

**UNITED STATES OF AMERICA
BEFORE
THE FEDERAL ENERGY REGULATORY COMMISSION**

In the Matter of PJM Interconnection : Case No. ER19-603-001
LLC :

COMMENTS
SUBMITTED ON BEHALF OF THE STAFF OF
THE OHIO POWER SITING BOARD

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April 3, 2019

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DISCUSSION

The Ohio Power Siting Board has intervened in this case for the limited purpose of assuring this Commission that all matters relating to siting have been resolved. The Ohio Power Siting Board has held an open public proceeding in its case number 16-2443-EL-BGN. This case resulted in an order issued on October 5, 2017, which is attached as exhibit A. The proceeding was open to all and any member of the public, including an American Electric Power affiliate, could have sought intervention in the case although only one, Aspire Energy did. A quick review of this order reveals that the Guernsey County project is authorized to proceed with construction so long as it complies with the 26 conditions imposed by the Ohio Power Siting Board. In this way, any siting issues under the criteria outlined in Chapter 4906.10 of the Ohio Revised Code, including site

selection and minimization of environmental impacts, have been resolved, and the project can go forward.

CONCLUSION

In summary, all state law siting concerns have been mitigated by virtue of the order attached as exhibit A.

Respectfully submitted,

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Ohio Attorney General

John H. Jones
Interim Section Chief

/s/ Thomas W. McNamee

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served in accordance with 18 C.F.R. Section 385.2010 upon each person designated on the official service list compiled by the Secretary in this proceeding.

/s/ *Thomas W. McNamee*

Thomas W. McNamee
Assistant Attorney General

Dated at Columbus, Ohio, this April 3, 2019.

THE OHIO POWER SITING BOARD

**IN THE MATTER OF THE APPLICATION OF
GUERNSEY POWER STATION, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
AN ELECTRIC GENERATION FACILITY IN
GUERNSEY COUNTY, OHIO.**

CASE NO. 16-2443-EL-BGN

OPINION, ORDER, AND CERTIFICATE

Entered in the Journal on October 5, 2017

I. SUMMARY

{¶ 1} The Ohio Power Siting Board approves and adopts the stipulation and recommendation between Guernsey Power Station, LLC, Aspire Energy, and Staff and directs that a certificate be issued to Guernsey Power Station, LLC for the construction, operation, and maintenance of an electric generation facility in Guernsey County, Ohio.

II. PROCEDURAL BACKGROUND

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 3} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Board. In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code 4906-4-01 and 4906-2-01.

{¶ 4} On December 27, 2016, Guernsey Power Station, LLC (GPS or Applicant) filed a pre-application notice with the Board that it would be filing an application to construct a generation facility in Guernsey County. GPS described the proposed generation facility as a 1,650 megawatt (MW) gas-fired, combined cycle power facility consisting of three natural gas fired, high efficiency combustion turbines, each using a gas and steam turbine with a heat recovery steam generator. The proposed facility will be served by natural gas from one or more pipelines and will be interconnected to a 745 kilovolt transmission line located

on the project property. GPS held a public information meeting to discuss the project with interested persons and landowners on January 25, 2017.

{¶ 5} GPS filed its application on March 16, 2017. By letter filed May 15, 2017, the Board notified GPS its original application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed GPS, pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the letter directed GPS, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

{¶ 6} By Entry issued on May 25, 2017, the administrative law judge (ALJ) established the effective filing date of the application as May 25, 2017, and put forth a procedural schedule. As part of the procedural schedule, a local public hearing was scheduled for August 15, 2017, and an evidentiary hearing was scheduled for August 23, 2017.

{¶ 7} Thereafter, on July 26, 2017, GPS filed a letter indicating its intention to reduce the proposed project capacity of the generation facility from 1,650 MW to 1,100 MW.

{¶ 8} On July 31, 2017, Aspire Energy (Aspire) filed a timely motion to intervene in this proceeding. The ALJ granted the unopposed motion by Entry on August 21, 2017.

{¶ 9} On July 31, 2017, Staff filed its report of investigation.

{¶ 10} The local public hearing was held as scheduled on August 15, 2017.

{¶ 11} On August 22, 2017, a joint stipulation and recommendation (Stipulation) was filed by GPS, Aspire, and Staff.

{¶ 12} An evidentiary hearing was held as scheduled on August 23, 2017. At the hearing, GPS presented the testimony of Michael King in support of the Stipulation.

III. PROJECT DESCRIPTION

{¶ 13} GPS seeks certification to construct, own, and operate a natural gas-fired combined-cycle power plant with a capacity of 1,100 MW. The facility would be located on a 118-acre parcel of land in Guernsey County. GPS is proposing to begin construction in December 2017 and begin commercial operation by October 31, 2020.

IV. CERTIFICATION CRITERIA

{¶ 14} Pursuant to R.C. 4906.10(A), the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following:

- (a) The basis of the need for the facility if the facility is an electric transmission line or gas or natural gas transmission line.
- (b) The nature of the probable environmental impact.
- (c) The facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations.
- (d) In the case of an electric transmission line or generating facility, whether such facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility system and that the facility will serve the interests of electric system economy and reliability.
- (e) The facility will comply with R.C. chapters 3704, 3734, and 6111 and all rules and standards adopted under those chapters and under R.C. 1501.33, 1501.34, and 4561.32.

- (f) The facility will serve the public interest, convenience, and necessity.
- (g) The impact of the facility on the viability as agricultural land of any land in an existing agricultural district established under R.C. Chapter 929 that is located within the site and alternate site of the proposed major facility.
- (h) The facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of various alternatives.

V. SUMMARY OF THE EVIDENCE

{¶ 15} The Board will review the evidence presented with regard to each of the eight criteria by which we are required to evaluate these applications. Any evidence not specifically addressed herein has nevertheless been considered and weighed by the Board in reaching its final determination.

A. *Local Public Hearing*

{¶ 16} On August 15, 2017, the local public hearing was held. At the hearing, 17 witnesses testified. Several letters were additionally filed in the docket. A majority of the witnesses were in favor of the project and discussed the positive economic impact the project would have on the local community. Witnesses in support of the project included county citizens, elected officials, and representatives from local businesses, unions, and school districts. Those that testified in opposition to the project expressed concerns regarding the possible polluting effects created by the facility. (Local Pub. Hearing Tr. at 6-41.) Additionally, written comments from a family that lives next to the proposed facility expressed concerns about the project. Specifically, the family questioned the impact the facility would have on local lakes and rivers, including Seneca Lake, a local tourist

attraction. They also addressed whether pollution from the facility would affect the local air quality and the local water table. Overall, the family was worried that the project might be too large for such a small community and whether the project would actually bring all the economic benefits that others in the community were expecting. (Aug. 23, 2017 Pub. Comment at 1-4.)

B. Staff Report

{¶ 17} Pursuant to R.C. 4906.07(C), Staff completed an investigation into the application, including recommended findings regarding R.C. 4906.10(A). A summary of Staff's findings are below.

1. BASIS OF NEED

{¶ 18} For an electric generation facility, R.C. 4906.10(A)(1) is not applicable, as this statute only applies to an electric transmission line or a gas or natural gas transmission line. Accordingly, Staff recommends the Board find that R.C. 4906.10(A)(1) is not applicable to this electric generating facility (Staff Ex. 1 at 11).

2. NATURE OF PROBABLE ENVIRONMENTAL IMPACT

{¶ 19} R.C. 4906.10(A)(2) requires that the Board determine the nature of the probable environmental impact of the proposed facility. As a part of the investigation, Staff reviewed the nature of the probable environmental impact of the proposed project.

{¶ 20} The following is a summary of the findings of the Staff Report regarding the nature of the probable environmental impact of the proposed facility:

a. Socioeconomic Impacts

{¶ 21} GPS seeks to build the facility on a 118-acre parcel of land located within Valley Township, near the village of Byesville. The footprint of the facility would encompass approximately 50 acres, with another 15 acres being utilized for construction laydown, parking, and staging. Within one mile of the proposed facility site,

approximately 45 percent of the land is forested or open space, 37 percent is agricultural, while the rest is residential, industrial, or commercial land. (Staff Ex. 1 at 12.)

{¶ 22} There are three residential structures and a storage facility within 250 feet of the facility footprint, and two other residential structures just outside of 250 feet. Three of the residential structures and the storage facility are expected to be demolished. There are an additional 11 residential structures within 1,000 feet. Impacts from the project would include an increase in truck traffic, work, dust, and noise. These impacts would be temporary and only last during the construction of the facility. There would be ongoing operation noise impacts experienced by residents within close range of the facility. Additionally, there are six parks or recreational areas within five miles of the facility site. They are not expected to be negatively affected by the project. (Staff Ex. 1 at 13.)

{¶ 23} GPS completed a cultural resources literature review and a Phase I archaeological survey of the proposed project. A cemetery, a historic structure, and four archaeological sites were identified as being within view of the facility. While portions of the facility may be visible from the areas, no negative impacts are expected due to distance, existing vegetation and topography, and the existence of other modern infrastructure in the area. (Staff Ex. 1 at 13-14.)

{¶ 24} Economically, GPS estimates that the intangible and capital costs would be around \$1.45 billion. GPS estimates that the construction of the facility would generate \$354 million in construction labor in Guernsey County and \$96 million in other regions. Additionally, 450 to 650 jobs would be needed during the construction period. After construction, the facility would have approximately 25 employees for operation and maintenance. (Staff Ex. 1 at 14-15.)

b. Ecological Impacts

{¶ 25} The project area is within range of the Indiana bat, a state and federal endangered species, and the northern long-eared bat, a federal threatened species. In order to avoid impacts, Staff recommends that GPS adhere to seasonal tree cutting dates of

October 1 through March 31 for all trees over three inches in diameter. The project area is also within range of potentially suitable habitats for the northern harrier, a state endangered species. Staff recommends that construction in those particular areas be avoided during May 15 through August 1, unless coordination with Ohio Department of Natural Resources (ODNR) allows otherwise. (Staff Ex. 1 at 18.)

{¶ 26} Twenty wetlands are within in the project area. For wetlands located near laydown areas, Staff recommends brightly colored snow fence and best management practices be used to identify the wetlands and minimize risk of accidental impacts. Additionally, a portion of the laydown area and the facility boundary, including a retention pond, overlaps with a 100-year floodplain. Staff recommends that the pond be designed such that it would not be overtopped by water during a 100-year flood event and that GPS coordinate with the local floodplain administrator to obtain all necessary floodplain development permits. (Staff Ex. 1 at 17.)

{¶ 27} The project is located within hay fields and pasture. Staff recommends limiting the use of herbicides in proximity to surface waters and further recommends that GPS submit a plan to Staff describing the planned use of herbicides. (Staff Ex. 1 at 17.)

c. Public Services, Facilities, and Safety

{¶ 28} During construction, the activities would generate significant noise levels. However, the noises would be limited to daytime hours and occur away from most residential structures. Staff recommends GPS use mitigation measures to minimize adverse impacts from the noise. Additionally, Staff recommends GPS include procedures in its complaint resolution process for resolving noise complaints. (Staff Ex. 1 at 19-20.)

{¶ 29} A short-term increase in traffic during the construction period would be the main impact on public services. Some traffic management may be necessary. No upgrades to local roads or bridges are expected to be necessary. GPS has submitted a preliminary traffic management plan that would be finalized after calculation of the load and dimensional requirements for equipment transportation are finalized. Staff recommends

that GPS be required to submit a finalized traffic management plan that includes a road use agreement. (Staff Ex. 1 at 18-19.)

{¶ 30} In sum, Staff recommends that the Board find that GPS has determined the nature of the probable environmental impact for the proposed facility and found that it complies with the requirements specified in R.C. 4906.10(A)(2) provided that any certificate issued by the Board for the proposed facility include the conditions specified in the Staff Report (Staff Ex. 1 at 20).

3. MINIMUM ADVERSE ENVIRONMENTAL IMPACT

{¶ 31} Pursuant to R.C. 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations.

{¶ 32} The project would have direct and indirect positive impacts on the local economy. Revenue would be generated from construction spending, permanent employment, and taxes. The ecological impact would be minimal because of coordination with ODNR and the avoidance of wildlife habitats during breeding seasons. Additionally, noise impacts would not permanently impact surrounding land uses. (Staff Ex. 1 at 21.)

{¶ 33} Accordingly, Staff finds that the facility represents the minimum adverse environmental impact and complies with the requirements in R.C. 4906.10(A)(3), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the Staff Report (Staff Ex. 1 at 22).

4. ELECTRIC POWER GRID

{¶ 34} Pursuant to R.C. 4906.10(A)(4), the Board must determine that the proposed electric facilities are consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facilities will serve the interests of electric system economy and reliability.

{¶ 35} The facility will be capable of producing 1,100 MW and will interconnect through a 765 kilovolt (kV) switching station, configured as a breaker and half bus arrangement, to a 765 kV transmission line. GPS submitted a generation interconnection request to PJM Interconnection, LLC (PJM), the regional transmission organization responsible for planning upgrades and administering the generation queue for the transmission system in Ohio. PJM completed a system impact study (SIS) and did not find any circuit break problems. As GPS originally indicated it intended to produce capacity up to 1,650 MW, Staff states GPS should submit an amendment application to the Board that includes a PJM SIS for any requested increase in capacity. (Staff Ex. 1 at 23-25.)

{¶ 36} Accordingly, Staff recommends that the Board find that the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric system serving this state and the interconnected utility systems, and that the facility will serve the interests of the electric system economy and reliability. Therefore, Staff contends that the facility complies with the requirements specified in R.C. 4906.10(A)(4), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the Staff Report. (Staff Ex. 1 at 25.)

5. AIR, WATER, SOLID WASTE, AND AVIATION

{¶ 37} Pursuant to R.C. 4906.10(A)(5), the facility must comply with Ohio law regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

{¶ 38} The project site is within an area classified as attainment for all National Ambient Air Quality Standards criteria air pollutants. GPS would minimize the impact on air quality through new gas turbine technology and incorporating air pollution controls. The main pollution control devices will be dry-low nitrogen burners in the gas turbines, selective catalytic reduction systems, and oxidation catalysts in the heat recovery steam generators. A continuous emission monitoring system will track all emissions from the facility once it is operating. GPS has filed for a permit-to-install application from the Ohio

Environmental Protection Agency (EPA) and will comply with all permit requirements. Construction of the facility is not expected to have any significant adverse impacts on air quality. (Staff Ex. 1 at 26.)

{¶ 39} The facility will use approximately 441,000 gallons per day of water for operation, which will be supplied by the Village of Byesville Water Department. The village of Byesville would also accept facility waste waters and arrange for its discharge. For stormwater discharges, GPS would obtain all necessary permits. A significant amount of water would not be required during the construction of the facility. (Staff Ex. 1 at 27.)

{¶ 40} GPS estimates the construction of the facility could generate 2,000 cubic yards of debris. All waste produced during construction and operation will be trucked off site in accordance with all regulatory requirements. GPS would have procedures to ensure hazardous wastes are separated from normal wastes and that there are plans for spill prevention, containment, and countermeasures. Staff states that GPS's solid waste disposal plans would comply with the solid waste disposal requirements set forth in R.C. 3734. (Staff Ex. 1 at 27.)

{¶ 41} The Federal Aviation Administration (FAA) identified five airports and one heliport within 20 miles of the facility. GPS submitted notification to the FAA and expects to receive a Determination of No Hazard for the three stacks associated with the facility. Staff contacted the Ohio Department of Transportation to coordinate potential impact of the facility on local airports and no concerns have been identified. (Staff Ex. 1 at 28.)

{¶ 42} Staff, therefore, concludes that the facility will comply with the requirements contained in R.C. 4906.10(A)(5), provided the proposed facility includes the conditions provided in the Staff Report (Staff Ex. 1 at 28).

6. PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

{¶ 43} Pursuant to R.C. 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

{¶ 44} Staff states the construction and operation of the facility will be in compliance with all safety regulation and industry standards. GPS has worked with the community in developing the project, having held informational meetings and meetings with local public officials. GPS plans on continuing to engage with the public before, during, and after construction of the facility. (Staff Ex. 1 at 29-31.)

{¶ 45} Therefore, Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and complies with the requirements set forth in R.C. 4906.10(A)(6), provided the proposed facility includes the conditions set forth in the Staff Report (Staff Ex. 1 at 31).

7. AGRICULTURAL DISTRICTS

{¶ 46} Pursuant to R.C. 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any land in an existing agricultural district within the project area of the proposed utility facility.

{¶ 47} Staff states that the proposed site is not classified as agricultural district property. Staff, therefore, recommends the Board find that the impact of the proposed project on the viability of existing agricultural land in an agricultural district has been determined, as required under R.C. 4906.10(A)(7), provided the certificate issued by the Board for the proposed facility include the conditions specified in Staff Report. (Staff Ex. 1 at 32.)

8. WATER CONSERVATION PRACTICE

{¶ 48} Pursuant to R.C. 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

{¶ 49} The facility would require the consumption of significant amounts of water, which would be obtained through the village of Byesville water treatment plant. In doing

so, however, GPS would use water conservation measures such as air-cooling and recirculation of process water. Staff states that the construction of the facility would not require significant amounts of water. Therefore, Staff recommends the Board find the facility incorporates maximum feasible water conservation practices and complies with requirements in R.C. 4906.10(A)(8). (Staff Ex. 1 at 33.)

9. RECOMMENDATIONS

{¶ 50} In addition to the findings Staff made in its report, Staff also recommends that 25 conditions be imposed if the Board issues a certificate for the proposed facility (Staff Ex. 1 at 35-39). Staff's recommended conditions are largely the same as the ones that the signatory parties agreed upon in their Stipulation, which are detailed below.

VI. STIPULATION

{¶ 51} In the Stipulation, the parties stipulate and recommend to the Board that adequate evidence has been provided to demonstrate that construction of the proposed facility meets the statutory criteria of R.C. 4906.10(A)(1) through (8) (Jt. Ex. 1 at 9-10). As part of the Stipulation, the parties recommend the Board issue a certificate for the site, as described in the application, subject to the 25 conditions set forth in the Stipulation. The following is a summary of the conditions agreed to by the stipulating parties and is not intended to replace or supersede the Stipulation. The stipulating parties agree that:

- (1) The facility shall be installed at GPS's proposed site.
- (2) GPS shall conduct a preconstruction conference prior to the start of any construction activities.
- (3) GPS shall submit one set of detailed engineering drawings of the final project design to Staff at least 30 days before the preconstruction conference.

- (4) GPS shall provide any subsequent changes to final engineering drawings to Staff in hard copy and as geographically referenced electronic data.
- (5) Within 60 days after the commencement of commercial operation, GPS shall provide Staff with copy of the as-built specifications for the entire facility.
- (6) GPS shall obtain and comply with all necessary permits and authorizations.
- (7) GPS shall not operate the facility above 1,100 MW.
- (8) The certificate shall become invalid if GPS has not commenced a continuous course of construction within five years of the date of journalization of the certificate.
- (9) GPS shall docket the date on which construction begins, the date on which construction is completed, and the date on which the facility begins commercial operation.
- (10) GPS shall not commence construction until it has a signed Interconnection Service Agreement with PJM.
- (11) GPS shall provide Staff a copy of its public information program at least 30 days prior to the preconstruction conference.
- (12) GPS shall provide Staff a copy of the complaint resolution procedure to address potential public grievances resulting from facility operation at least 30 days prior to the preconstruction conference.
- (13) GPS shall prepare a landscape and lighting plan that address the impacts of the facility before commencement of related construction.

- (14) GPS shall finalize coordination of the assessment of potential effects of the proposed facility on cultural resources.
- (15) GPS shall adhere to seasonal cutting dates of October 1 to March 31 for the removal of trees to avoid impacts to Indiana bats and Northern long-eared bats.
- (16) GPS shall contact Staff, ODNR, and the United States Fish and Wildlife Service within 24 hours if state or federal species are encountered during construction activities.
- (17) Construction in Northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of May 15 through August 1.
- (18) The stormwater retention pond proposed within the 100-year floodplain shall be designed such that it would not be overtopped by water during a 100-year flood event.
- (19) During construction and maintenance, GPS shall limit the use of herbicides in proximity to surface waters.
- (20) GPS shall provide a copy of any required floodplain permit to Staff within seven days of issuance or receipt.
- (21) GPS shall obtain all necessary permits prior to commencement of construction activities that require transportation permits.
- (22) GPS shall repair damage to government-maintained roads and bridges caused by construction or maintenance activities. GPS shall develop a transportation management plan and enter into a road use agreement with the county engineer prior to construction and subject to Staff review.

- (23) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m.
- (24) At least 30 days before the preconstruction conference, GPS shall submit an emergency response plan to Staff for review.
- (25) After commencement of commercial operation, GPS shall continue to utilize a complaint procedure to evaluate noise complaints and document responses.
- (26) Prior to commencement of construction, GPS shall file a letter with the Board advising that all issues associated Aspire's natural gas pipeline and associated property rights have been resolved.

(Joint Ex. 1 at 2-6.)

VII. CONCLUSION

{¶ 52} Ohio Adm.Code 4906-2-24 authorizes parties to Board proceedings to enter into stipulations concerning issues of fact, the authenticity of documents, or the proposed resolution of some or all of the issues in a proceeding. Although not binding on the Board, pursuant to Ohio Adm.Code 4906-2-24(D), the terms of such an agreement are accorded substantial weight. The standard of review for considering the reasonableness of a stipulation has been discussed in a number of prior Board proceedings. *See, e.g. In re Northwest Ohio Wind Energy, LLC*, Case No. 13-197-EL-BGN (Dec. 16, 2013); *In re American Transm. Systems Inc.*, Case No. 12-1727-EL-BSB (Mar. 11, 2013); *In re Rolling Hills Generating LLC*, Case No. 12-1669-EL-BGA (May 1, 2013); *In re AEP Transm. Co., Inc.*, Case No. 12-1361-EL-BSB (Sept. 13, 2013); *In re Hardin Wind LLC*, Case No. 13-1177-EL-BGN (Mar. 17, 2014). The ultimate issue for the Board's consideration is whether the agreement, which embodies considerable time and effort by the signatory parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Board has used the following criteria:

- (a) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- (b) Does the settlement, as a package, benefit ratepayers and the public interest?
- (c) Does the settlement package violate any important regulatory principle or practice?

{¶ 53} GPS witness Michael King testified that the Stipulation represents the product of serious discussions between knowledgeable parties. Mr. King stated the parties met in person, with counsel, to discuss the Stipulation and all parties were able to reach a reasonable compromise that balances competing positions. Therefore, Mr. King states that the Stipulation represents a product of serious bargaining among capable, knowledgeable parties. (GPS Ex. 5 at 3.)

{¶ 54} The Board finds that the Stipulation appears to be the product of serious bargaining among capable, knowledgeable parties. Consequently, we find that, based upon the record, the first prong is satisfied.

{¶ 55} Mr. King further testified that the Stipulation benefits consumers and the public interest. Mr. King notes that the Stipulation benefits the public interest by avoiding a fully litigated contested hearing. Additionally, Mr. King notes that the project has unwavering support from the local community. (GPS Ex. 5 at 2-3.)

{¶ 56} Upon review, the Board finds that, as a package, the Stipulation benefits the public interest by resolving the issues raised in this matter without resulting in litigation. We note that the project will provide a number of economic advantages to the local community. Specifically, the project involves a significant capital investment as well as job creation. Further, the facility will result in important tax revenue for the local communities and schools. (Staff Ex. 1 at 14-15.) Finally, while some local citizens expressed concerns

regarding pollution and other possible negative effects, the Board recognizes that the Stipulation essentially includes Staff's recommendations as set forth in the Staff Report, which ensures necessary protections for the community and the local environment. (Staff Ex. 1 at 35-39; Joint Ex. 1 at 2-6.)

{¶ 57} Finally, Mr. King asserted that the Stipulation does not violate any important regulatory principles or practices. According to Mr. King, the provisions in the Stipulation are consistent with past regulatory precedent and policies. (GPS Ex. 5 at 4.)

{¶ 58} The Board finds that the Stipulation does not violate any important regulatory principle or practice. Based upon the record in this proceeding, the Board finds that all of the criteria established in accordance with R.C. Chapter 4906 are satisfied for the construction, operation, and maintenance of the facility as described in the application, subject to the conditions set forth in the Stipulation and this Order. Accordingly, based upon all of the above, the Board approves and adopts the Stipulation and hereby issues a certificate to GPS in accordance with R.C. Chapter 4906.

VIII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 59} GPS is a person under R.C. 4906.01(A) and is licensed to do business in the state of Ohio.

{¶ 60} The proposed electric generation facility is a major utility facility, as defined in R.C. 4906.01(B).

{¶ 61} On December 27, 2016, GPS filed a pre-application notification letter and requested a waiver from the requirements set forth in Ohio Adm.Code 4906-3-03 and 4906-2-27(C), pertaining to the site selection study and a cross-sectional view and test borings.

{¶ 62} By Entry on January 26, 2017, the ALJ granted GPS's request for waivers.

{¶ 63} On March 16, 2017, GPS filed its application for Certificate of Environmental Compatibility and Public Need.

{¶ 64} By letter dated May 15, 2017, the Board notified GPS that its application had been found to be sufficiently complete, pursuant to Ohio Adm.Code 4906-1, et seq.

{¶ 65} On May 17, 2017, GPS filed a copy of the Proof of Service of the application on local public officials and libraries along with the list of property owners and adjacent property owners.

{¶ 66} On June 15, 2017, and August 10, 2017, GPS filed a copy of the Proofs of Publication in accordance with Ohio Adm.Code 4906-3-10(A) and (B) for the publication of the description of the application and the hearing dates in the *Daily Jeffersonian*.

{¶ 67} The Staff Report was filed on July 31, 2017.

{¶ 68} A local public hearing was held on August 15, 2017. At the hearing, 17 witnesses gave testimony; 15 testified in support of the project and two were opposed.

{¶ 69} A Stipulation was filed on August 22, 2017.

{¶ 70} The evidentiary hearing convened on August 23, 2017, at the offices of the Board, in Columbus, Ohio. At the hearing, a witness from GPS offered testimony in support of the Stipulation.

{¶ 71} Adequate data on the proposed generation facility has been provided to make the applicable determinations required by R.C. 4906.10(A). The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

{¶ 72} The record establishes that the application satisfies the requirements set forth in R.C. 4906.10(A).

{¶ 73} The Stipulation satisfies the criteria established by the Board for review and consideration of stipulations.

{¶ 74} Based on the record, the Board should approve the application and issue a certificate, pursuant to R.C. 4906, for the construction, operation, and maintenance of the generation facility, subject to the conditions set forth in the Stipulation and this Order.

IX. ORDER

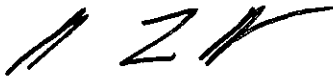
{¶ 75} It is, therefore,

{¶ 76} ORDERED, That the Stipulation be approved and adopted. It is, further,

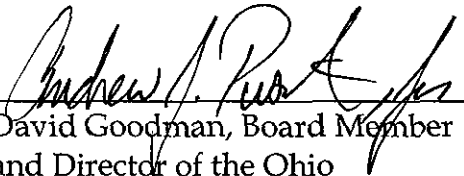
{¶ 77} ORDERED, That a certificate be issued to GPS for the construction, operation, and maintenance of the generation facility at the proposed site subject to the conditions set forth in the Stipulation and this Order. It is, further,

{¶ 78} ORDERED, That a copy of this Opinion, Order, and Certificate, be served upon all interested persons of record.

THE OHIO POWER SITING BOARD



Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



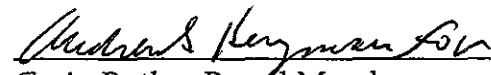
David Goodman, Board Member
and Director of the Ohio
Development Services Agency



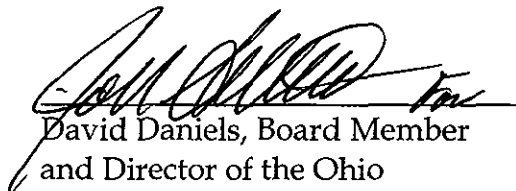
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



Lance Himes, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency

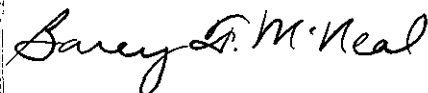


David Daniels, Board Member
and Director of the Ohio
Department of Agriculture

Jeffrey J. Lechak, Board Member
and Public Member

NW/vrm

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Barcy F. McNeal
Secretary

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Case No(s). 93-7000-EL-FAD

Summary: Comments electronically filed by Ms. Yvette L Yip on behalf of the Ohio Power
Siting Board