

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting Board's)
Review of Chapters 4906-1, 4906-5, 4906-11, 4906-) Case No. 12-1981-GE-BRO
15 and 4906-17 of the Ohio Administrative Code.)

**THE OHIO GAS ASSOCIATION'S
REPLY TO PROPOSED RULES COMMENTS**

INTRODUCTION

The Ohio Gas Association (“OGA”) filed Comments in this proceeding and having reviewed the Comments by AEP Ohio Transmission Company (“AEP Transco”), Environmental Law and Policy Center, EverPower Wind Holdings, Inc., FirstEnergy Corp. and its subsidiaries and affiliates (“FirstEnergy”) and Leipsic Wind LLC, hereby files its Reply. References to the First Energy Comments are to its Attachment and Detailed Comments.

OGA found that it agreed with many of the commenters and will list the proposed rules issued by the Ohio Power Siting Board (“OPSB” or “Board”) which were recommended by its Staff to which comments were made that OGA supports. The rules not mentioned mean that OGA has no opinion about them. Just as OGA and most of the parties did in their initial comments, OGA will list the rules in chronological order.

CHAPTER 4906-1 GENERAL PROVISIONS

Rule 4906-1-01 Definitions (L) and (HH)

OGA strongly agrees with the proposed definition of commencement of construction, Subparagraph (L), as proposed by AEP Transco. AEP Transco, p. 1. It also agrees with

FirstEnergy’s recommendations that the definition of Subparagraph (HH) “replacement of an existing facility with a like facility” should be revised. FirstEnergy, pp. 7-8.

CHAPTER 4906-2 POWER SITING PROCEDURAL PROVISIONS

Rule 4906-2-08 Signing of pleadings.

OGA agrees with the FirstEnergy’s recommendation that the rule should be broaden to include other responsible corporate officials. *Id.*, p. 13

CHAPTER 4906-3 PROCEDURAL REQUIREMENTS FOR STANDARD CERTIFICATE APPLICATIONS

Rule 4906-3-03(B) Public information program.

OGA strongly agrees with the arguments set forth by both FirstEnergy and AEP Transco that 60 days does not provide an adequate amount of time to fully incorporate feedback from the public meeting, especially in light of the Staff’s proposed revision to Rule 4906-5-04(C) to address the public’s comments in the application. AEP Transco, pp. 4-5 and FirstEnergy, pp. 16-18.

Rule 4906-3-13(F) Construction and operation requirements.

OGA agrees that this rule should be revised to limit its applicability to “standard certificate applications” as recommended by FirstEnergy. FirstEnergy, pp. 29-30.

CHAPTER 4906-5 STANDARD CERTIFICATE APPLICATIONS FOR ELECTRIC TRANSMISSION FACILITIES AND GAS PIPELINES

Rule 4906-5-04(C) Route alternative analysis.

OGA shares FirstEnergy's concerns that the new requirement the applicant to include and address comments received by the public during the route selection process as set forth in Paragraph (C) would increase the size and cost of the standard certificate application. *Id.*, pp. 43-44.

Rule 4906-5-08(B)(1) Ecological information and compliance with permitting requirements.

OGA strongly agrees with FirstEnergy's argument that the Board should not adopt rules "that are more expansive or duplicative than the permitting authority of other state agencies including Ohio EPA." FirstEnergy, pp. 50-51.

Chapter 4906-6 Accelerated Certificate Application Requirements

OGA supports FirstEnergy's arguments that the proposed revisions to Chapter 4906-6 would greatly increase the filing requirements for the smallest projects, thus creating negative impacts on the applicant's ability to construct these smaller projects in a timely and least cost manner. *Id.*, pp. 53-54.

Rule 4906-6-05 Accelerated application requirements.

OGA strongly supports the comments of FirstEnergy and AEP Transco which echo OGA's comments that the requirements for the Construction Notice application should not be the same as the Letter of Notification application. FirstEnergy, pp. 53-54 and AEP Transco, pp. 8-9.

Rule 4906-6-10 Automatic approval of accelerated applications.

In addition to OGA's comments, OGA also strongly agrees with both FirstEnergy and AEP Transco that the Board staff should not have the authority to condition the automatic approval of an accelerated application. FirstEnergy, pp. 56-58 and AEP Transco, pp. 9-10.

CHAPTER 4906-7 ENFORCEMENT INVESTIGATIONS

Rule 4906-7-02 Enforcement investigations by the board.

OGA supports FirstEnergy's arguments that Paragraph (E) should be revised to require an evidentiary hearing on alleged violations, and that Paragraph (F) should also be revised to require the complaining party to prove "by a preponderance of the evidence" that a violation has occurred. FirstEnergy, p. 59.

CONCLUSION

OGA respectfully requests that the Board adopt the changes to the Staff's proposed revisions consistent with its comments and the reply comments set forth above.

Respectfully submitted on behalf of
THE OHIO GAS ASSOCIATION



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing REPLY COMMENTS; were served by electronic this 18th day of June 2013.



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Summary: Reply Comments of The Ohio Gas Association electronically filed by Teresa Orahod on behalf of Sally Bloomfield