

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) Case No. 15-1716-EL-BGN
Need to Construct an Electric Generation)
Facility in Columbiana County.)

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

ENTRY

The administrative law judge finds:

- (1) On January 15, 2016, South Field Energy LLC (SFE) filed an application with the Ohio Power Siting Board (Board) seeking approval for the construction of a natural gas electric generation facility, docketed in Case No. 15-1716-EL-BGN (facility case). The proposed facility is 1,100 megawatt (MW) combined-cycle dual fuel electric generating facility primarily powered by natural gas with the capability to fire ultra-low sulfur distillate as back-up. It will be located in Columbiana County, Ohio and generate electricity for delivery and sale on the interstate transmission grid.
- (2) In conjunction with the generation facility, SFE also filed an application to build a 345-kilovolt (kV) transmission line and an associated switching station, docketed in Case No. 15-1717-EL-BTX (transmission line case). The purpose of the line will be to connect the generation facility to an existing circuit. The proposed line will also be located in Columbiana County and will be approximately three miles in length.
- (3) Pursuant to Ohio Adm.Code 4906-5-05(A), within 60 days after receipt of an application for a major utility facility, the chairman of the Board shall notify the applicant of the acceptance or rejection of the application as complete. Accordingly, the Board notified SFE on February 5, 2016, and

March 7, 2016, that its applications in the facility case and the transmission line case, respectively, were sufficiently complete to permit Staff to commence its review and investigation of the applications. Further, the letters directed SFE to serve appropriate government officials and public agencies with copies of the complete, certified applications.

- (4) On March 14, 2016, SFE filed certificates of service of its accepted and complete applications, in accordance with the requirements of Ohio Adm.Code 4906-5-07. The effective date of the filing of the application shall be March 28, 2016.

Motion for waiver

- (5) With its application in the facility case, SFE filed a motion for waiver of four requirements of Ohio Adm.Code 4606-13 and a memorandum in support.

First, SFE requests a waiver from the requirement to provide an extensive site selection study as set forth in Ohio Adm.Code 4906-13-03(A)-(B). According to SFE, it conducted a selection process examining Columbiana and other counties. Once it identified Columbiana County as the preferred region, it used quantitative and qualitative factors to identify the preferred site. However, SFE asserts it did not do a formal evaluation of alternative sites. SFE contends it will provide a discussion of its site selection process and the criteria it used to identify the preferred site in order to assist the Board in its review.

- (6) SFE also seeks a waiver from the requirement to supply a site map showing existing vegetative cover and cover that may be removed during construction, as required by Ohio Adm.Code 4906-13-04(A). SFE states that the same information will be provided in its facility site preliminary grading plans.
- (7) Further, SFE requests a waiver from the requirement to supply a map of the grade elevations where modified during construction, as necessary under Ohio Adm.Code 4906-13-04(B)(2)(i). SFE asserts this will also be provided in the facility site preliminary grading plans.
- (8) Finally, SFE seeks a waiver from Ohio Adm.Code 4906-13-04(B)(2)(d), which requires a layout map of the proposed

facility, including water supply and sewage lines. According to SFE, the locations for the water supply and water discharge lines have not been specifically identified, as it intends to work with a third party for water services and infrastructure. SFE says it will provide the information once a final agreement is realized.

- (9) On March 23, 2016, Staff filed a memorandum stating that it did not oppose SFE's request for waivers. Staff also reserves the right to require information from SFE in areas covered by the requested waivers if Staff determines it to be necessary during the course of the investigation. In addition, Staff reserves the right to investigate and contest all other issues presented in the application.
- (10) Upon review, the administrative law judge (ALJ) concludes that SFE's request for waiver is reasonable and should be granted, subject to Staff's reservation of its right to request additional information, as set forth in Staff's response. While reaching this determination, the ALJ notes that the application must still satisfy the burden of proof relative to its application.

Motion to consolidate

- (11) On March 24, 2016, SFE filed a motion to consolidate the facility case and the transmission line case. SFE avers that the two projects are interrelated, in that the sole purpose of the transmission line will be to transmit electricity generated by the generation facility to the transmission grid. According to SFE, consolidating the two cases is economically efficient and avoids public confusion. Therefore, SFE requests that the cases be consolidated for the purposes of, among other things, all public notices, public hearings, and evidentiary hearings.
- (12) The ALJ finds the request to consolidate these cases is reasonable and should be granted. Accordingly, for purposes of the public notices, the public hearings, and the evidentiary hearings, the facility case and the transmission line case should be consolidated.

Procedural schedule

- (13) At this time, the ALJ finds that a local public hearing in this matter shall be held on June 6, 2016, at 6:00 p.m., at the Wellsville High School, 1 Bengal Boulevard, Wellsville, Ohio, 43968. The evidentiary hearing shall commence on June 21, 2016, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (14) Additionally, the ALJ finds that petitions to intervene in these proceedings will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1) or by May 12, 2016, whichever is later.
- (15) SFE should issue public notices of the applications and the hearings, in accordance with Ohio Adm.Code 4906-5-08. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-5-08, SFE shall include a statement that the public hearing in this case shall consist of two parts:
 - (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on June 6, 2016, at 6:00 p.m., at the Wellsville High School, 1 Bengal Boulevard, Wellsville, Ohio, 43968.
 - (b) An evidentiary hearing commencing on June 21, 2016, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (16) Further, regarding the initial public notice required under Ohio Adm.Code 4906-5-08(C)(1), SFE shall include the following statement as part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or by May 12,

2016, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Ohio Power Siting Board, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite the above-listed case numbers.

- (17) Ohio Adm.Code 4906-7-01 provides that the ALJ shall regulate the course of the hearing including requiring that testimony to be offered in the Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following process shall be implemented:
- (a) Pursuant to Ohio Adm.Code 4906-5-05(D), Staff shall file its report of investigation (Staff Report) on or before May 22, 2016.
 - (b) All testimony to be offered by the applicant in this matter shall be filed by June 13, 2016.
 - (c) All testimony to be offered by the intervenor(s) and Staff shall be filed by June 17, 2016.
 - (d) The parties are encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide electronic copies to the ALJ.

It is, therefore,

ORDERED, That SFE's motion for waiver of four requirements of Ohio Adm.Code 4906-13 be granted. It is, further,

ORDERED, That SFE's motion to consolidate the facility case and the transmission line case be granted in accordance with Finding (12). It is, further,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in Finding (13). It is, further,

ORDERED, That notices of the application and hearings be published in accordance with Findings (15) and (16). It is, further,

ORDERED, That Staff file its Staff Report in accordance with Finding (17). It is, further,

ORDERED, That the parties file testimony in accordance with Finding (17). It is, further,

ORDERED, That a copy of this Entry be served upon all interested persons of record in this proceeding.

THE OHIO POWER SITING BOARD

/s/ Nicholas Walstra

By: Nicholas Walstra
Administrative Law Judge

jrj/vrm

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in

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

Summary: Administrative Law Judge Entry granting motion for waiver of four requirements of Ohio Adm.Code 4906-13, granting motion to consolidate the facility case and transmission line case, scheduling hearing dates, directing notices of application and hearings be published, directing staff to file its staff report, and directing parties to file testimony; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Administrative Law Judge, Ohio Power Siting Board