

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Oregon)
Clean Energy, LLC for a Certificate of)
Environmental Compatibility and Public) Case No. 12-2959-EL-BGN
Need to Construct an Electric Generation)
Facility in Lucas County, Ohio.)

ENTRY

The Administrative Law Judge finds:

- (1) On November 13, 2012, Oregon Clean Energy, LLC (Oregon Energy or Applicant) filed with the Board a motion for waivers and a request for expedited ruling pursuant to Rule 4906-7-12, Ohio Administrative Code (O.A.C.). Oregon Energy describes the proposed generation facility as consisting of two combined cycle natural gas fired, high efficiency combustion turbines with two heat recovery steam generators and a steam turbine. The project will be located on approximately 30 acres in a commercial and agricultural area in Oregon, Ohio. The expected generation capacity of the facility will be approximately 800 megawatts (MW) of electricity.
- (2) Oregon Energy requests waivers of Rules 4906-13-03(A) and (B), and 4906-13-04(A)(4), O.A.C. Rule 4906-13-03(A) and (B), O.A.C., requires that an applicant provide an extensive site selection study. Oregon Energy requests approval to submit a description of the project boundary, the rationale for selecting the site, a map of the project area, a list and description of the qualitative siting criteria, and a constraint map. Oregon Energy claims that its site selection process incorporates most, if not all, of the criterion set forth in the rule. The Applicant admits, however, that Oregon Energy's site selection process may not have been performed in the manner contemplated by the rule. Oregon Energy states that it will provide sufficient information to support a Board finding that the site represents the minimum adverse environmental impact as required by Section 4906.10, Revised Code, and notes the Board has granted several similar waivers.

- (3) Rule 4906-13-04(A)(4), O.A.C., requires that the applicant provide information relating to cross-sectional views and the location of test borings on the project area. Oregon Energy requests that rather than submitting this information when the application is filed, it be permitted to provide the required information no later than four weeks prior to the issuance of the Staff Report. Oregon Energy offers that delaying the submission of this information will enable the Applicant to balance weather, logistics and engineering requirements to provide a meaningful characterization of subsurface conditions.
- (4) On November 30, 2012, the Board's Staff (Staff) filed a letter indicating that, while Staff does not object to Oregon Energy's waiver requests, to the extent that any waiver request is granted, Staff reserves the right to require information from the Applicant if Staff subsequently determines such information to be necessary during the course of Staff's investigation.
- (5) Rule 4906-13-03, O.A.C., at paragraphs (A) and (B), requires the applicant to conduct a project area site selection study and provide a description of the study area or geographic boundaries, a map of the study area, a comprehensive description of the process used to establish site criteria, constraints, any alternate project sites and a comparison of the selection factors. Oregon Energy has committed to submit sufficient information to support a finding that the site represents the minimum adverse environmental impact, pursuant to Section 4906.10(A)(3), Revised Code. For that reason, the Administrative Law Judge (ALJ) finds the Applicant's request for a waiver from the site selection study requirements of Rule 4906-13-03(A) and (B), O.A.C., to be reasonable. Therefore, Oregon Energy's request to waive this aspect of Rule 4906-13-03, O.A.C., should be granted.
- (6) Pursuant to Rule 4906-13-04(A)(4), O.A.C., the certification application for a generation facility must include a map, with corresponding cross-sectional views indicating geological features of the proposed site and the location of test borings. Oregon Energy requests an extension of time to submit this information. Oregon Energy proposes to submit the geology and seismology information four weeks prior to the submission of the Staff Report.

- (7) Primarily because the Staff does not oppose this request for an extension of time to file the required geological and seismological information, the ALJ finds that the request for waiver of Rule 4906-13-04(A)(4), O.A.C., to be reasonable. Accordingly, Oregon Energy's waiver request to file the information at least four weeks prior to the due date for the Staff Report should be granted.
- (8) In granting Oregon Energy's motion for waivers, the ALJ emphasizes, as Staff states, that the Applicant is not relieved of its responsibility to provide Staff with information in the areas subject to the waivers, if, in the determination of the Staff, the information becomes necessary during the course of its investigation of the application.

It is, therefore,

ORDERED, That, in accordance with the above findings, Oregon Energy's motion for waivers be granted. It is, further,

ORDERED, That a copy of this entry should be served upon all interested persons of record in this proceeding.

THE OHIO POWER SITING BOARD

s/ Greta See

By: Greta See
Administrative Law Judge

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/5/2012 12:46:15 PM

in

Case No(s). 12-2959-EL-BGN

Summary: Administrative Law Judge Entry granting motion for waivers, electronically filed by Vesta R Miller on behalf of Greta See, Administrative Law Judge, Ohio Power Siting Board