

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 of specific provisions of Rules 4906-13-03 and 4906-13-04, Ohio Administrative Code (O.A.C.). By entry issued on December 5, 2012, the request for waivers was granted.
- (2) On January 17, 2013, Oregon Energy filed with the Board an application for a certificate of environmental compatibility and public need to construct a 800 megawatt electric generation facility on approximately 30 acres in a commercial and agricultural area in Lucas County, Oregon, Ohio (project). The proposed generation project would consist of two combined cycle natural gas fired, high efficiency combustion turbines with two heat recovery steam generators and a steam turbine.
- (3) Pursuant to Rule 4906-5-05, O.A.C., within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete.
- (4) By letter filed on February 5, 2013, the Board notified Oregon Energy that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, the letter directed Applicant to serve appropriate government officials and public agencies with copies of the application.
- (5) On February 5, 2013, Oregon Energy filed a certificate of service of its accepted and complete application, in

accordance with the requirements of Rule 4906-5-07, O.A.C. Oregon Energy also submitted the application fee to the Board, pursuant to Rule 4906-5-11, O.A.C. The effective date of the filing of the application shall be February 1, 2013.

- (6) Section 4906.07(A), Revised Code, provides that, upon receipt of an application complying with Section 4906.06, Revised Code, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.
- (7) Accordingly, the local public hearing in this case will be held on April 2, 2013, at 6:00 p.m., at the Oregon City Council Chambers, 5330 Seaman Road, Oregon, Ohio 43616. The adjudicatory hearing will commence on April 9, 2013, at 10:00 a.m., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (8) Oregon Energy should issue public notices of the application and hearings in accordance with Rule 4906-5-08, O.A.C. As part of the information to be included in the notices, as required by Rule 4906-5-08, O.A.C., Applicant shall include a statement that the public hearing in this case shall consist of two parts:
 - (a) A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person, commencing on April 2, 2013, at 6:00 p.m., at the Oregon City Council Chambers, 5330 Seaman Road, Oregon, Ohio 43616.
 - (b) An adjudicatory hearing to commence on April 9, 2013, at 10:00 a.m., 11th floor, Hearing Room C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

- (9) Further, regarding the initial public notice required under Rule 4906-5-08(C)(1), O.A.C., Oregon Energy shall include the following statement as a part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Rule 4906-5-08(C)(1), O.A.C., or later if good cause is shown. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible but by no later than March 25, 2013. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

- (10) Rule 4906-7-01, O.A.C., provides that the Administrative Law Judge (ALJ) shall regulate the course of the hearing including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:

- (a) Pursuant to Rule 4906-5-05(D), O.A.C., Staff shall file its report of investigation (Staff Report) on or before March 18, 2013.
- (b) On or before March 28, 2013, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by Oregon Energy shall be filed by April 3, 2013.
- (d) All expert and factual testimony to be offered by interveners and Staff shall be filed by April 5, 2013.

- (e) The parties are encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to this proceeding.

It is, therefore,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in finding (7). It is, further,

ORDERED, That notices of the application and hearings be published by Oregon Energy in accordance with findings (8) and (9). It is, further,

ORDERED, That Staff file its Staff Report pursuant to finding (10). It is, further,

ORDERED, That the parties file their issue lists and testimony in accordance with finding (10). It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

s/Greta See

By: Greta See
Administrative Law Judge

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/6/2013 10:10:00 AM

in

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

Summary: Administrative Law Judge Entry orders the hearing in this matter be scheduled at the times and places designated in finding (7), orders notices of the application and hearings be published by Oregon Energy in accordance with findings (8) and (9), orders that staff file its staff report pursuant to finding (10), and orders the parties to file their issue lists and testimony in accordance with finding (10). - electronically filed by Sandra Coffey on behalf of Greta See, Attorney Examiner, Public Utilities Commission of Ohio