

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of South Field )	
Energy LLC for a Certificate of Environmental )	Case No. 15-1716-EL-BGN
Compatibility and Public Need to Construct an )	
Electric Generation Facility in Columbiana )	
County. )	

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

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**YELLOW CREEK TOWNSHIP  
MOTION TO INTERVENE**

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Pursuant to Revised Code 4906.08 and Ohio Administrative Code § 4906-2-12(A)(1) & (2), The Township of Yellow Creek, Columbiana County, Ohio (the “Township” or “Yellow Creek”) respectfully petitions the Ohio Power Siting Board (“Board”) for leave to intervene in the above-captioned proceedings. As set forth in the attached Memorandum in Support, the Township has a real and substantial interest in these proceedings. Its interests are not adequately represented by any other party to these matters, and its participation will contribute to a just and expeditious resolution of the issues and questions presented. Further, the Township’s participation will not unduly delay the proceedings or cause undue prejudice to any party.

For these reasons, as more fully set forth herein, the Township respectfully requests that the Board grant its Petition for Leave to Intervene in the above-captioned proceedings.

Respectfully Submitted,

/s/ Christopher L. Miller  
Christopher L. Miller (0063259)  
(Counsel of Record)  
Direct Dial: (614) 462-5033  
E-mail: [Christopher.Miller@icemiller.com](mailto:Christopher.Miller@icemiller.com)  
Jeremy Grayem (0072402)  
Direct Dial: (614) 462-2284  
E-Mail: [Jeremy.Grayem@icemiller.com](mailto:Jeremy.Grayem@icemiller.com)  
Ice Miller, LLP  
250 West Street  
Columbus, Ohio 43215  
(614) 462-2700 (Main Number)  
(614) 222-4707 (Facsimile)  
*Attorneys for Yellow Creek Township*

**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 Need to Construct an ) Electric Generation Facility in Columbiana ) County. )	Case No. 15-1716-EL-BGN
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In the Matter of the Application of South Field ) Energy LLC for a Certificate of Environmental ) Compatibility and Public Need for a Transmission ) Line in Columbiana County. )	Case No. 15-1717-EL-BTX
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**MEMORANDUM IN SUPPORT OF YELLOW CREEK TOWNSHIP  
MOTION TO INTERVENE**

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**I. PROCEDURAL BACKGROUND**

South Field Energy, LLC. (“SFE”) initiated proceedings with the Ohio Power Siting Board (“Board”) by filing an Application for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility on December 7, 2015 (“Application I”). Additionally, on January 15, 2016, SFE filed Application for a Certificate for Environmental Compatibility and Public Need for Interconnection Facilities (“Application II”). SFE has filed Application I for the purpose of siting a new electric generation facility in Yellow Creek Township, Columbiana County, Ohio. SFE has filed Application II for the purpose of constructing a new 345 kilovolt (kV) transmission line and an associated switching station to connect the new generation facility proposed in Application I to the transmission grid. SFE has proposed significant siting, development and construction work in its two applications (jointly the “Applications” or “Project”). On March 24, 2016, SFE filed a Motion to Consolidate the

two above-captioned cases. This Board's ALJ, in an Entry dated March 29, 2016, found good cause to consolidate these two cases.

The portions of the Project contemplated by Application I involve the construction 1,105 MW dual fuel (natural-gas fired with the capability to fire ultra-low sulfur distillate as a backup) combined cycle generating facility, located entirely within Yellow Creek Township, Columbiana County, Ohio ("Facility"). SFE proposes to develop, build, own, and operate the Facility which it intends to use meet anticipated additional energy demand in the region necessary due to the planned retirement of certain generation capacity regionally and in Ohio.

The portions of the Project contemplated by Application II involve the construction of a 345-kilovolt (kV) transmission line and switchyard ("Interconnection Facilities"), to be located in Yellow Creek Township and Madison Township, Columbiana County, Ohio.

The Facility and material portions of the Interconnection Facilities will be constructed on an approximately 150 acre parcel within the Township. The Facility site will occupy approximately 86.5 acres with localized ancillary equipment and Interconnection Facilities occupying the remaining approximate 30 acres. The sites will require certain identified and unidentified utility and water service lines to be installed and deployed throughout the sites and additional portions of the Township in order to provide necessary services to the Project. The 345-kilovolt (kV) transmission line will traverse approximately 3.9 miles of land in both Yellow Creek Township and Madison Township and connect to First Energy's Highland-Sammis 345-kV transmission line. SFE estimates that the Project will have a significant positive economic impact on the local area. SFE, through its Applications, now seeks this Board's approval required to initiate the Project.

Yellow Creek Township is an Ohio township organized and operated in accordance with Article X of the Ohio Constitution and Title V of the Ohio Revised Code. The Township is home to a number of businesses and has a population of 2,140 according to the 2010 Federal Census. The Township is directly responsible for the health, safety and welfare of its citizens. In addition the Township is an important owner of real property throughout its geographic territory. The Township also has a significant investment in its public ways.

The Township believes that the Project, as currently proposed, will affect its property, its citizens, and neighboring landowners. The Township has not yet been given the opportunity to thoroughly review or evaluate the route proposal or reports submitted by SFE in support of its Application. Without the Township's participation in these proceedings, the Township risks having its valid and legitimate interests compromised. These are interests that are incumbent upon the Township to protect and the Township must assure that these interests are adequately heard and represented. Furthermore, allowing the Township to participate at this juncture will assist the Board in these proceedings, and will in no way prejudice or negatively impact SFE. The Township believes that its intervention will actually allow the parties to avoid incurring unnecessary expenses and effort in the future to coordinate and deploy the Project.

## **II. BASIS FOR INTERVENTION**

The Board or an administrative law judge may consider the following when considering petitions to intervene:

- (a) The nature and extent of the petitioner's interest;
- (b) The extent to which the petitioner's interest is represented by existing parties;
- (c) The petitioner's potential contribution to a just and expeditious resolution of the issues involved in the proceedings; and

- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Ohio Admin. Code § 4906-2-12(B). As fully set forth below, the Township meets and exceeds each of these criteria.

**A. Because the Project May Significantly Impact the Township's Property, Residents, and Neighboring Landowners, the Township has a Real and Substantial Interest in the Outcome of This Proceeding.**

Since it became aware of the Project, the Township has been gathering information regarding the location and the potential impact the Project might have on the Township and its residents. After reviewing the initial data collected, the Township concluded that the Project has the potential to impact its citizenry and affect its property. At this point in the proceedings, much is still unclear about SFE's plans and considerations for the Project. Specifically, the Township is concerned about (a) the necessity for the Project as currently proposed, (b) the degree to which the Project will affect the Township's operations, citizens and property, and (c) SFE's plans for constructing and operating the Project.

The entirety of the portions of the Project contemplated by Application I will be located in the Township's geographic limits, according to SFE's Application as filed. The majority of the portions of the Project contemplated by Application II will also be located in the Township's geographic limits. Further, the public ways of the Township will be directly impacted by the construction and operation of the Project and it is certain that Township property will be impacted. Given this potentially significant effect, there can be little doubt that the Township has a real and substantial interest in the outcome of this proceeding.

**B. No Other Party is Adequately Representing the Township's Interest in This Proceeding**

No other property owner or jurisdictional representative stands to be affected by the construction of the Project in the manner and degree that the Township and its citizens will. The Township and all its citizens will be significantly affected property owners as a majority of the construction of Project is planned to occur entirely within the geographic boundaries of the Township. Additionally, based upon the information contained in the Applications, SFE is proposing to seek numerous rights of ways and easements from the Township. There is no other potential party that could be impacted by the Project in the manner or to the depth and degree as the Township and its citizens. The Township is charged with the responsibility, both legal and practical, to represent the interests and concerns of each and every member of its constituency. Unlike any other potential party, the Township is long experienced and well-practiced in listening, coordinating consensus and speaking with one voice on behalf of its citizenry. The Township is the party best able to represent all its constituents in these proceedings.

Therefore, the Township's intervention is the best, if not the only, way of ensuring that its interests, and those of each and every one of its citizens, are adequately represented in this proceeding.

**C. The Township's Participation Will Allow the Board to Make a Fully Informed Decision**

The Township's formal participation will ensure that the Board has complete and accurate information before rendering its decision on the proposed Applications. Further, the Township's involvement will facilitate a just and expeditious resolution of the outstanding issues in this proceeding.

The Township plans to make comments and raise issues related to its concerns. Full participation will also allow the Township to comprehensively review and evaluate the studies SFE has performed regarding Project implementation and potential impacts. As the

jurisdictional entity directly responsible for health, safety and welfare of the specific population and geography impacted by the Project, the Township's comments on the proposed Project should be considered a positive contribution to the resolution of the issues involved. Accordingly, intervention by the Township will facilitate the Board in rendering its decision.

**D. No Undue Prejudice or Delay Will Be Caused By Allowing the Township to Intervene in the Proceeding.**

Granting the Township's Petition will not cause undue prejudice or delay. Instead, it will facilitate the proceedings and will allow SFE to avoid any unnecessary expense and/or delay in the future. By taking the time now to carefully plan and coordinate the intricacies of the Project, SFE can avoid making potentially costly corrections in the future. Given the extensive procedure that SFE must take in completing the review and approval process, SFE will not bear any undue burden or expense by taking the necessary actions now to alleviate any of the Township's concerns.

**III. CONCLUSION**

For the foregoing reasons, the Township respectfully requests that the Board grant its Petition for Leave to Intervene and allow the Township to participate as a full party of record in these matters.

*[Signatures appear on following page]*

Respectfully Submitted,

/s/ Christopher L. Miller

Christopher L. Miller (0063259)

(Counsel of Record)

Direct Dial: (614) 462-5033

E-mail: [Christopher.Miller@icemiller.com](mailto:Christopher.Miller@icemiller.com)

Jeremy Grayem (0072402)

Direct Dial: (614) 462-2284

E-Mail: [Jeremy.Grayem@icemiller.com](mailto:Jeremy.Grayem@icemiller.com)

Ice Miller, LLP

250 West Street

Columbus, Ohio 43215

(614) 462-2700 (Main Number)

(614) 222-4707 (Facsimile)

*Attorneys for Yellow Creek Township*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum in Support were served upon the parties of record listed below this 12th day of May, 2016 via first class mail and electronic mail.

/s/ Christopher L. Miller  
\_\_\_\_\_  
Christopher L. Miller

Michael J. Settineri (0073369)  
Stephen M. Howard (0022421)  
Scott M. Guttman (0086639)  
Vorys, Sater, Seymour, and Pease, LLP  
52 East Gay Street  
Columbus, Ohio 43215  
PH: (614) 464-6400  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)  
[smguttman@vorys.com](mailto:smguttman@vorys.com)  
*Attorneys for South Field Energy LLC*

John F. Stock  
Orla E. Collier, III  
Benesch, Friedlander, Coplan and Aronoff LLP  
41 S. High Street, Suite 2600  
Columbus, OH 43215  
PH: (614) 223-9300  
[JStock@beneschlaw.com](mailto:JStock@beneschlaw.com)  
[ocollier@beneschlaw.com](mailto:ocollier@beneschlaw.com)  
*Attorneys for Kenneth Johnson and Ohio Valley  
Jobs Alliance*

Robert J. Schmidt, Jr. (0062261)  
L. Bradfield Hughes (0070997)  
PORTER WRIGHT MORRIS & ARTHUR,  
LLP  
41 S. High Street  
Columbus, OH 43215  
PH: (614) 227-2028  
[rschmidt@porterwright.com](mailto:rschmidt@porterwright.com)  
[bhughes@porterwright.com](mailto:bhughes@porterwright.com)

John H. Jones (0051913)  
Assistant Section Chief  
Public Utilities Section  
30 E. Broad St., 16<sup>th</sup> Floor  
Columbus, OH 43215  
PH: (614) 466-4395  
[John.Jones@ohioattorneygeneral.gov](mailto:John.Jones@ohioattorneygeneral.gov)

Anne Rericha (0079637)  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308  
[arericha@firstenergycorp.com](mailto:arericha@firstenergycorp.com)  
*Attorneys for American Transmission  
Systems, Incorporated*

Kimberly L. Keeton  
Ohio Attorney General's Office  
Public Utilities Section  
30 East Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215  
[Kim.Keeton@ohioattorneygeneral.gov](mailto:Kim.Keeton@ohioattorneygeneral.gov)  
*Attorneys for Ohio Power Siting Board*

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Summary: Motion to Intervene electronically filed by Mr. Christopher L. Miller on behalf of Yellow Creek Township