

BEFORE  
THE OHIO POWER SITING BOARD

FILE

In the Matter of the Application of :  
Clean Energy Future-Oregon, LLC for :  
a Certificate of Environmental Compatibility : Case No. 17-530-EL-BGN  
and Public Need for an Electric Generating :  
Facility in Oregon, Lucas, County, Ohio. :

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PETITION FOR LEAVE TO INTERVENE  
OF  
OREGON CLEAN ENERGY, LLC

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Oregon Clean Energy, LLC ("OCE"), pursuant to Rule 4906-2-12(A)(2), Ohio Administrative Code ("OAC"), hereby respectfully petitions the Ohio Power Siting Board ("Board") for leave to intervene in the above-captioned proceeding. In support of its petition, OCE states as follows:

1. By the above-styled application filed herein on April 19, 2017, Clean Energy Future-Oregon, LLC ("CEF-O") seeks a Certificate of Environmental Compatibility and Public Need authorizing the construction and operation of a new natural gas-fired combined cycle electric generating facility to be located in Oregon, Ohio (the "CEF-O Facility").

2. OCE is a Delaware limited liability company duly authorized by the Ohio Secretary of State to do business in Ohio as a foreign limited liability company.

3. By its Opinion and Order of May 1, 2013 in Case No. 12-2959-EL-BGN, the Board approved OCE's application for a Certificate of Environmental Compatibility and Public Need authorizing OCE to construct and operate a generating facility consisting of two natural

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gas-fired, combined-cycle turbines and a heat recovery steam generator with a total capacity of 799 MW (the “OCE Facility”). OCE’s certificate was subsequently amended by the Board’s June 30, 2016 Order on Certificate Amendment in Case No. 16-518-EL-BGA, which increased the nominal authorized capacity from 799 MW to 960 MW. As reported to the Board in OCE’s filing of July 5, 2017 in Case No. 12-2959-EL-BGN, the OCE Facility commenced operation on July 1, 2017. The OCE Facility is located on a 30-acre tract immediately adjacent to property upon which CEF-O proposes to construct the new CEF-O Facility.

4. Rule 4906-2-12(A)(2), OAC, provides that persons other than the governmental entities identified in Rule 4906-2-12(A)(1), OAC, may petition for leave to intervene in a Board proceeding by submitting a petition “setting forth the grounds for the proposed intervention and the interest of the petitioner in the proceedings.”

5. OCE is a “person” within the definition of that term set forth in 4906-1-01(DD), OAC, and, thus, is eligible to intervene in Board proceedings.

6. Although OCE is not opposed, in principle, to the CEF-O Facility, OCE is concerned that, in view of the proximity of the proposed facility to the existing OCE Facility, the construction and operation of CEF-O Facility may adversely impact OCE if conditions are not attached to the requested Certificate of Environmental Compatibility and Public Need to address OCE’s concerns. These concerns include, but are not limited to, concerns regarding the manner in which certain utility services will be supplied to the CEF-O Facility as well as concerns that the operation of the proposed CEF-O Facility may interfere with the operation of the OCE Facility. Accordingly, OCE has a real and substantial interest in this proceeding and should be granted intervention to protect its interests.

7. Rule 4906-2-12(B)(1), OAC, provides that, in determining whether good cause has been shown for granting intervention, the Board or the administrative law judge assigned to the case may consider:

- (a) The nature and extent of the person's interest.
- (b) The extent to which the person's interest is represented by existing parties.
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding.
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Application of these criteria all support granting OCE's petition for leave to intervene.

8. First, as explained above, OCE has a real and substantial interest in this proceeding.

9. Second, because no other parties have, to date, been granted leave to intervene, by definition, OCE's interests are not represented by any existing party. Moreover, because there is no other potential party that is similarly situated to OCE, no other party can conceivably represent OCE's interests adequately.

10. Third, OCE has considerable experience and expertise in constructing and operating gas-fired generation facilities that it will bring to bear on the issues raised by CEF-O's application. Thus, OCE's participation will contribute to a just and expeditious resolution of the issues involved in this proceeding.

11. Finally, pursuant to the administrative law judge's entry in this docket of June 28, 2017, petitions for leave to intervene will be accepted up to thirty days following the date of

publication of the legal notice required by Rule 4906-3-09, OAC. According to the proof of publication file herein on July 10, 2017, the required legal notice was published July 7, 2017. Thus, OCE's petition for leave to intervene has been filed well in advance of the deadline for such petitions. Further, no existing party will be prejudiced by OCE's intervention.

WHEREFORE, OCE respectfully requests that its petition for leave to intervene be granted and that it be made a party to this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barth E. Royer', with a horizontal line extending to the right.

Barth E. Royer  
Barth E. Royer, LLC  
2740 East Main Street  
Bexley, Ohio 43209  
(614) 385-1937 – Phone  
(614) 360-3529 – Fax  
*BarthRoyer@aol.com* – Email  
(will accept email service)

Attorney for  
Oregon Clean Energy, LLC

Certificate of Service

I hereby certify that a copy of the foregoing Petition for Leave to Intervene of Oregon Clean Energy, LLC was served by First Class US Mail, postage prepaid, upon the following parties this 24th day of July 2017.

  
Barth E. Royer

Sally W. Bloomfield  
Dylan Borchers  
Devin D. Parram  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215

Attorneys for Applicant