

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 administrative law judge finds:

- (1) FDS Coke Plant, LLC (FDS) is a person as defined in R.C. 4906.01.
- (2) R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).
- (3) On September 12, 2007, 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 non-recovery coke oven plant (coke plant project). The site is located in Toledo, Lucas County, Ohio.
- (4) 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.
- (5) 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.
- (6) By Entry issued October 27, 2014, the Board granted FDS's motion to extend the expiration date of its certificate for a period of 24 months, ending on October 27, 2016.
- (7) On October 17, 2016, FDS filed a third motion to extend the authority granted in the certificate for a period of 12 months. FDS states that it has secured financing and is engaged in

arranging a financial disbursement schedule and is in the process of completing detailed planning for construction of an industrial project that consists of a state-of-the art non-recovery 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 24-month extension of the certificate, FDS continued an ongoing good faith effort to finalize financing and begin construction of the facility by meeting with and securing an agreement with Thyssenkrupp Industrial Solutions (USA) Inc. for the detail design, procurement, construction, and operation of the FDS project. Additionally, FDS submits that it entered into a final interconnection agreement with PJM Interconnection, LLC and paid an initial security deposit of \$200,000. According to FDS, this final 12-month additional extension of the certificate is needed to allow FDS to finalize financing related to the disbursement of an \$800 million Letter of Credit and to 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.

- (8) Upon consideration of FDS's motion, the administrative law judge finds that FDS's certificate should be extended for the limited purpose of affording the Board additional time to consider the motion for extension.

It is, therefore,

ORDERED, That FDS's certificate should be extended for the limited purpose set forth in finding (8). 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

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

sef/vrm

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in

Case No(s). 07-0703-EL-BGN

Summary: Administrative Law Judge Entry extending FDS's certificate for the limited purpose of affording the Board additional time to consider the motion for extension; electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board