

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF CLEAN ENERGY-TRUMBULL, LLC
APPLICATION FOR AN AMENDMENT TO
THE CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 22-223-EL-BGA

ORDER ON CERTIFICATE

Entered in the Journal on August 18, 2022

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by Clean Energy-Trumbull, LLC for a one-year extension of its certificate.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On October 5, 2017, in Case No. 16-2444-EL-BGN, the Ohio Power Siting Board (Board) granted the application filed by Clean Energy Future-Trumbull, LLC (Clean Energy or Applicant) for a certificate to construct a natural gas-fired, 940 megawatt combined-cycle electric generation facility in Trumbull County, Ohio, subject to 25 conditions (Project). *In re the Application of Clean Energy-Trumbull, LLC for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility in Trumbull County, Ohio*, Case No. 16-2444-EL-BGN (*Certificate Case*), Opinion, Order, and Certificate (Oct. 5, 2017). Accordingly, Clean Energy is certificated to construct, operate, and maintain a major utility facility.

{¶ 3} On March 18, 2022, Clean Energy filed an application (Amendment Application) seeking a one-year extension of the certificate issued in the *Certificate Case*. Here, Clean Energy contends that its Amendment Application is a direct result of delays caused by the Covid-19 pandemic and that there are no material changes proposed in the Amendment Application.

{¶ 4} On March 22, 2022, Clean Energy filed its proof of service of the Amendment Application, pursuant to Ohio Adm.Code 4906-3-11(B).

B. Applicable Law

{¶ 5} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 6} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 7} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11 and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 8} Clean Energy is a corporation and, therefore, a person under R.C. 4906.01(A). Pursuant to the Board's Order in the *Certificate Case*, Clean Energy is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.04. As indicated above, the Applicant provided the required notices in this proceeding, its proposed amendment to its certificate.

C. Public Comments Summary

{¶ 9} On April 4, 2022, the Village of Lordstown (the Village) filed objections to the Amendment Application and any extension of the Certificate granted on October 5, 2017.

{¶ 10} By letter docketed on July 12, 2022, the Village withdrew the objections raised in the April 4, 2022 correspondence to the Board. The Village notes that following the April 4, 2022 letter, Clean Energy immediately engaged in productive dialogue that fully satisfied the concerns previously raised. Additionally, the Village urged the Board to promptly approve Clean Energy's Amendment Application.

D. Board's Conclusion

{¶ 11} After considering the Amendment Application and comments submitted, the Board finds that Clean Energy's Amendment Application, filed as consequence of Covid-19 pandemic delays, does not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Furthermore, the Board concludes that Clean Energy's certificate should be amended as described in the Amendment Application.

E. Findings of Fact and Conclusions of Law

{¶ 12} Clean Energy is a corporation and a person under R.C. 4906.01(A).

{¶ 13} On March 18, 2022, Clean Energy filed an application seeking an amendment to the certificate issued in the *Certificate Case*.

{¶ 14} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 15} Based on the record, and in accordance with R.C. Chapter 4906, the Amendment Application should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*.

III. ORDER

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That, in accordance with the above findings, Clean Energy's Amendment Application be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*. It is, further,

{¶ 18} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Jack Christopher, Designee for Lydia Mihalik, Director
Ohio Department of Development

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D., Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Pelandia, Director
Ohio Department of Agriculture

Gregory Slone
Public Member

JRJ/IMM/mef

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Case No(s). 22-0223-EL-BGA

Summary: Opinion & Order on Certificate granting the application filed by Clean Energy-Trumbull, LLC for a one-year extension of its certificate electronically filed by Ms. Mary E. Fischer on behalf of Ohio Power Siting Board