

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF CLEAN ENERGY FUTURE-OREGON
LLC APPLICATION FOR A THIRD
AMENDMENT TO THE CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED.

CASE NO. 23-936-EL-BGA

ORDER ON CERTIFICATE

Entered in the Journal on November 16, 2023

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by Clean Energy Future-Oregon, LLC for an 18-month extension of its certificate.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On December 7, 2017, in Case No. 17-530-EL-BGN, the Ohio Power Siting Board (Board) granted the application filed by Clean Energy Future-Oregon, LLC (Clean Energy) for a certificate to construct a natural gas-fired, 955 megawatt combined-cycle electric generation facility in Lucas County, Ohio, subject to 23 conditions. *In re the Application of Clean Energy Future-Oregon, LLC for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility in Lucas County, Ohio*, Case No. 17-530-EL-BGN (*Certificate Case*), Opinion, Order, and Certificate (Dec. 7, 2017). Accordingly, Clean Energy is certificated to construct, operate, and maintain a major utility facility.

{¶ 3} A first amendment to Clean Energy's certificate was granted on May 17, 2018, in Case No. 17-2512-EL-BGA.

{¶ 4} A second amendment to Clean Energy's certificate was granted on October 20, 2022, in Case No. 22-826-EL-BGA.

{¶ 5} On October 20, 2023, Clean Energy filed an application (Third Amendment Application) seeking an 18-month extension of the certificate issued in the *Certificate Case*. Here, Clean Energy contends that its Third Amendment Application is a result of delays caused by the Covid-19 pandemic and the imminent sale of the Project entity.

{¶ 6} On October 30, 2023, Clean Energy filed its proof of service of the Third Amendment Application, pursuant to Ohio Adm.Code 4906-3-11(B).

B. Applicable Law

{¶ 7} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 8} R.C. 4906.04 provides that the Board’s authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 9} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board “shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *.” R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11 and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 10} Clean Energy is a corporation and, therefore, a person under R.C. 4906.01(A). Pursuant to the Board’s Order in the *Certificate Case*, Clean Energy is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.04. As indicated above, the Applicant provided the required notices in this proceeding, its proposed amendment to its certificate.

C. Board's Conclusion

{¶ 11} After considering the Third Amendment Application, the Board finds that Clean Energy's Third Amendment Application, filed as consequence of Covid-19 pandemic delays and the Project entity ownership transition, does not result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Furthermore, the Board concludes that Clean Energy's certificate should be amended as described in the Third Amendment Application.

D. Findings of Fact and Conclusions of Law

{¶ 12} Clean Energy is a corporation and a person under R.C. 4906.01(A).

{¶ 13} On October 20, 2023, Clean Energy filed an application seeking a third amendment to the certificate issued in the *Certificate Case*.

{¶ 14} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 15} Based on the record, and in accordance with R.C. Chapter 4906, the Amendment Application should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*.

III. ORDER

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That, in accordance with the above findings, Clean Energy's Third Amendment Application be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*. It is, further,

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

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Sarah Huffman, Designee for Brian Baldrige. Director
Department of Agriculture

Ben Lagrasso, Designee for Lydia Mihalik, Director
Ohio Department of Development

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D
Department of Health

Nicole Koppitch, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

Drew Bergman, Designee for Anne Vogel, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Brian Baldrige, Director
Ohio Department of Agriculture

Gregory Slone
Public Member

NJW/CES/dmh

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Case No(s). 23-0936-EL-BGA

Summary: Opinion & Order on Certificate granting the application filed by Clean Energy Future-Oregon, LLC for an 18-month extension of its certificate electronically filed by Debbie S. Ryan on behalf of Ohio Power Siting Board.