

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE 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	CASE NO. 21-902-GE-BRO
--	------------------------

COMMENTS OF THE OHIO ENERGY GROUP

I. INTRODUCTION

Pursuant to the Ohio Power Siting Board's June 16, 2022, Entry, the Ohio Energy Group ("OEG") submits its Comments regarding the proposed revisions of Ohio Adm. Code Chapter 4906.

II. COMMENTS

1. **OEG Recommends That The Board Adopt Rules That Do Not Unduly Burden Or Discourage The Development of Ohio Solar and Wind Generation.**

A diverse mix of in-state generation is important to the growth of Ohio industrial manufacturing. All else being equal, more generation means lower prices for consumers. However, according to the U.S. Energy Information Administration (EIA), Ohio imports more electricity from out-of-state than any state other than California.¹ This concerning statistic shows that Ohio is not maximizing its ability to attract and support generation development, depriving it of the direct and indirect economic development benefits of a robust electric generation fleet.

Access to in-state renewable energy is also a priority for some industrial manufacturers, many of which have specific goals of achieving carbon neutrality. It is generally preferable to meet these targets through the physical purchase of locally produced energy rather than through

¹<https://www.eia.gov/todayinenergy/detail.php?id=46156#:~:text=California%20was%20the%20largest%20net%20electricity%20importer%20of%20any%20state%20in%202019&text=Electricity%20routinely%20flows%20between%20the,States%20and%20Canada%20and%20Mexico.>

the interstate Renewable Energy Certificate (“REC”) market. However, under current law, Ohio has some of the most stringent setback requirements for solar and wind generation of any state, making development of renewable generation in Ohio relatively difficult.

With these considerations in mind, setback, public notice and certification requirements should be formulated to ensure safety, the reasonable aesthetic and welfare concerns of local communities and public transparency, but should not be unduly burdensome to generation developers. OEG encourages the Board to consider the public policy of supporting the development of renewable and other electric generation in the State when adopting its Rules.

2. OEG Recommends That The Board Maintain Its Current Rule Of Not Requiring Approval for Customer-Owned Step-Down Transmission Substations.

The Board’s proposed revision to OAC § 4906-01-01(F)(2)(b) would change the definition of “*associated facilities*” to include substations “*that change line voltage between transmission voltage and distribution voltage.*” This provision would bring step-down transmission substations under the OPSB’s jurisdiction for the first time. OEG is concerned that this will add additional costs, construction delays and regulatory uncertainty to customer-owned projects without any clear benefit. OEG recommends that the Board maintain its current rule that excludes customer-owned stepdown transmission substations from the Board-approval process.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

jkylercohn@BKLawfirm.com

August 5, 2022

COUNSEL FOR THE OHIO ENERGY GROUP

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 5th day of August, 2022 to the following:

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

*NORDSTROM, KARIN MS.
OHIO ENVIRONMENTAL COUNCIL
1145 CHESAPEAKE AVE.
COLUMBUS OH43212

*NOWARD, ALANA M. MS.
OFFICE OF THE OHIO CONSUMERS' COUNSEL
65 EAST STATE STREET SUITE 700
COLUMBUS OH43215

*TAVENOR, CHRIS
THE OHIO ENVIRONMENTAL COUNCIL
1145 CHEASAPEAKE AVENUE, SUITE I
COLUMBUS OH43212

CURTIS, LEAH
POLICY COUNSEL AND SR. DIRECTOR
OF MEMBER ENGAGEMENT
OHIO FARM BUREAU
280 N. HIGH ST. #6
COLUMBUS OH43215

*ORAHOOD, TERESA
BRICKER & ECKLER LLP
100 SOUTH THIRD STREET
COLUMBUS OH43215-4291

*LEVIN, MARK MR.
CHAIN LINK FENCE MANUFACTURERS
INSTITUTE
10015 OLD COLUMBA RD B215
COLUMBIA MD21046

*MILAM, AMY M.
OHIO FARM BUREAU FEDERATION
280 N. HIGH STREET, P.O. BOX 182383
COLUMBUS OH43218-2383

*SHIMP, KEVIN MR.
OHIO CHAMBER OF COMMERCE
34 S. THIRD ST., SUITE 100
COLUMBUS OH43215

*SPENCER, KEN MR.
ARMSTRONG & OKEY, INC.
222 EAST TOWN STREET, 2ND FLOOR
COLUMBUS OH43215

*FISCHER, MARY E. MS.
PUBLIC UTILITIES COMMISSION OF OHIO
180 E. BROAD ST.
COLUMBUS OH43215

*CHILCOTE, HEATHER A.
PUBLIC UTILITIES COMMISSION OF OHIO
180 EAST BROAD STREET
COLUMBUS OH 43215

*TREADWAY, KATIE JOHNSON MS.
ONE ENERGY ENTERPRISES INC.
12385 TOWNSHIP ROAD 215
FINDLAY OH 45840

*BRUNDRETT, ROBERT A MR.
OHIO OIL AND GAS ASSOCIATION
88 E. BROAD ST. SUITE 1400
COLUMBUS OH 43215

*LEVI, JOSH MR.
DATA CENTER COALITION
525-K EAST MARKET STREET #253
LEESBURG VA 20176

*GRIFFIN, RANDALL V. CHIEF REGULATORY
COUNSEL
THE DAYTON POWER AND LIGHT COMPANY
DBA AES OHIO
1900 DRYDEN
DAYTON OH 45439

*ALEXANDER, N. TREVOR MR.
BENESCH, FRIEDLANDER, COPLAN & ARONOFF,
LLP
41 S. HIGH ST. 26TH FLOOR
COLUMBUS OH 43215

AUDUBON GREAT LAKES,
NATIONAL AUDUBON SOCIETY CLEAN
ENERGY INITIATIVE DIR
GARRY GEORGE
125 S WACKER DR STE 2125
CHICAGO IL 60606

AUDUBON GREAT LAKES,
NATIONAL AUDUBON SOCIETY CLIMATE
POLICY DIR
ADAM FORRER
125 S WACKER DR STE 2125
CHICAGO IL 60606

*WILSON, AMBROSIA E.
OFFICE OF THE OHIO CONSUMERS' COUNSEL
65 EAST STATE STREET, 7TH FLOOR
COLUMBUS OH 43215-4213

MICHAEL, WILLIAM
65 EAST STATE STREET 7TH FLOOR
COLUMBUS OHIO 43215

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

8/5/2022 12:05:16 PM

in

Case No(s). 21-0902-GE-BRO

Summary: Comments Ohio Energy Group (OEG) Comments electronically filed by
Mr. Michael L. Kurtz on behalf of Ohio Energy Group