alleged interest in "regulatory review" of "environmental impacts" is irrelevant, unsupported and disingenuous.

In a variation of its alleged interest in de facto oversight of regulatory proceedings, OVJA alleges an interest in "ensuring full and fair regulatory review to assess and mitigate adverse environmental impacts."¹³ For example, OVJA claims that the Facilities will require regulatory approval and permits, including air quality permits.¹⁴ That is true but irrelevant, because SFE will have to satisfy applicable permit requirements under state and federal regulations and the Facilities will not operate or have impacts until the proper permits have been issued. *See* Generation Application at 8, 53, 54, 59, 87-90, *et al.*; Interconnection Application at 76, 101-05. OVJA is not necessary to that effort, since it does not issue permits. Further, the Board is not issuing air quality permits in these cases. Air quality permits will be issued in separate state and federal regulatory proceedings by agencies that do not require oversight from OVJA.

The Petition also alleges that the Facilities will "impact wetlands, rivers and other protected water bodies, habitat areas for wildlife, conservation and recreation areas...."¹⁵ What OVJA does not allege is that it has any interests affected by those alleged impacts. For example, OVJA does not specify what water bodies will be affected or how, if at all, any impacts will

¹³ Petition at 5.

¹⁴ Petition at 3.

¹⁵ Petition at 3.

affect OVJA or its members. Nor does OVJA explain how it or its members will be affected by entirely unidentified impacts on wildlife habitat, conservation and recreation areas. Here again, the Petition fails to show any nexus between the alleged environmental impacts of the Facilities and OVJA's own special interests (industry specific jobs). It is clear that OVJA's only interest in this proceeding is an economic interest, protecting one industry by attempting to block competition from another industry.

Because OVJA fails to allege that it or its members has a vested interest in environmental issues, intervention is not warranted. *See, e.g., In the Matter of the Application of Columbus Southern Power Company*, 06-309-EL-BTX, Entry ¶3 (Nov. 20, 2006) (affirming denial of motion to intervene because, among other things, industrial energy users group lacked a vested interest in environmental issues). For this same reason, the cases cited by OVJA are inapposite and show that the Petition should be denied. Intervention was allowed in those cases because, unlike here, the interveners' members had established environmental interests that would be directly affected by the proposed facilities.¹⁶ OVJA has no vested interest in environmental issues, and is using this proceeding solely to advance its own special interest.

4. OVJA makes no showing of any allegedly affected local interest in the townships, Columbiana County or even Ohio.

OVJA alleges no real interest in Columbiana County or even Ohio. OVJA is not registered to do business in Ohio¹⁷ and its only alleged connection to Columbiana County is the

¹⁶ *In the Matter of the Application of American Municipal Power –Ohio, Inc.* No. 06-1358-EL-BGN, Entry at 1 & 3 (Dec. 4, 2007) (granting motions to intervene of NRDC, OEC and Sierra Club and distinguishing prior matter where OVJAs were not property owners and did not allege any interest in the environmental impacts of the facility) & *Id.*, Motion at 3-5 (Oct. 25, 2010) (alleging the exact number of members and the direct effects related to its primary environmental purpose); *In the Matter of the Application of Columbia Gas Ohio*, 11-3534-GA-BTX, Entry ¶5, 8 & 11 (Dec. 21, 2011) (granting unopposed intervention to entities owning land interests to that would be traversed by proposed pipeline and to Sierra Club whose members asserted specific interest in specific park).

¹⁷ OVJA has not filed with the Ohio Secretary of State. *See* <http://www5.sos.state.oh.us/ords/f?p=100:2:0::NO:RP::>.

allegation that Mr. Johnson is a member and director of OVJA.¹⁸ OVJA does not show where Mr. Johnson lives or what he does for a living and OVJA does not identify any other members in Madison or Yellow Creek Townships, Columbiana County or even Ohio. Intervention is not warranted simply because OVJA has a member who “resides in a county wherein the project under consideration is proposed to be sited.” *See In the Matter of the Application of Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry ¶ 13(March 2, 2010). Nor does a mere allegation of taxpayer status or ratepayer status support intervention. *See, e.g., In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company*, Case No. 06-309-EL-BTX, Entry ¶ 8-9 (Nov. 20, 2006) (denying petition to intervene due to alleged price and reliability interests in transmission line case).

Nor can OVJA intervene to assert interests of Columbiana County or of Columbiana County residents generally. OVJA ambiguously alleges interests in “local property” or unspecified “roads and infrastructure” or undefined “cultural, recreation and socioeconomic interests” in Columbiana County.¹⁹ Columbiana County is 534 square miles and includes many and varied local properties, roads and infrastructure and cultural, recreation and socioeconomic interests.²⁰ OVJA has failed to identify any specific interests, individual members, or any nexus with alleged impacts by the Facilities to any roads, or other specific features of the County.

OVJA cannot intervene for the generalized purpose of challenging the Facilities or proceedings and cannot speak for anyone other than its members, whom OVJA has not identified. *See, e.g., In the Matter of the Application of Black Fork Wind Energy, LLC*, 10-2865-EL-BGN, Entry ¶12 (Aug. 30, 2011) (allowing Ms. Davis to intervene to the extent her property was within the boundaries of the proposed project but not to assert general objections to energy

¹⁸ Petition at 2,9.

¹⁹ Petition 5,9.

²⁰ *See* <http://www.columbianacounty.org/history.htm>.

policy or to represent other affected landowners). The cases cited by OVJA – claiming that nonprofit organizations or county residents and property owners have been allowed to intervene – are inapplicable to the petitions because OVJA makes no showing that it or its members have any specific interest that will be affected by the proposed Facilities.

The cases cited by OVJA make that point clear. The Board has allowed intervention to entities that alleged and identified numerous members with property interests in or adjacent to the planned facilities and had additional, direct interests relating to the proposed facilities. *See In the Matter of the Application of Buckeye Wind LLC*, No. 08-666-EL-BGN, Entry ¶ 5-7 (July 31, 2009) (granting intervention to unopposed petition by Farm Federation having 1600 members in the County whose lands and businesses were affected and to Ohio non-profit corporation whose members owned residential land adjacent to facility); *In the Matter of the Application of Champaign Wind, LLC*, No. 12-160-EL-BGN, Entry ¶ 19-25 (Aug. 2, 2002) (granting unopposed motions by Farm Federation and Ohio non-profit corporation, whose members were identified by name and owned property within project footprint).²¹

The Board has also granted intervention where people lived within or adjacent to the footprint of those facilities and alleged specific, direct affects from the proposed facilities. *In the Matter of the Application of Buckeye Wind LLC*, 13-360-EL-BGA, ¶12-14 (Nov. 21, 2013) (granting application by residents who live within project boundaries and detailed the potential effects on their use of local land and roads); *In the Matter of the Application of Buckeye Wind LLC*, 08-666 – EL-BGN, ¶5-7 (July 31, 2009) (granting intervention to local non-profit whose

²¹ See also *In the Matter of the Application of Columbus Southern Power Company*, 02-2153-EL-BTX, Entry ¶7-8 (Jan. 29, 2004) (granting unopposed petition by owners of property adjacent to planned transmission line); *In the Matter of the Application of American Transmission Systems, Incorporated*, 07-171-EL-BTX, Entry ¶5 (March 3, 2008) (granting unopposed petition of local citizens interested in preserving existing natural environment and whose members' property would be "literally cut in half if the transmission line route is constructed") and *id.* Motion to Intervene pp.1-2 (Jan. 15, 2008).

members own residential real estate adjacent to facility); *In the Matter of the Application of Champaign Wind LLC*, 12-160-EL-BGN, ¶19-23, 23 (Aug. 2, 2012) (granting unopposed intervention to association identifying members by name who own property and reside within footprint of project); *In the Matter of the Application of Columbus Southern Power Company* 02-2153-EL-BTX, ¶7-8 (Jan. 29, 2004) (granting unopposed intervention to owners of property adjacent to planned transmission line).

OVJA, however, fails to provide the specificity necessary to justify its intervention in the proceeding. Identifying one member that lives somewhere in a 534 square mile county and then layering on generic concerns about “cultural, recreation and socio-economic interests” do not show a specific local interest that warrants intervention. More is needed to warrant intervention in these proceedings.

5. The Board is not the proper forum for OVJA claimed interest in “balanced state and local tax financing support.”

OVJA claims an interest in “ensuring balanced state and local tax financing support for different generation sources.”²² But the Board does not decide or determine rates or availability of “state and local tax financing support” for the Facilities or any electric generation facilities. Rather, that is a matter to be decided by the state and local taxing authorities. Moreover, the Ohio General Assembly is the proper domain for policy issues on taxation, and not the Board. OVJA does not cite a single decision, and none has been found, that allows a taxpayer to intervene in a Board proceeding to assert ambiguous taxpayer interests regarding potential tax payments of an electric generating facility. OVJA’s alleged but unsupported and unexplained concerns about taxation on different generation sources are wholly irrelevant here. Policy issues

²² Petition at 5.

that belong at the Ohio General Assembly do not establish good cause for intervention in Board proceedings.

6. OVJA fails to show how its special interest is affected in these cases.

OVJA claims without support at page 9 of the Petition that the Facilities will “detrimentally affect the livelihoods of numerous Columbiana County residents, including” OVJA’s members. OVJA offers no explanation or rationale for that claim. OVJA does not identify its members or what their livelihoods entail or how they will be adversely affected by new jobs created by the Facilities. The implication, though, is that OVJA’s special interest in protecting its member’s industry specific jobs is the interest that OVJA claims warrants intervention. The Board’s role, however, is not to favor one industry over another but rather to ensure the proper siting of generation and transmission facilities in Ohio. OVJA should not be allowed to bring its undisclosed anti-competitive agenda into a regulatory proceeding. Instead these special interests along with the other issues it raises should be brought before the Ohio General Assembly.

7. OVJA should not be allowed to intervene to assert generic interests in “the ‘public need’ of Ohio residents.”

As a catch-all, OVJA alleges an interest in “the ‘public need’ of Ohio residents” and purports to speak for “Ohio’s consumers” and all “Ohio Valley residents.”²³ There is no merit to this. OVJA cannot speak for anyone other than itself and its members. *See, e.g., In the Matter of the Application of Black Fork Wind Energy, LLC*, 10-2865-EL-BGN, Entry ¶12 (Aug. 30, 2011) (rejecting intervention to the extent intervenor proposed to represent other affected landowners). Importantly, OVJA also cannot intervene to question the “public need” for the Generation

²³ Petition at 10.

Facility because “need” is not a relevant consideration for a Generation Facility. R.C. 4906.10(A)(1).

Because OVJA has not shown any real interest that would be directly affected by the Facilities, OVJA cannot intervene here for itself or anyone else. OVJA’s failure to allege specific interests in regard to the Facilities and its members does not warrant intervention.

C. Any Relevant Interests will be Adequately Represented and Investigated.

Because OVJA has no real or relevant interest in these proceedings, the Petition should be denied. *See In the Matter of the Application of Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry ¶13 (March 2, 2010) (denying intervention for lack of any individual interests in the proceeding). Of note, American Transmission Systems, Inc. and the Ohio Edison Company (see petitions to intervene filed February 17, 2016) can address any concerns OVJA has regarding the interconnection of the facility to the regional transmission grid.

Moreover, given that service just recently went out to local public officials, the likely intervention of any townships and/or other public bodies will address local interests – interests that OVJA cannot represent given its nature and anti-competitive goals. As well, the Board’s Staff will investigate and advise the Board of its recommendations on the Applications.

In these circumstances, petitions to intervene are routinely denied. *See, e.g., In the Matter of the Application of The Cincinnati Gas & Electric Company to Modify its System Reliability Tracker Component of its Market-Based Standard Service Offer*, No. 04-1820-EL-ATA, Finding & Order ¶20 (Feb. 9, 2005) (denying motions to intervene because intervention was not necessary to consider movants’ concerns); *In the Matter of the Commission's Investigation Into the Pass Through of Access Charge Reductions by Certain Regulated Entities*, No. 98-842-TP-COI, Finding & Order ¶5 (Sept. 30, 1999) (denying motion for intervention premised, in part, on alleged need to ensure that the terms of a Stipulation were being followed

because the Commission was “undertaking that role” itself); *Fairview General Hosp. v. Fletcher*, 69 Ohio App. 3d 827, 835 (10th Dist. App. 1990) (denying intervention when the movant sought to protect speculative economic interests and interests in quality health care that were adequately represented by state agency).

OVJA’s lack of specific interests in this proceeding coupled with the existing intervenors and the Board’s Staff’s own review do not justify OVJA’s participation in this proceeding.

D. OVJA will not Contribute to a Just and Expeditious Resolution of the Cases.

OVJA has identified no actual interest that will be affected by the proposed Facilities. Instead, it is clear that OVJA proposes to litigate every criterion applicable to an electric generating facility and, when that does not provide the intended result, attempts to provide needless de facto oversight to the Board. Because OVJA proposes to participate actively in the cases solely to block development of the facility and to advance its own special interests, it would not be just or expedient to allow OVJA to intervene in these cases.

E. Granting OVJA Intervention in these Proceedings will Unduly Delay the Proceedings and Cause Unjust Prejudice to SFE.

OVJA’s participation in these proceedings will cause unnecessary delay and prejudice to SFE. As expressed above, OVJA has no real interest in the Applications. The Petition makes clear that OVJA intends to litigate every facet of the Facilities, despite not being directly affected by any part of the Facilities. Indeed, the Petition is already causing Applicant undue expense. OVJA’s continued intervention will only cause the Applicant to suffer additional unjust prejudice in the form of needless discovery, litigation and any appeals from the Board’s ruling in these proceedings. These facts do not support OVJA’s intervention in these proceedings where it attempts to advance its own special and industry-specific interests by blocking the development of the Facilities.

IV. CONCLUSION

OVJA has disclosed almost nothing about itself in these cases. OVJA has not shown that any of its members have any interest or land that will be impacted by the Facilities. Moreover, OVJA raises no issues specific to the Applications themselves. OVJA has simply restated statutory criteria as if they were OVJA's actual and unique interests, which they are not. OVJA has failed to show good cause for intervening in these cases and its Petition should be denied.

Respectfully submitted,

s/ Michael J. Settineri

Michael J. Settineri (0073369)

William A. Sieck (0071813)

Stephen M. Howard (0022421)

Scott M. Guttman (0086639)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street

P.O. Box 1008

Columbus, Ohio 43216-1008

(614) 464-5462

(614) 719-5146 (fax)

mjsettineri@vorys.com

wasieck@vorys.com

smhoward@vorys.com

smguttman@vorys.com

Attorneys for South Field Energy LLC

CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 21st day of March 2016.

s/ Michael J. Settineri

Michael J. Settineri

John Jones
Assistant Attorney General
Public Utilities Section
180 East Broad St., 6th Floor
Columbus, Ohio 43215-3793
john.jones@puc.state.oh.us
Attorney for Ohio Power Siting Board

John F. Stock
Orla E. Collier III
Benesch Friedlander Coplan
& Aronoff LLP
41 S. High St., 26th Floor
Columbus, OH 43215
ocollier@beneschlaw.com
jstock@beneschlaw.com
*Attorneys for Kenneth Johnson and
Ohio Valley Jobs Alliance*

Robert J. Schmidt
L. Bradford Hughes
PORTER WRIGHT
MORRIS & ARTHUR, LLP
41 South High Street
Columbus, Ohio 43215
rschmidt@porterwright.com
bhughes@porterwright.com
*Attorneys for American Transmission Systems,
Incorporated*

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/21/2016 4:44:18 PM

in

Case No(s). 15-1716-EL-BGN, 15-1717-EL-BTX

Summary: Response to Ohio Valley Jobs Alliance's Petition to Intervene electronically filed by Mr. Michael J. Settineri on behalf of South Field Energy LLC