

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 November 13, 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} By Opinion, Order, and Certificate dated September 17, 2020, the Board issued a certificate of environmental compatibility and public need to Ohio State for the construction, operation, and maintenance of a combined heat and power major utility facility on the University's campus in Clinton Township in Franklin County, Ohio, subject to ten conditions set forth by the Board.

{¶ 4} R.C. 4906.12 provides that R.C. 4903.02 to 4903.16 and R.C. 4903.20 to 4903.23 apply to any proceeding or order of the Board, as if the Board were the Public Utilities Commission of Ohio (Commission).

{¶ 5} Ohio Adm.Code 4906-2-32(A) states, in relevant part, that any party or affected person may file an application for rehearing, within 30 days after the issuance of a Board order, in the manner, form, and circumstances set forth in R.C. 4903.10. R.C. 4903.10 states that any party to a Commission proceeding may apply for rehearing with respect to any matter determined by the Commission within 30 days after the entry of the order upon the journal of the Commission.

{¶ 6} Ohio Adm.Code 4906-2-32(E) provides that the administrative law judge (ALJ) may issue an order granting rehearing for the purpose of affording the Board more time to consider the issues raised in an application for rehearing.

{¶ 7} On October 16, 2020, Sierra Club filed an application for rehearing of the September 17, 2020 Opinion, Order, and Certificate. Ohio State filed a memorandum contra the application for rehearing on October 26, 2020.

{¶ 8} Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the ALJ finds that, to the extent that Sierra Club's application for rehearing has been filed consistent with the requirements of R.C. 4903.10 and Ohio Adm.Code 4906-2-32(A), which is a matter for the Board's determination, rehearing should be granted for the limited purpose of affording the Board additional time to consider the issues raised by Sierra Club in its application for rehearing.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Sierra Club's application for rehearing be granted for further consideration of the matters specified in the application for rehearing, in accordance with Paragraph 8. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Sarah J. Parrot

By: Sarah J. Parrot
Administrative Law Judge

NJW/kck

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in

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

Summary: Administrative Law Judge Entry granting Sierra Club's application for rehearing for further consideration of the matters specified in the application for rehearing. electronically filed by Kelli C. King on behalf of Sarah J. Parrot, Administrative Law Judge, Ohio Power Siting Board