

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Guernsey Power Station, LLC for a)
Certificate of Environmental Compatibility) Case No. 16-2443-EL-BGN
and Public Need for an Electric Generation)
Facility in Guernsey County, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On December 27, 2016, Guernsey Power Station, LLC (GPS or Applicant) filed a pre-application notice with the Ohio Power Siting Board (Board) and a Motion for Waiver of Ohio Adm.Code 4906-4-04(A) and (B) that requires a site selection study. GPS describes the proposed generation facility as a 1,650 megawatt gas-fired, combined cycle power facility consisting of three natural gas fired, high efficiency combustion turbines, each using a gas and steam turbine with a heat recovery steam generator. The proposed facility will be served by natural gas from one or more pipelines and will be interconnected to a 745 kilovolt transmission line located on the project property. The proposed generation facility will be located in Guernsey County, Ohio.
- (2) In support of its waiver request, GPS submits that Ohio Adm.Code 4906-4-04 contemplates extensive detail in a site selection study. Applicant represents that it will be providing a description of the project boundary, the rationale for selecting the site, a map of the project area, a list and description of qualitative siting criteria, constraints, and a constraint map. Applicant avers that its site selection process will consider most, if not all, of the items listed in the rule. Thus, GPS believes it is appropriate for the Board to grant a waiver from filing an extensive site selection study. Finally, Applicant claims that this request is not novel and that waivers from nearly identical rules in former Ohio Adm.Code 4906-17-04 and 4906-13-03 have routinely been granted.
- (3) On January 24, 2017, Staff filed a letter indicating that, with certain provisions, it does not object to Applicant's waiver request. Staff also reserves the right to require information from

GPS in areas covered by the requested waiver 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.

- (4) Ohio Adm.Code 4906-4-01(B) provides for waiver of any requirement of Ohio Adm.Code Chapter 4906-4 other than a requirement mandated by statute.
- (5) Upon review, the administrative law judge (ALJ) concludes that the Applicant's motion for a waiver of Ohio Adm.Code 4906-4-04(A) and (B) should be granted.
- (6) In granting the Applicant's motion for waiver, the ALJ emphasizes that GPS 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, in accordance with the above findings, GPS's motion for waiver be granted. 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/Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

sjp/vrm

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Case No(s). 16-2443-EL-BGN

Summary: Administrative Law Judge Entry granting motion for waiver; electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board