

**BEFORE
THE OHIO POWER SITING BOARD**

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| In the Matter of the Application of Clean Energy Future-Oregon, LLC for a Certificate of Environmental Compatibility and Public Need for an Electric Generating Facility, Oregon Energy Center, in Lucas County, Ohio |))))) | Case No. 17-530-EL-BGN |
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MOTION FOR WAIVER

Applicant Clean Energy Future-Oregon, LLC (“Applicant”), pursuant to Ohio Administrative Code (“OAC”) Rules 4906-3-03 and 4906-2-27(C), respectfully moves the Ohio Power Siting Board (“Board”) to grant the following waiver on an expedited basis:

From providing an extensive site selection study to the extent that Applicant is not able to describe all the specific information listed in the site selection criteria as set forth in OAC Rule 4906-4-04(A) and (B).

Further support for this waiver request is set forth in the Memorandum in Support below.

MEMORANDUM IN SUPPORT

I. BACKGROUND

Applicant proposes to construct a natural gas fired combined cycle power station with a generating capacity of 955 megawatts (“MW”) in the City of Oregon, Lucas County, Ohio to be referred to as the Oregon Energy Center. The project will consist of two gas-fired, high-efficiency combustion turbines with two heat recovery steam generators and a single steam turbine. It will have a wet cooling tower and state-of-the-art environmental controls. The plant will be served by natural gas from one or multiple pipelines. The generating station will

interconnect to the existing Lallendorf 345-kilovolt (“kV”) switchyard and the Bay Shore-Chev 138-kV transmission lines through a new 3-breaker ring bus on Applicant’s property. Construction of the project is projected to begin in early 2018, with projected commercial operation to begin in mid-2020. Applicant is seeking a waiver from certain requirements of Ohio Revised Code Section (“R.C.”) 4906.06, and OAC Chapter 4906-4 governing electric power generating stations.

II. EXPEDITED RULING – OAC Rule 4906-2-27(C)

An expedited ruling on this Motion is required in order for Applicant to complete an application in conformance with the applicable requirements in OAC Chapter 4906-04. Applicant plans to file its application in approximately six weeks. Meeting this filing date is necessary to allow Applicant to begin construction by early 2018. A long period of time is required after a certificate is issued for the project construction activities. The completed facility is anticipated to commence commercial operation by mid-2020.

As set forth in this waiver request, and as will be evident in the application itself, Applicant has conducted the requisite analyses and studies and optioned the site so that Applicant can meet its schedule. For these reasons, Applicant asks that the review of its waiver requests be undertaken on an expedited basis and urges the Board or Administrative Law Judge to decide this Motion on that basis.

III. WAIVER REQUEST

A. OAC Rule 4906-4-04(A) and (B): Waiver of an Extensive Site Selection Study

OAC Rule 4906-4-04 contemplates extensive detail in a site selection study. Applicant will be providing a description of the project boundary; the rationale for selecting the site; a map of the project area; a list and description of qualitative siting criteria, constraints and a constraint map. Applicant is aware that there is no approved form for a site selection study used in Chapter

4906-13 of the Board's rules. Applicant engaged in a site selection process that, while it may not have been in exactly the same manner as contemplated by the rule, did consider most, if not all of the items listed in the rule in order to assure that the proposed site met its criteria. Thus, Applicant believes it is appropriate for the Board to grant a waiver from filing an extensive site selection study. Especially in light of the Ohio Supreme Court decision in *In re Application of Middletown Coke Company*, 127 Ohio St. 3d 348; 2010-5725 (2010), Applicant will provide sufficient information to support a finding that the site represents the minimum adverse environmental impact pursuant to R.C. 4906.10 (A)(3).

This waiver request is not novel: waivers from a nearly identical rules, OAC Rule 4906-17-04 and from OAC Rule 4906-13-03 in generation cases, have been granted recently in a number of wind cases. *See, Buckeye Wind LLC*, Case No. 08-666-EL-BGN (Entry dated July 31, 2009); *Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN (Entry dated July 17, 2009); *JW Great Lakes Wind, LLC*, Case No. 09-277-EL-BGN (Entry dated September 18, 2009); *Heartland Wind, LLC*, Case No. 09-1066-EL-BGN (Entry dated December 11, 2009); *Paulding Wind Farm LLC*, Case No. 09-980 (Entry dated February 23, 2010) and Case No. 10-369-EL-BGN (Entry dated June 21, 2010); *Black Fork Wind Energy LLC*, Case No. 09-546-EL-BGN (Entry dated October 1, 2009) and Case No. 10-2865-EL-BGN (Entry dated May 3, 2011); *Glacier Ridge Wind Farm, LLC*, Case No. 11-902-EL-BGN (Entry dated April 6, 2011); *Ashtabula Wind*, Case No. 11-2400-E:-BGN (Entry dated June 22, 2011); *Leipsic Wind*, Case No. 11-3676-EL-BGN (Entry dated July 25, 2011); *Honey Creek*, Case No. 11-4886-EL-BGN (Entry dated November 1, 2011); *Oregon Clean Energy, LLC*, Case No. 12-2959-EL-BGN (Entry dated December 5, 2012); *Northwest Ohio Wind Energy*, Case No. 13-197-EL-BGN (Entry dated April 10, 2013); *Carroll County Energy, LLC*, Case No. 13-1752-EL-BGN (Entry dated January 16, 2014); *NTE*

Ohio, LLC, Case No. 14-534-EL-BGN (Entry dated November 24, 2014); and *Clean Energy Future-Lordstown LLC*, Case No. 14-2322-EL-BGN (Entry dated January 23, 2015). Assuming that Applicant files the site selection information as proposed above, Applicant requests a waiver to the extent that each specific factor in OAC Rule 4906-4-04 (A) and (B) is not met.

WHEREFORE, Applicant respectfully requests that the Board waive the requirements set forth above.

Respectfully submitted on behalf of
CLEAN ENERGY FUTURE-OREGON, LLC



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Summary: Motion for Waivers of Clean Energy Future—Oregon, LLC electronically filed by
Teresa Orahod on behalf of Sally W. Bloomfield