

## OHIO POWER SITING BOARD

IN THE MATTER OF THE OHIO POWER  
SITING BOARD'S CONSIDERATION OF  
OHIO ADM.CODE CHAPTER 4906-4.

CASE NO. 19-778-GE-BRO

### ENTRY

Entered in the Journal on March 29, 2019

{¶ 1} In light of recent blade shear incidents involving wind turbines, the Ohio Power Siting Board (Board) initiates this rulemaking proceeding in order to investigate whether to adopt a rule requiring turbine operators to report blade shear turbine incidents to the Board. Additionally, the Board is seeking comments on a proposed revision to its rules to make explicit that economically significant wind farms and major utility facilities consisting of wind-powered generation adhere to local building codes.

{¶ 2} On January 10, 2011, the governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Board must review any proposed rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost of compliance by the regulated parties; and, amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, needlessly burdensome, have had negative unintended consequences, or unnecessarily impede business growth.

{¶ 3} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Board must conduct a business impact analysis regarding the rules. If there will be an adverse impact on business, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Board is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the business impact analysis.

{¶ 4} As part of the rule procedures, the Board has determined that, prior to issuing proposed rules for comment, it is appropriate to require Board Staff to hold a workshop with interested stakeholders. At the workshop, Staff should provide an overview of the rules under consideration and elicit feedback. Additionally, Staff may permit stakeholders to propose their own potential rules for Staff's consideration. Interested stakeholders should come to the workshop prepared with necessary technical experts to provide appropriate feedback. After Staff has an opportunity to consider the feedback received at the workshop, Staff will draft proposed rule amendments, and the Board will issue Staff's proposal for comments and reply comments by interested parties.

{¶ 5} Accordingly, a transcribed workshop should be scheduled for Tuesday, April 9, 2019, at 10:00 a.m., 11th Floor, at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio, to consider the rule amendments discussed above. All persons wanting to participate in the workshop should register at the lobby desk and then proceed to the 11th floor. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before it issues the draft rules and opens them up for formal comment. Any interested stakeholder that cannot or does not choose to participate in the workshop may file formal comments with the Commission once the draft rules and draft rule amendments have been issued.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That, in accordance with paragraph 5, a workshop be scheduled for April 9, 2019. It is, further,

{¶ 8} ORDERED, That notice of this Entry be served upon the parties of record in Case No. 16-1109-GE-BRO.

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones  
Administrative Law Judge

/mef

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-0778-GE-BRO**

Summary: Administrative Law Judge Entry scheduling a workshop for 4/9/19 at 10:00am at the offices of the Commission electronically filed by Ms. Mary E Fischer on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board