

FILE

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Butler, Matthew

From: ContactOPSB
Sent: Monday, December 17, 2012 5:11 PM
To: elisayoung1@yahoo.com
Subject: RE: 06-1358-EL-BGN
Attachments: 06-1358.pdf

Ms. Young,

Thank you for contacting the Ohio Power Siting Board. I will docket your comments below in case number 06-1358-EL-BGN.

This afternoon, the Board voted to extend AMP-Ohio's existing certificate through September 3, 2014. I have attached a copy of the Board Entry.

Please do not hesitate to contact me with any additional questions.

Sincerely,

Matt Butler
Public Outreach Manager
Ohio Power Siting Board
614-644-7670
OPSB.ohio.gov



RECEIVED-DOCKETING DIV
2012 DEC 17 PM 5:16
PUCO

From: Elisa Young [<mailto:elisayoung1@yahoo.com>]
Sent: Monday, December 17, 2012 3:32 PM
To: Butler, Matthew
Subject: RE: 06-1358-EL-BGN

Elisa Young

P.O. Box 518

Athens, Ohio 45701

(740)-416-2694

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Technician SM Date Processed DEC 18 2012

December 17, 2012

Ohio Power Siting Board Members

C/O Mark Butler

180 East Broad Street

Columbus, Ohio 43215

RE: 06-1358-EL-BGN

I am sorry for this delayed communication, but the address on file for me with the Ohio Power Siting Board was no longer correct, and it just came to my attention today that you would be making a decision on whether or not to extend the certificate of Environmental compatibility and Public Need for an Electric Power Generating Station and Related Facilities for American Municipal Power-Ohio, Inc.

I object to this motion to extend. I do not believe it is in my community's best interest to extend this permit when the rules for power plant siting are in the process of being updated for the protection of public health, safety, and the environment.

In terms of need, AMP has already constructed additional facilities, and the need, if any entering into 2013, is not what it was in 2008 when they originally applied for this permit.

I do not believe it's accurate to state that AMP has been conducting "continuous construction." Five months ago, they began removing foundational materials from the proposed site. Their office in Pomeroy has been closed and abandoned for quite a while. And they withdrew all of their environmental permits. This action is inconsistent with moving forward to construct a power plant, let alone to construct a power plant they did not apply for a single permit to construct.

The certificate stated that it would become invalid if AMP did not commence construction of the proposed facility within five years of the date of journalization of the certificate. How can they construct a power plant they withdrew all of their environmental permits for? Removing the construction materials they had installed for the facility last summer, with no ensuing construction work is also counter to this requirement.

If AMP wants to plan construction of a facility that they have not applied to construct, they should be required to begin again with the process and to construct and operate this facility under rules that have been updated to reflect current requirements, rather than grandfathered in.

Respectfully.

Elisa Young

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
American Municipal Power-Ohio, Inc.,)
for a Certificate of Environmental) Case No. 06-1358-EL-BGN
Compatibility and Public Need for an)
Electric Generation Station and Related)
Facilities in Meigs County, Ohio.)

ENTRY

The Ohio Power Siting Board finds:

- (1) On May 4, 2007, American Municipal Power-Ohio, Inc. (AMP-Ohio), filed an application for a certificate of environmental compatibility and public need to construct the American Municipal Power Generating Station (AMPGS), a 960 megawatt (MW) electric generation facility, consisting of two 480 MW electric generating units in Meigs County, Ohio.
- (2) On March 3, 2008, the Board issued its opinion, order and certificate (Certificate) in this proceeding, authorizing the construction, operation and maintenance of the AMPGS subject to 34 specific conditions. Among other conditions, the Certificate provided that, if AMP-Ohio had not commenced a continuous course of construction of the AMPGS within five years of the issuance of the Certificate, the Certificate would become invalid (Certificate at 39).
- (3) On November 16, 2012, AMP-Ohio filed a motion to extend the authority granted in the Certificate for a period of 18 months. AMP-Ohio represents that, due to an unexpected increase in capital costs, AMP-Ohio was exploring the possibility of conversion to a natural gas combined cycle facility at the site, which would necessitate amendment of the Certificate. Therefore, in order to facilitate further consideration of conversion to a natural gas facility at this site, AMP-Ohio requests an extension of the Certificate for a period of 18 months.
- (4) On December 3, 2012, the Ohio Environmental Council and Sierra Club (Intervenors) filed a memorandum contra

AMP-Ohio's motion. Intervenor's argue that AMP-Ohio has not shown good cause for extending the certificate. Intervenor's claim that the motion and the record of this proceeding demonstrate a complete abandonment of the coal fired facility authorized in the Certificate. Intervenor's also claim that AMP-Ohio's request is unsupported by law. Intervenor's argue that the Board cannot modify a Certificate under Section 4906.03(D), Revised Code, following approval of the certificate. Intervenor's also claim that AMP-Ohio has not provided sufficient evidence to support a finding of no significant environmental impact to allow an amendment of the Certificate under Rule 4906-5-10(B), O.A.C. Therefore, Intervenor's conclude that the Board should require AMP-Ohio to submit a full application for any new generation facility.

- (5) AMP-Ohio responds that it has demonstrated good cause for the extension because the shift from a coal fired facility to a natural gas facility is significant and the shift resulted from factors beyond AMP-Ohio's control. In addition, AMP-Ohio claims that it has performed construction activities at the site of the proposed facility. Further, AMP-Ohio contends that Board precedent demonstrates that the Board has granted extensions of certificates in situations similar to this case. *In re Lima Energy Company*, Case No. 00-513-EL-BGN et al., Entry (July 30, 2012). Finally, AMP-Ohio rejects Intervenor's suggestion that AMP-Ohio should be required to file a new application. AMP-Ohio represents that the amendment process would permit the Board to review and approve material changes to the project without reconsidering elements of the project which will not change and would avoid disruption of project development tasks and financing.
- (6) The Board finds that AMP-Ohio's motion to extend the Certificate is reasonable and should be granted. The Board notes that this extension is consistent with our precedents, such as *Lima Energy*. Further, the Board finds that AMP-Ohio has demonstrated good cause in that the delays in construction have been for reasons beyond AMP-Ohio's control.

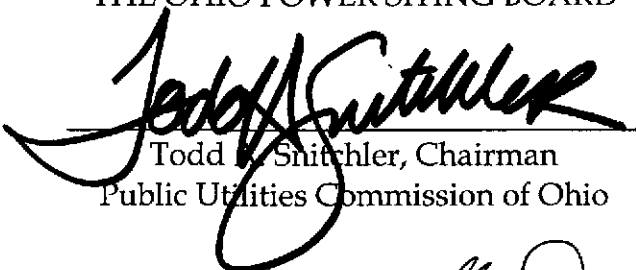
It is, therefore,


ORDERED, That AMP-Ohio's motion to extend its Certificate for a period of 18 months be granted. It is, further,


ORDERED, That AMP-Ohio's Certificate be extended until September 3, 2014, unless otherwise ordered by the Board. It is, further,

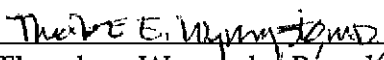
ORDERED, That a copy of this entry be served upon AMP-Ohio and all other interested persons of record.

THE OHIO POWER SITING BOARD

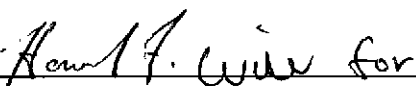

Todd W. Snitchler, Chairman
Public Utilities Commission of Ohio

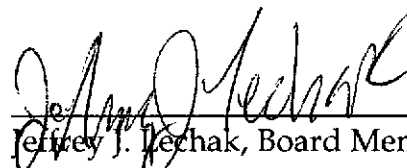

Christiane Schmenk, Board
Member and Director of the Ohio
Development Services Agency


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


Theodore Wymyslo, Board
Member and Director of the
Ohio Department of Health

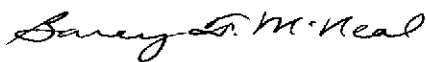
Scott Nally, Board Member
and Director of the Ohio
Environmental Protection Agency


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


Jeffrey J. Lechak, Board Member
and Public Member

GAP/sc

Entered in the Journal **DEC 17 2012**


Barcy F. McNeal
Secretary