

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of South)
Field Energy LLC for a Certificate of)
Environmental Compatibility and Public) Case No. 15-1717-EL-BTX
Need for a Transmission Line in)
Columbiana County.)

ENTRY

The administrative law judge finds:

- (1) On October 5, 2015, South Field Energy LLC (SFE) filed a pre-application notice with the Ohio Power Siting Board (Board) seeking approval for the construction of a 345 kilovolt (kV) transmission line and an associated switching station. The line and station are to be built in conjunction with a natural gas electric generation facility, docketed in Case No. 15-1716-EL-BGN. The purpose of the line will be to connect the generation facility to an existing circuit. The proposed line will be approximately three miles in length and located in Columbiana County.
- (2) On October 19, 2015, SFE filed a motion for waiver of two requirements of Ohio Adm.Code 4606-5-04(A). Specifically, SFE requests a waiver from the requirement that the alternate route not have more than 20 percent in common with the preferred route as set forth in Ohio Adm.Code 4906-5-04(A), and instead allow for the alternate route to have 67 percent in common with the preferred route. SFE argues this waiver should be granted because the shared portion of the line will use the same right-of-way as a natural gas pipeline being constructed for the project. SFE submits that using the same path as the pipeline leads to less impact and follows good policy regarding land use.
- (3) SFE also requests a waiver from the requirement that all certificate applications for electric transmission facilities include fully-developed information on two routes as set forth in Ohio Adm.Code 4906-5-04(A), and instead permit SFE to report results of field studies and investigations for ecological and cultural resources for only the preferred route. SFE notes that, if the first waiver is granted, SFE will be able to provide complete information for the 67 percent of the alternative route that is shared with the preferred route. For the remaining portion, SFE states it cannot provide field information because it does not have the land rights necessary to inspect the properties. However, SFE asserts it will provide desktop information such as aviation

obstructions, tree clearing estimates, threatened species in the area, and geotechnical information so that the Board will still have sufficient information to make the necessary determinations.

- (4) On November 5, 2015, Staff filed a memorandum stating that it did not oppose SFE's request for waivers. Staff also reserves the right to require information from SFE in areas covered by the requested waivers if Staff determines it to be necessary during the course of the investigation. In addition, Staff reserves the right to investigate and contest all other issues presented in the application.
- (5) Ohio Adm.Code 4906-1-03 provides that, where good cause appears, the Board or the administrative law judge may permit departure from Ohio Adm.Code Chapters 4906-01 to 4906-17, unless prohibited by statute. Upon review of the waiver request and Staff's filing, the administrative law judge finds that, in order to ensure SFE's application contains all the necessary information to evaluate the proposal, and avoids additional, unnecessary costs for developing less relevant information, the request for waiver for both requirements is reasonable. Accordingly, SFE's request to waive these requirements should be granted.
- (6) In granting the motion for waivers, the administrative law judge notes that SFE is not relieved of its responsibility to provide Staff with information in the areas subject to the waivers, if, in the determination of Staff, the information becomes necessary during the course of its investigation of the application for completeness or through discovery in this proceeding.

It is, therefore,

ORDERED, That SFE's motion for waiver of two requirements of Ohio Adm.Code 4906-5-04(A) is granted. It is, further,

ORDERED, That a copy of this Entry be served upon all interested persons of record in this proceeding.

THE OHIO POWER SITING BOARD

/s/ Nicholas Walstra

By: Nicholas Walstra
Administrative Law Judge

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in

Case No(s). 15-1717-EL-BTX

Summary: Administrative Law Judge Entry granting SFE's motion for waiver of two requirements of Ohio Adm.Code 4906-5-04(A); electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Administrative Law Judge, Ohio Power Siting Board