



August 4, 2022

Chairwoman Jennifer French
Ohio Power Siting Board
180 E. Broad Street
Columbus, Ohio 43215
RE: Case Number: 21-902-GE-BRO

Dear Honorable Chairwoman French,

The Data Center Coalition (DCC) is the national trade association that empowers and champions the data center industry through public policy advocacy, education, thought leadership, and community engagement.¹ DCC represents and advances the interests of the data center industry, aggregates industry expertise, and offers thought leadership and collaboration with utilities, policymakers, regulatory bodies, and other stakeholders. Its advocacy efforts focus on promoting a strong business climate and public policies for the data center industry including policies that drive sustainability, provide access to clean and renewable energy, and decarbonize the grid.

On June 16, 2022, the Ohio Power Siting Board (Board) issued an Entry inviting all interested persons to file initial and reply comments regarding the proposed revisions to O.A.C. Chapter 4906 by July 22, 2022, and August 12, 2022, respectively. On July 14, 2022, the Board granted a request to extend deadlines for filing initial and reply comments to August 5, 2022, and September 2, 2022, respectively.

DCC member companies are focused on building and operating sustainable and efficient data centers and strive to utilize carbon-free sources of energy to power their operations. Over 300 companies worldwide have 100% renewable energy goals, including a number of DCC members that operate in Ohio. Access to renewable energy is a key part of the decision-making process for when and where a

¹ 1 For a list of DCC members, see <https://www.datacentercoalition.org/>.

company would site a new development or expand an existing facility. If a company cannot access the renewable energy they desire, or if it is too complicated or expensive, they may not site a large new development in a particular state. Ensuring timely access to renewable energy in Ohio will continue to attract large businesses to the state, furthering the state's economic development goals, increasing local tax revenue, and bringing construction and operational jobs to Ohio.

DCC members have a substantial economic presence in Ohio. To further their clean and renewable energy goals, which are core business priorities for DCC members, these companies have also entered into multiple power purchase agreements representing gigawatts of utility-scale renewable energy projects located in Ohio, and such investment continues to grow. As such, DCC members have a substantial interest in this rulemaking, as the changes proposed by the Board could have a meaningful impact on their ability to access new renewable energy resources in Ohio.

Businesses desire regulatory certainty and the Board has an opportunity in this proceeding to strike a balance between sound renewable energy and related infrastructure development and fostering continued economic development in Ohio. DCC submits the following comments for the Board's consideration.

Public Interest

DCC believes that the Board should carefully weigh local community considerations with other matters of public interest, including furtherance of Ohio's economic development goals, continued job growth, lowering energy prices for consumers, and improving energy resiliency. New renewable energy generation in Ohio accrues public benefits to customers across Ohio, such as low-cost energy, reduced emissions, new tax revenue for local governments and schools, and additional economic development activity. Additionally, renewable energy benefits consumers by providing long term, fixed price energy contracts (often through power purchase agreements) that require zero fuel costs. These contracts are an important tool to reduce costs in the current high commodity cost and inflationary environment all businesses and consumers currently face. Furthermore, these projects create significant new and stable revenue streams for local governments and schools, which directly benefit communities and Ohioans alike. We urge the Board not to proceed with rules that could delay project approvals and unduly drive-up costs.

The Board should take all relevant public benefit factors, including, but not limited to, statewide economic development, job creation, reduced energy costs and emissions for Ohio ratepayers, and new local revenues, into consideration when making a public interest determination for new projects. The

Ohio Administrative Code already requires applicants to submit information regarding the economic impact of the project.² The Board should require in this rule review that such information, along with input of a broad array of stakeholders, is appropriately weighed with other concerns when reviewing certificate applications.

Similar consideration balancing local community needs with renewable energy growth and economic development is appropriate for transmission line and substation development. This infrastructure supports new renewable energy projects, reduces congestion on Ohio's grid, increases grid resiliency, and enables continued investment in new businesses. DCC believes that the application process for transmission and substation infrastructure should be efficient, timely, and predictable to provide companies with the certainty needed to locate projects in Ohio.

Prospective Application of Rules

Central to a sound statewide business environment is a consistent and predictable application of new regulations.³ As renewable energy projects across Ohio are in various stages of development, DCC maintains that any new rule should apply prospectively to new certificate applications only, and only after promulgation of the proposed rules. Certificate applications submitted prior to the promulgation of the rules proposed in this proceeding should avail themselves of the law and regulation in existence at the time of application. Such application of the Board's rules would serve to protect Ohio's business climate and the ability of corporate purchasers of clean energy to make sound business decisions within a stable regulatory framework.

Distribution Substation Infrastructure

As major electricity consumers, DCC members are keenly aware of the opportunities and challenges in siting transmission infrastructure to support our operations. As such, DCC is opposed to the Board's proposal to broaden the category of substations subject to OPSB jurisdiction by including distribution substations in the definition of "associated facilities."

The Board proposes to include substations that transform voltage from transmission voltage to distribution voltage in the category of infrastructure subject to Board certification as an "associated

² Ohio Administrative Code 4906-4-06 (E).

³ JobsOhio, the state's economic and business development organization, notes that "Ohio offers a welcoming business climate that attracts global investment and fosters growth in businesses large and small. Ohio's simplified tax structure, central location, and affordable cost of doing business are catalysts for economic diversification and prosperity." See "A Business Friendly Approach" at <https://www.jobsohio.com/doing-business-here/business-climate/>.

facility” to transmission lines.⁴ Under current Board rules, only substations that transform line voltage from one transmission voltage to another transmission voltage are considered an “associated facility”.⁵

DCC believes this proposal adds regulatory uncertainty and costs, delays project timelines for no articulated benefit, and does not serve the public interest. Distribution substations that serve only one customer (data centers specifically in the case of DCC members) should not be subject to certification, public comment, administrative expense, and potential procedural delay. While it is true that these types of substations ensure reliable service and are an important component of the local grid when operational, distribution substations such as those contemplated by the proposed rule are typically located behind the fence-line of an individual customer and are constructed in close coordination with the local utility provider. As such, it is inappropriate to include this infrastructure in the scope of Board review. For the foregoing reasons, DCC believes the current rule is logical and should not be amended as proposed by the Board. At the very least, if the Board proceeds with this definitional change, it should only be applicable to affected substations that will commence construction activities after promulgation of the proposed rules.

Conclusion

DCC and its members appreciate the opportunity to offer comments in this proceeding. Smart regulation, sound development practices, and appropriate opportunities for public engagement will foster a pro-business climate in Ohio and ensure DCC members can continue to accelerate renewable energy deployment to meet business needs.

Respectfully,



Josh Levi

President

Data Center Coalition

⁴ Ohio Power Siting Board’s Review of Ohio Adm. Code Chapters 4906-1, 4906-2, 4906-3, 4906-4, 4906-5, 4906-6, and 4906-7, Attachment A, p.6.

⁵ O.A.C. 4906-1-01(F)(2)(b).

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Summary: Comments Submitted by Data Center Coalition (DCC) electronically filed
by Mr. Josh Levi on behalf of Data Center Coalition