

## THE 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 25, 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/](https://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 Ohio 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.

{¶ 10} By Entry dated May 22, 2020, the ALJ reestablished the procedural schedule, including a deadline of June 8, 2020, for petitions to intervene in this proceeding. In the Entry, the ALJ also 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.

{¶ 11} On June 23, 2020, the ALJ granted Sierra Club's timely petition to intervene in this case.

{¶ 12} Gov.Bar R. XII(2)(A) provides rules governing eligibility to practice pro hac vice in Ohio. Pursuant to Gov.Bar R. XII(2)(A)(7), motions for admission pro hac vice must be accompanied by a certificate of pro hac vice registration furnished by the Supreme Court Office of Attorney Services.

{¶ 13} Motions to appear pro hac vice and certificates of pro hac vice registration were filed for Tony Mendoza and Megan Wachspres on behalf of Sierra Club on May 14, 2020, and supplemented on June 25, 2020. The ALJ finds that the motions, as supplemented, are reasonable and should be granted.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the motions to appear pro hac vice of Tony Mendoza and Megan Wachspres, as supplemented, be granted. It is, further,

{¶ 16} 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/hac

**This foregoing document was electronically filed with the Public Utilities**

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

Summary: Administrative Law Judge Entry ordering motions to appear pro hac vice of Tony Mendoza and Megan Wachspress, as supplemented, be granted electronically filed by Heather A Chilcote on behalf of Sarah J. Parrot, Administrative Law Judge, Power Siting Board