

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF CLEAN ENERGY FUTURE-OREGON,
LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR AN ELECTRIC
GENERATING FACILITY IN OREGON,
LUCAS COUNTY, OHIO.

CASE No. 17-530-EL-BGN

ENTRY

Entered in the Journal on June 28, 2017

{¶ 1} Clean Energy Future-Oregon, LLC (CEF) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On February 27, 2017, CEF 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. CEF describes the proposed generation facility as a 955 megawatt gas-fired, combined cycle power facility consisting of two natural gas fired, high efficiency combustion turbines, with two heat recovery steam generators and a single steam turbine. The proposed facility will be served by natural gas from one or more pipelines and will be interconnected to adjacent 138 and 345 kilovolt transmission lines. The proposed generation facility will be located in Lucas County, Ohio.

{¶ 4} Pursuant to Ohio Adm.Code 4906-3-06, 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. By letter filed on June 19, 2017, the Board notified CEF that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed CEF, pursuant to Ohio Adm.Code 4906-3-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service

with the Board. Further, the letter directed CEF, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 5} On June 22, 2017, CEF filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-08. CEF also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12. The effective date of the filing of the application shall be June 28, 2017.

{¶ 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 September 20, 2017, at 6:00 p.m., at Oregon City Council Chambers, 5330 Seaman Road, Oregon, Ohio 43616. The adjudicatory hearing will commence on September 28, 2017, 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 Administrative 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 4906-3-09.

{¶ 9} CEF should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-3-09. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-3-09, CEF 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, commencing on September 20, 2017, at 6:00 p.m.,

at Oregon City Council Chambers, 5330 Seaman Road, Oregon, Ohio 43616.

- (b) An adjudicatory hearing to commence on September 28, 2017, 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 4906-3-09, CEF 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 4906-3-09. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. 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 4906-2-09 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 4906-3-06, Staff shall file its report of investigation (Staff Report) on or before September 5, 2017.

- (b) On or before September 13, 2017, 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 by CEF shall be filed by September 22, 2017.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by September 26, 2017.
- (e) The parties are strongly 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 case.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That hearings in this matter be scheduled at the times and places designated in paragraph 7. It is, further,

{¶ 14} ORDERED, That the application and hearings be noticed by CEF in accordance with paragraphs 9 and 10. It is, further,

{¶ 15} ORDERED, That Staff file its Staff Report pursuant to paragraph 11. It is, further,

{¶ 16} ORDERED, That the parties file their issue lists and testimony in accordance with paragraph 11. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Nicholas Walstra

By: Nicholas Walstra
Administrative Law Judge

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-0530-EL-BGN

Summary: Administrative Law Judge Entry setting forth a procedural schedule; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Administrative Law Judge, Ohio Power Siting Board