

OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
THE OHIO STATE UNIVERSITY FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A COMBINED HEAT AND
POWER FACILITY IN FRANKLIN COUNTY,
OHIO.

CASE NO. 19-1641-EL-BGN

ENTRY

Entered in the Journal on June 11, 2020

{¶ 1} The Ohio State University (Ohio State or University) 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 September 11, 2019, Ohio State filed a preapplication notification letter with the Board regarding its proposal to construct a combined heat and power (CHP) major utility facility on the University's campus in Clinton Township in Franklin County, Ohio. According to Ohio State, the CHP facility would serve as a primary source of heating and electricity to its Columbus campus.

{¶ 4} On November 6, 2019, Ohio State filed with the Board an application for a certificate of environmental compatibility and public need to construct the new CHP facility. Ohio State supplemented its application on November 27, 2019.

{¶ 5} By Entry dated January 29, 2020, the administrative law judge (ALJ) established a procedural schedule for this matter, including a local public hearing to be held on April 9, 2020, and an adjudicatory hearing to commence on April 23, 2020.

{¶ 6} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the

dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 7} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 8} By Entry dated March 12, 2020, the ALJ suspended the procedural schedule in this matter, in light of the guidance issued by the Executive Order and the Department of Health. Among other things, the ALJ postponed the local public and adjudicatory hearings and directed that notice of the postponement be issued by Ohio State.

{¶ 9} On May 12, 2020, a prehearing teleconference occurred during which the parties discussed a new procedural schedule for this matter, including potential dates for the local public and adjudicatory hearings, and options for proceeding with the hearings through video conferencing or other means.

{¶ 10} By Entry dated May 22, 2020, the ALJ reestablished the procedural schedule in this matter. In the Entry, the ALJ scheduled a local public hearing for Tuesday, June 30, 2020, at 6:00 p.m., and an adjudicatory hearing to commence on Tuesday, July 14, 2020, at 10:00 a.m. Due to the continued state of emergency, and given the passage of Am. Sub. H.B.

197, the ALJ indicated that the local public and adjudicatory hearings will both be held using remote access technology that facilitates participation by telephone and/or live video on the internet, with additional details and instructions regarding remote access to the local public and adjudicatory hearings to be issued by future entry and published on the Board's web site at <https://bit.ly/OPSB-OSU>.

{¶ 11} At this time, the ALJ issues additional guidance for the parties and interested members of the general public with respect to the local public hearing:

- (a) The purpose of the local public hearing is to allow interested persons in the local community affected by the project, who are not parties to the case, to provide testimony regarding the project that becomes part of the case record considered by the Board. The local public hearing will be held on June 30, 2020, at 6:00 p.m., and will be conducted through Webex, which will enable interested persons to participate by telephone and/or video on the internet.
- (b) Interested persons that wish to provide testimony regarding the project or that plan to join the Webex event must register with the Consumer Call Center for the Public Utilities Commission of Ohio (Commission) before 12:00 p.m. on June 29, 2020, by calling 1-800-686-7826 or by using the Commission's online comment form at <http://www.puco.ohio.gov/Contact-Us/>. Interested individuals will be required to provide their full name, home address, telephone number, and electronic mail address, if available; state that they wish to register for the local public hearing in Case No. 19-1641-EL-BGN; specify whether they plan to join the Webex event by internet or by telephone; and indicate whether they intend to offer testimony. Individuals that plan to attend the Webex event through internet access must have a computer or

smart device with a microphone and speakers, an electronic mail address, and reliable internet service.

- (c) On the day of the local public hearing, individuals who have registered to testify will be asked to speak beginning shortly after 6:00 p.m., so all those who have registered to testify should be prepared to speak at that time. For individuals who are speaking by telephone, the Board's staff will contact those individuals by telephone when it is time for their testimony and connect them to the public hearing. If access or other issues are experienced during the local public hearing, individuals should immediately use the chat function within Webex or contact the Board's legal department at 1-614-466-6843 for assistance. The local public hearing will also be live streamed for viewing at www.youtube.com/user/PUCOhio.
- (d) If individuals wish to supplement their testimony with an exhibit for the Board's consideration, a copy of the document, along with a reference to the case number, must be provided to the Board by June 29, 2020, if possible, but no later than July 7, 2020, by electronic mail to contactOPSB@puco.ohio.gov or by mail to Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215.
- (e) Public comments can be provided in writing on the Board's web site at <http://www.opsb.ohio.gov/Contact-Us/>, by electronic mail to contactOPSB@puco.ohio.gov, or by mail to Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215. Written comments should reference the case number for this matter.

- (f) Access information for the local public hearing will be provided to counsel for the parties at their electronic mail address of record.
- (g) For individuals who have technical difficulties in participating in the local public hearing, an opportunity for public testimony will also be available, at the commencement of the evidentiary hearing, for good cause shown.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the local public hearing in this matter be held in accordance with Paragraph 11. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

/s/ Sarah J. Parrot

By: Sarah J. Parrot
Administrative Law Judge

JRJ/mef

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Case No(s). 19-1641-EL-BGN

Summary: Administrative Law Judge Entry issuing additional guidance for the parties and interested members of the general public with respect to the local public hearing electronically filed by Ms. Mary E Fischer on behalf of Sarah J. Parrot, Administrative Law Judge, Ohio Power Siting Board