

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. 15-1716-EL-BGN  
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 ) Case No. 15-1717-EL-BTX  
Environmental Compatibility and Public )  
Need for a Transmission Line in )  
Columbiana County. )

ENTRY

The administrative law judge finds:

- (1) South Field Energy LLC (SFE) is a corporation and a person under R.C. 4906.01(A). Pursuant to R.C. 4906.04, before construction can begin on any major utility facility within the state of Ohio, a certificate of environmental compatibility and public need must be obtained from the Ohio Power Siting Board (Board).
- (2) On January 15, 2016, SFE filed an application with the Board seeking approval for the construction of a natural gas electric generation facility, docketed in Case No. 15-1716-EL-BGN (facility case). The proposed facility is 1,100 megawatt (MW) combined-cycle electric generating facility powered by natural gas with the capability to fire ultra-low sulfur distillate as back-up. It will be located in Columbiana County, Ohio and generate electricity for delivery and sale on the interstate transmission grid.
- (3) In conjunction with the generation facility, SFE also filed an application to build a 345 kilovolt (kV) transmission line and an associated switching station, docketed in Case No. 15-1717-EL-BTX (transmission case). The purpose of the line will be to connect the generation facility to an existing circuit.

The proposed line will also be located in Columbiana County and will be approximately three miles in length.

- (4) By Entry on March 29, 2016, the facility case and the transmission case were consolidated for the purposes of the public notices, the public hearings, and the evidentiary hearings. The Entry also set a procedural schedule, establishing May 12, 2016, as the deadline to file petitions to intervene.
- (5) Pursuant to R.C. 4906.08, and in accordance with Ohio Adm.Code 4906-2-12, the Board or administrative law judge (ALJ) shall grant a motion to intervene for good cause shown.

**American Transmission Systems, Inc. and Ohio Edison**

- (6) On February 17, 2016, American Transmission Systems, Inc. (ATSI) and Ohio Edison (collectively, FirstEnergy) filed motions to intervene in both the facility case and the transmission case. FirstEnergy asserts that the proposed generation facility site is on property that contains three active ATSI transmission line circuits. Further, FirstEnergy states SFE intends to connect the facility to the ATSI transmission system. FirstEnergy also notes that SFE plans on building a switching substation adjacent to ATSI's existing 345 kilovolt (kV) transmission line and anticipates transferring ownership and operation of the switchyard to FirstEnergy upon completion and testing.
- (7) SFE responded to FirstEnergy's motion on March 3, 2016, requesting that FirstEnergy only be granted limited intervention. In the facility case, SFE requests that FirstEnergy's participation be limited to construction and safety issues that directly relate to the three active ATSI transmission lines on the facility property. Regarding the transmission case, SFE asserts FirstEnergy's involvement should be restricted to its interests in its existing transmission circuit.
- (8) The ALJ finds that FirstEnergy's request is reasonable and, for good cause shown, should be granted. Upon review, FirstEnergy meets the requirements for intervention set forth

in R.C. 4906.08 and Ohio Adm.Code 4906-2-12 and, accordingly, should be granted intervention in this case.

**Kenneth Johnson and the Ohio Valley Jobs Alliance**

- (9) On March 4, 2016, Kenneth Johnson and the Ohio Valley Jobs Alliance (OVJA) filed joint motions to intervene in both the facility and transmission cases. Mr. Johnson asserts he is a life-long resident of Columbiana County and the director of OVJA. OVJA states it is a public interest group with over 400 members whose mission is to promote and protect jobs in the Ohio Valley region, including Columbiana County. Mr. Johnson and OVJA assert the construction of the facility and its integration into the PJM grid present substantial problems for the preservation of affordable, reliable, safe, and secure supplies of electricity for OVJA members, including Mr. Johnson. OVJA contends there are numerous other natural gas-based facilities currently being built in Ohio and West Virginia and it has concerns regarding over-reliance on single fuel source electricity generation. Further, According to OVJA, the proposed facility will impact air quality, protected water bodies, wildlife, and regional infrastructure.
- (10) On March 21, 2016, SFE filed responses to Mr. Johnson's and OVJA's motions to intervene. As to OVJA's motion, SFE requests that it be denied. SFE states OVJA is not registered to do business in Ohio and did not identify how any of its members are directly affected by the proceedings. SFE avers that while OVJA stated its members would be detrimentally affected by the facility, it did not describe how with any specificity. Further, SFE states that OVJA's concerns regarding grid reliability, energy policy, and financing support are misplaced issues that are not relevant to the pending applications. According to SFE, OVJA's reasons for intervening are vague and disingenuous. Thus, SFE contends that OVJA lacks good cause to intervene in these proceedings.
- (11) Regarding Mr. Johnson's request for intervention, SFE asserts it also should be denied. SFE avers that Mr. Johnson does not make any claim to be personally affected by the construction of the facility or the transmission line. According to SFE, living in Columbiana County is not sufficient cause to

warrant intervention. Further, SFE states Mr. Johnson has not identified any real interests that will be affected by the applications. Because of this, SFE asserts good cause does not exist for Mr. Johnson to intervene in the proceedings.

- (12) A joint reply to SFE's response was filed by OVJA and Mr. Johnson on March 28, 2016. OVJA asserts it has 242 total members, 18 of which reside in Columbiana County, including Mr. Johnson. Its members in Columbiana County will be directly affected by the air emissions from the facility and its members outside of the county will be served by the electrical power the facility generates. OVJA avers its interests are similar to the interests of other public interest groups that have been permitted to intervene in Board proceedings. According to OVJA, it has an interest in ensuring the Board has a full, complete, and accurate record, consistent with the factors enumerated in R.C. 4906.10(A).
- (13) On March 29, 2016, SFE filed a motion for leave to file a surreply to OVJA's reply. SFE avers OVJA presented new evidence and allegations in its reply brief to which SFE is entitled to respond. OVJA filed a memorandum in opposition to the motion on March 31, 2016, and SFE replied on April 4, 2016. Upon review, SFE's motion is denied.
- (14) Upon review, the ALJ finds good cause does not exist to grant OVJA's request to intervene, and that the motion should be denied. Although OVJA states it has 18 members residing in Columbiana County, it has not sufficiently demonstrated how the interests of its members would be directly impacted by the construction of the facility or the transmission line. OVJA's stated concerns regarding geographic impacts and effects on infrastructure are generic and lack specificity. In addition, OVJA's issues regarding reliability and Ohio's reliance on single fuel source electric generation appear to be objections with natural gas generation generally and do not have a direct nexus to this proposed facility and transmission line. Further, as to OVJA's interest in ensuring the Board has a full, complete, and accurate record and that the project is compliant with various environmental standards, the ALJ notes that Board staff, pursuant to R.C. 4906.07(C), is required to complete a comprehensive investigation, while working with various

state and federal agencies, as to whether the proposed plans are in compliance with the factors outlined in R.C. 4906.10(A). Pursuant to R.C. 4906.08 and Ohio Adm.Code 4906-2-12, for the foregoing reasons, OVJA's motion to intervene is denied.

- (15) Similarly, Mr. Johnson's motion to intervene should also be denied. Living in the county of a proposed project is not enough on its own to warrant intervention. *See In re Black Fork Wind LLC*, Case No. 09-546, Entry (Mar. 2, 2010) at 5. Besides espousing the same interests as OVJA in their joint motion and living in Columbiana County, Mr. Johnson does not claim any specific interest that would be directly affected by the project. Accordingly, good cause does not exist for Mr. Johnson to intervene, and, in accordance with R.C. 4906.08 and Ohio Adm.Code 4906-2-12, his motion should be denied.

#### **Columbiana County Development Department and Yellow Creek Township**

- (16) On May 12, 2016, Columbiana County Development Department (CCDD) filed a motion to intervene. CCDD asserts it is a government agency tasked with representing the economic interests of Columbiana County. According to CCDD, the proposed project would affect CCDD's plans for land use and economic development in the county.
- (17) On May 12, 2016, Yellow Creek Township (Yellow Creek) filed a motion to intervene in the proceedings. Yellow Creek states that the project site is located on approximately 150 acres within its borders. Yellow Creek contends the project will directly affect the health, safety, and welfare of its population and will also impact its geography and roadways.
- (18) SFE filed a response on May 14, 2016, stating that it does not oppose the motions of either CCDD or Yellow Creek.
- (19) Upon review, the ALJ finds that the motions to intervene filed by CCDD and Yellow Creek meet the requirements for intervention set forth in R.C. 4906.08 and Ohio Adm.Code 4906-2-12, and the motions to intervene are unopposed. Accordingly, the ALJ finds that CCDD and Yellow Creek should be granted intervention in this case.

It is, therefore,

ORDERED, That the motions to intervene by FirstEnergy, CCDD, and Yellow Creek be granted. It is, further,

ORDERED, That the motions to intervene by OVJA and Kenneth Johnson be denied. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

/s/ Nick J. Walstra

By: Nick J. Walstra  
Administrative Law Judge

JRJ/dah

**This foregoing document was electronically filed with the Public Utilities**

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**6/6/2016 3:20:29 PM**

**in**

**Case No(s). 15-1716-EL-BGN, 15-1717-EL-BTX**

Summary: Administrative Law Judge Entry ordering the motions to intervene by FirstEnergy, CCDD, and Yellow Creek be granted; and that the motions to intervene by OVJA and Kenneth Johnson be denied - electronically filed by Debra Hight on behalf of Nick J. Walstra, Administrative Law Judge.