

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE SECOND
AMENDMENT APPLICATION OF
GUERNSEY POWER STATION, LLC FOR A
CAPACITY INCREASE IN ITS CERTIFICATE
TO INSTALL AND OPERATE AN ELECTRIC
GENERATING FACILITY IN GUERNSEY
COUNTY, OHIO.

CASE No. 20-33-EL-BGA

ORDER ON CERTIFICATE

Entered in the Journal on April 16, 2020

I. SUMMARY

{¶ 1} The Ohio Power Siting Board approves the application of Guernsey Power Station, LLC to amend its certificate to add an additional 225 megawatts of output to its electric generating facility in Guernsey County, Ohio.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On October 5, 2017, the Ohio Power Siting Board (Board) granted the application of Guernsey Power Station, LLC (GPS or Applicant) for a certificate to construct an electric power generating facility in Guernsey County, Ohio. *In re Application of Guernsey Power Station, LLC*, Case No. 16-2442-EL-BGN (*Certificate Case*), Opinion, Order, and Certificate (Oct. 5, 2017.) Only 1,100 megawatts (MW) of the proposed facility's maximum achievable electric generating output of 1,650 MW was reflected in the System Impact Study (SIS) provided with the application in the *Certificate Case*; therefore, the Certificate granted was restricted to 1,100 MW of output. An additional 550 MW of capacity was contemplated at the time of the filing of the application in the *Certificate Case*, but could not be applied for until PJM Interconnection, LLC (PJM)¹ issued a SIS which addressed this additional 550 MW of capacity. On January 10, 2018, PJM issued such a SIS and accepted GPS' uprating of its

¹ PJM Interconnection, LLC is the regional independent transmission organization that coordinates the movement of wholesale electricity in all or part of 13 states (including Ohio) and the District of Columbia.

involved facility, by 550 MW, to a maximum achievable output of 1,650 MW.

{¶ 3} On January 11, 2018, GPS filed an application (*First Amendment Application*), seeking a first amendment to the certificate of environmental compatibility and public need granted in the *Certificate Case*. *In re First Amendment Application of Guernsey Power Station, LLC*, Case No. 18-90-EL-BGA (*First Amendment Case*). The *First Amendment Application* sought to have GPS' certificate amended in such a way as to allow the involved facility's authorized electric generating output to increase from 1,100 MW to 1,650 MW. GPS represented that the additional capacity had been reviewed and accepted by PJM. GPS further indicated that the capacity increase did not require a design change or modification, required no new or additional equipment, and would result in no expansion to the facility or increase in land use.

{¶ 4} As required by Ohio Adm.Code 4906-3-11, the Applicant served copies of its *First Amendment Application* upon local officials and filed proof of service with the Board on January 12, 2018. Additionally, by proof of publication filed January 30, 2018, GPS notified the Board that the Notice of First Amendment to Proposed Major Utility Facility was published on January 17, 2018, in the *Daily Jeffersonian*, a newspaper of general circulation in Guernsey and Noble counties, Ohio.

{¶ 5} On February 2, 2018, the Board's Staff (Staff) filed its Report of Investigation containing its analysis of the *First Amendment Application*.

{¶ 6} On March 15, 2018, the Board ordered, subject to the conditions outlined in its March 15, 2018 Order on Certificate, that GPS' *First Amendment Application* be approved.

{¶ 7} On January 8, 2020, GPS filed the present application (*Second Amendment Application*), seeking a second amendment to the certificate of environmental compatibility and public need granted in the *Certificate Case*. The *Second Amendment Application* seeks to have GPS' certificate amended in such a way to allow the involved facility's authorized

electric generating output increase from 1,650 MW to 1,875 MW. GPS represents that the additional capacity has been reviewed and accepted by PJM. GPS further represents that the additional electric generating output of 225 MW can result from the facility's operation without the need for equipment changes and with no change in the level of environmental impact.

{¶ 8} As required by Ohio Adm.Code 4906-3-11, GPS served copies of its *Second Amendment Application* upon local officials and filed proof of service with the Board on January 13, 2020. Additionally, by proof of publication filed January 31, 2020, GPS notified the Board that the Notice of Second Amendment to Proposed Major Utility Facility was published on January 15, 2020, in the *Daily Jeffersonian*, a newspaper of general circulation in Guernsey and Noble counties, Ohio.

{¶ 9} On March 20, 2020, Staff filed its Report of Investigation containing its evaluation of the *Second Amendment Application*.

B. Applicable Law

{¶ 10} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 11} R.C. 4906.10 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 12} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *." R.C. 4906.06(B)

and (C), as well as Ohio Adm.Code 4906-3-11, 4906-3-06, and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially effected members of the public.

{¶ 13} GPS is a corporation and, therefore, a person under R.C. 4906.01(A). Additionally, pursuant to the Board's Order in the *Certificate Case*, GPS is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10. As indicated above, the Applicant provided the required notices in this proceeding, its proposed second amendment to its certificate.

C. *Summary of Staff Report*

{¶ 14} Initially, Staff provides commentary regarding the electric grid interconnection. Specifically, the proposed facility would interconnect to the electric grid with AEP Ohio Transmission Company's existing Kammer-Vassell 765 kilovolt transmission line. On August 31, 2016, GPS submitted a generation interconnection request to PJM, which assigned it queue position AC1-044, seeking to increase the approved energy output of interconnection queue AB2-067 by 550 MW. Staff then notes that the Board approved this additional output in the *First Amendment Case*. On March 26, 2018, GPS subsequently submitted a new service request to PJM, which was given queue position AD2-189, requesting approval to increase the energy output of the facility by an additional 225 MW. The total energy of combined interconnection queues AB2-067, AC1-044, and AD2-189 would be 1,875 MW, of which 1,836 MW would be available in the capacity market. This means that the 1,836 MW available in the capacity market would be available to the system during times of high demand.

{¶ 15} According to the Staff Report, PJM used a 2021 summer peak power flow model to evaluate the regional reliability impacts. The PJM SIS results did not indicate reliability issues with the requested 225 MW increase. Staff further noted that an Interconnection Service Agreement for the full 1,875 MW was issued by PJM and approved

by the Federal Energy Regulatory Commission in September 2019.

{¶ 16} Upon its review, which included consideration of all statutory requirements, Staff states that the *Second Amendment Application* meets the necessary criteria for granting an amended certificate. Accordingly, Staff recommends that the Board approve the proposed amendment to the certificate, provided that the following three conditions are satisfied:

- (1) The Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate issued in the *Certificate Case*, as modified by the Order on Certificate issued in the *First Amendment Case*, and as further amended through this *Second Amendment Application*; provided, however, that Condition 7 of the Opinion, Order, and Certificate issued in the *Certificate Case* and Condition 2 of the Order on Certificate issued in the *First Amendment Case* shall be modified to state that the Applicant shall not operate the facility above 1,875 MW.
- (2) Within seven days of submission to Ohio EPA, the Applicant shall provide Staff and docket a copy of the submitted information reflecting the modified facility description for its Ohio EPA air permit-to-install describing the power plant capacity of 1,875 MW.
- (3) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

D. Board's Conclusion

{¶ 17} After considering the application and the Staff Report, the Board finds that the proposed change in the facility presented in *Second Amendment Application* does not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Furthermore, the Board concludes that GPS' certificate should be amended as described in the *Second Amendment Application*, subject to the three conditions set out in Paragraph 16 of this Order on Certificate.

E. Findings of Fact and Conclusions of Law

{¶ 18} GPS is a corporation and a person under R.C. 4906.01(A).

{¶ 19} GPS' proposed electric generation facility is a major utility facility under R.C. 4906.01(B)(1).

{¶ 20} GPS filed the *Second Amendment Application* on January 8, 2020.

{¶ 21} On March 20, 2020, Staff filed its Report of Investigation containing its evaluation of the *Second Amendment Application*.

{¶ 22} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 23} Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need issued in the *Certificate Case*, and as modified by the *First Amendment Case*, should be amended to increase output capacity from 1,650 MW to 1,875 MW, as described in the application and subject to all conditions set forth herein.

III. ORDER

{¶ 24} It is, therefore,

{¶ 25} ORDERED, That GPS' *Second Amendment Application* be approved, subject to the conditions set forth in the *Certificate Case* and the *First Amendment Case*, as well as the three conditions set forth in Paragraph 16 of this Order on Certificate. It is, further,

{¶ 26} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

BOARD MEMBERS:

Approving:

Sam Randazzo, Chairman
Public Utilities Commission of Ohio

Rachel Near, Designee for Lydia Mihalik, Director
Ohio Development Services Agency

Mary Mertz, Director
Ohio Department of Natural Resources

Gene Phillips, Designee for Amy Acton, M.D., MPH, Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

George McNab, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

Greg Murphy, Public Member

MJS/kck

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Case No(s). 20-0033-EL-BGA

Summary: Entry approving the application of Guernsey Power Station, LLC to amend its certificate to add an additional 225 megawatts of output to its electric generating facility in Guernsey County, Ohio. electronically filed by Ms. Mary E Fischer on behalf of Ohio Power Siting Board