

THE OHIO POWER SITING BOARD

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 IN
OREGON, LUCAS COUNTY, OHIO.

CASE No. 17-530-EL-BGN

ENTRY

Entered in the Journal on May 3, 2017

{¶ 1} Clean Energy Future-Oregon, LLC (Clean Energy) 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 February 27, 2017, Clean Energy filed a motion seeking a waiver of the extensive site selection study required by Ohio Adm.Code 4906-4-04(A) and (B). To meet the standards set in the rule, Clean Energy will provide 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, along with constraints and a constraint map. Clean Energy admits that its site selection process does not completely align with Ohio Adm.Code 4906-4-04, but it did consider most, if not all, of the items listed in the rule to assure that the proposed site met the rule's criteria. In lieu of full compliance with the rule, Clean Energy states that it will provide sufficient information to support a finding of minimum adverse environmental impact. To the extent that Clean Energy does not provide information with respect to a factor in Ohio Adm.Code 4906-04(A) and (B), Clean Energy requests a waiver of that particular factor.

{¶ 4} On April 28, 2017, Staff filed a letter stating that it does not object to the requested waivers. However, Staff reserves the right to require information in areas covered by the requested waivers if Staff determines that the information is necessary in the course of its investigation. Staff also reserves the right to investigate and contest all other issues presented in the application.

{¶ 5} Pursuant to Ohio Adm.Code 4906-4-01(B) and based upon the circumstances presented in the motion for waiver, the administrative law judge determines that Clean Energy has established good cause to grant a waiver of certain site selection study requirements found in Ohio Adm.Code 4906-4-04(A) and (B).

{¶ 6} Notwithstanding the grant of the requested waiver, Staff is not precluded from requesting and Clean Energy providing to Staff the waived information through request or discovery in order to complete a review of Clean Energy's application.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That, in accordance with the above findings, Clean Energy's motion for waiver of Ohio Adm.Code 4906-4-04(A) and (B) be granted. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon each party of record.

THE OHIO POWER SITING BOARD

s/Nicholas Walstra

By: Nicholas J. Walstra
Administrative Law Judge

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-0530-EL-BGN

Summary: Administrative Law Judge Entry granting Clean Energy's motion for waiver of Ohio Adm.Code 4906-4-04(A) and (B). - electronically filed by Sandra Coffey on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio