

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting :
Board’s Review of Ohio Adm. Code : Case No. 21-902-GE-BRO
Chapters 4906-1, 4906-2, 4906-3, 4096-4, :
4906-5, 4906-6, and 4906-7 :

**INITIAL COMMENTS
SUBMITTED ON BEHALF OF ONE ENERGY ENTERPRISES INC.**

One Energy Enterprises Inc. (“One Energy”) helps large energy users build modern, tailored, on-site power facilities. In doing so, One Energy is decarbonizing manufacturing and enabling customer control. As a vertically integrated enterprise, One Energy provides physical solutions including Wind for Industry® and ManagedHV™, as well as analytics and commercial offerings to enable end users to fully customize their energy experience. Everyday items are being produced cleaner and more sustainably thanks to Wind for Industry® projects – from dishwashers, sliced turkey products, and soda cans, to cement and plastic products.

Founded in 2009, and based in Findlay, Ohio, One Energy is the largest installer and owner of behind-the-meter wind energy in the United States. In Ohio alone, One Energy has installed 40.5 megawatts (“MW”) of operating, behind-the-meter wind projects for industrial and manufacturing companies and is responsible for developing more net metered wind projects in Ohio than all other entities combined. One Energy’s projects range from 1.5 MWs to 20 MW and serve a range of manufacturing and industrial facilities.

By entry dated July 14, 2022, the Ohio Power Siting Board (“OPSB”) in this case ordered that interested parties must file initial comments regarding the OPSB’s proposed rules by August 5, 2022.

One Energy’s initial comments are limited to one issue: The OPSB’s proposed expansion of the definition of “associated facilities” of electric power transmission lines. If adopted, the proposed change would violate Ohio statute and give the OPSB new, expanded siting authority over hundreds of private, industrial and manufacturing customers’ substations across the State of Ohio. This would have the practical effect of imposing significant regulatory burdens on such customers. One Energy’s asks that the OPSB decline to adopt this broad overreach and maintain the current definition of “associated facilities” of electric power transmission lines in the OPSB rules. In the alternative, One Energy asks the OPSB to decline to assert jurisdiction over such substations intended to service a single customer at a single location.

I. The OPSB should maintain its current definition of “associated facilities” of electric power transmission lines because its proposed definition violates Ohio statute.

The OPSB has siting authority over “major utility facilities,” which are defined to include “an electric transmission line and associated facilities of a design capacity of one hundred kilovolts or more.” R.C. 4906.01(B)(1)(b). “Major utility facilities” do not include “electric distributing lines and associated facilities as defined by the power siting board.” R.C. 4906.01(B)(2)(c).¹

The OPSB’s rules define what qualifies as an “associated facility” with respect to an “electric power transmission line.” Under the OPSB’s current rules, such “associated facilities” include:

Transmission voltage switching substations and substations that change electricity from one transmission voltage to another transmission voltage shall be classified as transmission

¹ The OPSB defines an "electric distribution line" as “an electric power line that has a design capacity of less than one hundred twenty-five kilovolts.” Ohio Admn. Code 4906-1-01(S).

substations and are considered associated facilities of transmission lines. Pole-mounted transmission switching substations are excluded. *Those stations that change electricity from transmission voltage to distribution voltage shall be classified as distribution substations, and are not considered associated facilities of transmission lines.* Ohio Admn. Code 4906-1-01(F) (emphasis added).

In this rulemaking, the OPSB proposes to dramatically alter what falls under this definition of “associated facilities” so that substations that change electricity from transmission voltage to distribution voltage *are associated facilities and under the siting authority of the OPSB.*² Under the Ohio Revised Code, the OPSB does not have authority over “electric distributing lines and associated facilities.” *See* R.C. 4906.01(B)(2)(c). The legislature has only granted the OPSB authority over “transmission lines and associated facilities.” *See* R.C. 4906.01(B)(1)(b). The OPSB’s proposed rules ignore this limitation on its authority in violation of Ohio law. The OPSB should decline to adopt this proposed expansion and maintain its current definition of associated facilities of electric power transmission lines.

II. The OPSB should maintain its current definition of “associated facilities” of electric power transmission lines because its proposed definition would cause the OPSB to regulate the private substations of hundreds of industrial and manufacturing customers across the state.

The OPSB’s proposed rule will have the practical effect of expanding the OPSB’s jurisdiction to include the private substation of any industrial or manufacturing customer who takes

² The following is the language proposed by the OPSB: ~~Transmission voltage switching~~ Both substations and substations that change electricity line voltage from one transmission voltage to another transmission voltage and substations that change line voltage between transmission voltage and distribution voltage shall be classified- are considered as transmission substations and are considered associated facilities of transmission lines. ~~Pole-mounted transmission switching substations are excluded. Those stations that change electricity from transmission voltage to distribution voltage shall be classified as distribution substations, and are not considered associated facilities of transmission lines.~~ Proposed Ohio Admn. Code 4906-1-01(F).

service at transmission voltage. Such substations take power at transmission voltage and change it to distribution voltage for a manufacturing or industrial facility's use.

The OPSB's proposed change would cause the substations of hundreds of industrial and manufacturing customers across the State of Ohio to be regulated by the OPSB. Surely, it is not the intent of the OPSB to use this rulemaking to assert newfound jurisdiction over the private substations of private manufacturing and industrial customers on private land. The costs of such a change would be significant and harm Ohio's industrial and manufacturing end users. The OPSB should decline to make such an overreach and instead maintain its current definition of associated facilities of electric power transmission lines. In the alternative, the OPSB should make it clear that substations intended to service a single customer at a single location are exempt from this definition of associated facilities. A single customer's site should not be considered part of the utility's electric transmission line and should not be regulated as such.

III. Conclusion

The OPSB should decline to expand its jurisdiction as proposed in this rulemaking. It is unlawful and inappropriate for Ohio's manufacturing and industrial customers' private infrastructure to be regulated by the OPSB. The OPSB should maintain its current definition of associated facilities of electric power transmission lines. In the alternative, the OPSB should make it clear that substations intended to service a single customer at a single location should be exempt from this definition.

Respectfully submitted,

/s/ Katie Johnson Treadway

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Summary: Comments electronically filed by Ms. Katie Johnson Treadway on behalf
of One Energy Enterprises Inc.