

**From:** [Puco ContactOPSB](#)  
**To:** [Puco Docketing](#)  
**Subject:** public comment: Initial Comments for 21-0902-GE-BRO  
**Date:** Friday, August 5, 2022 4:51:56 PM  
**Attachments:** [OHCEF OPSB Admin Rule Comments.pdf](#)

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**From:** Sarah Spence <sarah@ohcef.org>  
**Sent:** Friday, August 5, 2022 4:16 PM  
**To:** Puco ContactOPSB <contactopsb@puco.ohio.gov>  
**Cc:** Puco Docketing <docketing@puco.ohio.gov>  
**Subject:** Initial Comments for 21-0902-GE-BRO

Please see attached initial comments for OPSB Administrative Rules - 21-0902-GE-BRO to add to the public comment record. Please let me know if you have any questions.

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**Aug 5, 2022**

**Case No. 21-902-GE-BRO In the Matter of the Ohio Power Siting Board's Review of Ohio Adm. Code Chapters 49061, 4906-2, 4906-3, 4906-4, 4906-5, 4906-7, 4906-7**

### **Initial Comments of the Ohio Conservative Energy Forum**

#### **Introduction**

On June 16, 2022 the Ohio Power Siting Board (OPSB) issued proposed rules to amend OAC 4906-1 through 4906-7 and invited interested parties to submit comments. The Ohio Conservative Energy Forum (OHCEF) welcomes the opportunity to share our suggestions and provide initial comments. We look forward to examining suggestions submitted by other stakeholders.

OHCEF is a nonprofit organization formed to help advocate for a diverse, all-of-the above energy portfolio in Ohio – one that includes not only existing sources of traditional energy generation, but one that also seeks to expand the development of clean and renewable energy sources. OHCEF believes that clean energy and energy made clean through technology can strengthen both our economy and our national security while providing unmatched opportunities for Ohio-led innovation and job creation.

For generations, all forms of energy have been a driver of economic development for many Ohio communities. We have all seen the economic benefits that coal and natural gas development have provided to eastern and southeastern Ohio. The clean energy industry is no different. Solar and wind development already represent billions of dollars in economic development across Ohio.

OHCEF appreciates the time, effort, and thoughtful consideration the Board and its Staff have taken to update these rules and running a stakeholder process to listen to the concerns of impacted Ohio citizens, local government officials, property owners, and the renewable energy industry. We understand that balancing needed regulations and local concerns while allowing energy development to occur can be complex and have conflicting priorities.

We believe the initial comments offered below can help meet the Board's and our goals of safe energy development without adding undue cost, delay, and risk to the businesses who wish to invest in Ohio's energy infrastructure and participate in the energy transition now underway. As such, OHCEF provides the following initial comments:

## **Initial Comments**

### **1. General Energy Development Requirements**

The current OPSB process offers centralized siting regulation and helps attract energy generation facilities of all types, including traditional and renewable generation. OHCEF encourages the OPSB to craft administrative rules that promote energy development while providing reasonable and appropriate regulation. As currently drafted, OHCEF is concerned that rules may impose additional costs and burdens on traditional and renewable energy developers.

### **2. Public Interest (Rule 4906-3-06)**

The OPSB is charged with broadly determining whether a project is in the public interest, convenience, and necessity. "Public interest" has been defined by the courts in power siting cases, and the OPSB should consider codifying a definition. The definition should be broad enough to encompass all the ways in which in-state generation can benefit Ohioans—including

consumer access to power, maintaining a competitive marketplace, and safety. Project economic benefits and in the case of clean energy, contributions to clean air and water should also be considered. The rules should also recognize that expressed local public opposition- by itself- need not result in application denial or recommendation from Staff for denial.

**3. Solar Setbacks, Fencing, and Vegetative Screening (Rule 4906-4-09):**

OHCEF is supportive of reasonable administrative setbacks from homes and roads. We believe that smart, responsible siting rules can be crafted to maximize all of a developer's tools to minimize impacts and preserve flexibility that can reflect the uniqueness of each project. The rule has currently drafted does not allow for maximum flexibility or impact reduction.

**4. Additional Public Information Meeting**

OHCEF believes that local communities should and currently have the opportunity to participate in the siting process. Public participation is of utmost importance. However, requiring another additional public information meeting in addition to the two meetings that are required for renewable energy projects under SB 52 and an additional hearing for traditional energy generation is unnecessary. The rules governing the Certificate process already provide appropriate and adequate opportunity for public participation.

**Conclusion**

OHCEF thanks the OPSB for the opportunity to comment on the proposed amendments to Ohio Adm. Code Chapters 4906. We appreciate the OPSB's willingness to work with interested parties to achieve a balanced siting process that can attract investment in Ohio energy generation.

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

Summary: Public Comment of Ohio Conservative Energy Forum, via website,  
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