

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Carroll)
County Energy, LLC for a Certificate of)
Environmental Compatibility and Public) Case No. 13-1752-EL-BGN
Need to Construct an Electric Generation)
Facility in Carroll County, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On November 15, 2013, Carroll County Energy, LLC (CCE or Applicant) filed an application with the Ohio Power Siting Board (Board) pursuant to the requirements of Ohio Adm.Code Chapter 4906-13. CCE describes the proposed generation facility as consisting of two combined-cycle, natural gas fired turbines with two heat recovery steam generators and a steam turbine. The proposed facility, which will also include a switchyard and other ancillary equipment, will have a nominal net output of 742 megawatts and will be located on approximately 77 acres in Washington Township, Carroll County, Ohio.
- (2) On November 14, 2013, CCE filed with the Board a motion for waivers of four specific provisions of Ohio Adm.Code Chapter 4906-13. By Entry issued January 6, 2014, the request for waivers was granted.
- (3) Pursuant to Ohio Adm.Code 4906-5-05, 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 December 20, 2013, the Board notified CCE that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, the letter directed the Applicant to serve appropriate government officials and public agencies with copies of the application.

- (5) On December 26, 2013, CCE filed a certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-5-07. CCE also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-5-11. The effective date of the filing of the application shall be January 3, 2014.
- (6) R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, 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 March 6, 2014, at 6:00 p.m., at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615. The adjudicatory hearing will commence on March 13, 2014, 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) Additionally, the administration law judge (ALJ) finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or by February 18, 2014, whichever is later.
- (9) CCE should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-5-08. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-5-08, the Applicant shall include a statement that the public hearing in this case shall consist of two parts:
 - (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, on March 6, 2014, at 6:00 p.m., at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615.
 - (b) An adjudicatory hearing to commence on March 13, 2014, 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.

- (10) Further, regarding the initial public notice required under Ohio Adm.Code 4906-5-08(C)(1), CCE 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 Ohio Adm.Code 4906-5-08(C)(1), 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 February 18, 2014. 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.

- (11) Ohio Adm.Code 4906-7-01 provides that the 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 Ohio Adm.Code 4906-5-05(D), Staff shall file its report of investigation (Staff Report) on or before February 19, 2014.
 - (b) On or before February 28, 2014, 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 CCE shall be filed by March 7, 2014.

- (d) All expert and factual testimony to be offered by interveners and Staff shall be filed by March 10, 2014.
- (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 CCE in accordance with Findings (9) and (10). It is, further,

ORDERED, That Staff file its Staff Report pursuant to Finding (11). It is, further,

ORDERED, That the parties file their issues list and testimony in accordance with Finding (11). 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

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in

Case No(s). 13-1752-EL-BGN

Summary: Administrative Law Judge Entry orders the hearings in this matter scheduled at the times and places designated in Finding (7), orders the notices of the application and hearings published by CCE in accordance with Findings (9) and (10), orders Staff to file its Staff Report pursuant to Finding (11), and orders the parties to file their issues list and testimony in accordance with Finding (11). - electronically filed by Sandra Coffey on behalf of Greta See, Attorney Examiner, Public Utilities Commission of Ohio