

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Clean)
Energy Future-Lordstown, LLC for a)
Certificate of Environmental) Case No. 14-2322-EL-BGN
Compatibility and Public Need to)
Construct an Electric Generation Facility)
in Trumbull County, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On March 23, 2015, as amended on March 27, 2015, Clean Energy Future-Lordstown, LLC (CEFL or Applicant) filed an application with the Ohio Power Siting Board (Board) pursuant to the requirements of Ohio Adm.Code Chapter 4906-13. CEFL describes the proposed 800 megawatts (MW) generation facility as consisting of two combined-cycle, natural gas fired, high efficiency combustion turbines with two heat recovery steam generators, a steam turbine, a cooling tower, and state of the art environmental controls. The proposed facility will be located on approximately 40 acres in the Village of Lordstown, Trumbull County, Ohio.
- (2) On December 24, 2014, CEFL filed with the Board a motion for waivers of two provisions of Ohio Adm.Code Chapter 4906-13. By Entry issued January 23, 2015, 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 May 12, 2015, the Board notified CEFL 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 May 13, 2015, CEFL filed a certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-5-07. CEFL 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 May 26, 2015.
- (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 July 28, 2015, at 6:00 p.m., at Village of Lordstown, Administration Center Community Room, 1455 Salt Springs Road, Lordstown, Ohio 44481. The adjudicatory hearing will commence on August 11, 2015, 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 July 13, 2015, whichever is later.
- (9) CEFL 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 July 28, 2015, at 6:00 p.m., at Village of Lordstown, Administration Center Community Room, 1455 Salt Springs Road, Lordstown, Ohio 44481.

- (b) An adjudicatory hearing to commence on August 11, 2015, 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.
- (10) Further, regarding the initial public notice required under Ohio Adm.Code 4906-5-08(C)(1), CEFL 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 July 13, 2015. 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 July 13, 2015.
 - (b) On or before July 24, 2015, 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 at the adjudicatory hearing by CEFL shall be filed by July 31, 2015.
- (d) All expert and factual testimony to be offered by interveners and Staff shall be filed by August 5, 2015.
- (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 CEFL 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

CMTP/dah

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/26/2015 5:28:20 PM

in

Case No(s). 14-2322-EL-BGN

Summary: Administrative Law Judge Entry that the hearings in this matter be scheduled at the times and places designated in Finding (7); that notices of the application and hearings be published by CEFL in accordance with Findings (9) and (10); that Staff file its Staff Report pursuant to Finding (11); and that the parties file their issues list and testimony in accordance with Finding (11); electronically filed by Debra Hight on behalf of Greta See, Administrative Law Judge.