

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE PROPER  
PROCEDURES AND PROCESS FOR THE  
BOARD'S OPERATIONS AND  
PROCEEDINGS DURING THE DECLARED  
STATE OF EMERGENCY AND RELATED  
MATTERS.

CASE No. 20-601-GE-UNC

### ENTRY

Entered in the Journal on May 20, 2020

{¶ 1} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 2} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 3} The Supreme Court of Ohio has found that the Ohio Power Siting Board (Board) is vested with considerable discretion “to decide how \* \* \* it may best proceed to manage and expedite the orderly flow of its business, avoid undue delay and eliminate unnecessary duplication of effort.” *In re Application of American Transmission Systems, Inc.*,

125 Ohio St.3d 333, 2010-Ohio-1841, 928 N.E.2d 427, ¶ 17; *Toledo Coalition for Safe Energy v. Pub. Util. Comm.*, 69 Ohio St.2d 559, 560, 433 N.E.2d 212 (1982).

{¶ 4} By Entry dated March 17, 2020, the administrative law judge (ALJ) directed that any time period prescribed by order, statute, or rule for the Board to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter. Further, the ALJ indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Board would act on such applications on a case-by-case basis.

{¶ 5} At this time, the ALJ finds that the tolling directive in the March 17, 2020 Entry should be modified as set forth herein. Although the state of emergency remains in effect, the ALJ finds that the tolling provision can be lifted, while continuing to ensure the orderly flow of the Board's business. Accordingly, the tolling of any time period prescribed by order, statute, or rule for the Board to act upon a pending application or other filing should be terminated effective June 1, 2020.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That the tolling directive set forth in the March 17, 2020 Entry be modified in accordance with Paragraph 5. It is, further,

{¶ 8} ORDERED, That notice of this Entry be served via the Electric-Energy and Gas Pipeline industry service lists.

THE OHIO POWER SITING BOARD

/s/ Sarah J. Parrot

By: Sarah J. Parrot  
Administrative Law Judge

NJW/mef

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

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**Case No(s). 20-0601-GE-UNC**

Summary: Administrative Law Judge Entry ordering that the tolling directive set forth in the March 17, 2020 Entry be modified in accordance with Paragraph 5. electronically filed by Ms. Mary E Fischer on behalf of Sarah J. Parrot, Administrative Law Judge, Ohio Power Siting Board