

**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 :

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

By entry dated July 14, 2022, the Ohio Power Siting Board (“OPSB”) in this case ordered that interested parties file initial comments regarding the OPSB’s proposed rules by August 5, 2022 and reply comments by September 2, 2022. One Energy Enterprises Inc. (“One Energy”) filed timely initial comments limited to one issue: The OPSB’s proposed expansion of the definition of “associated facilities” of electric power transmission lines to include substations that change line voltage between transmission and distribution voltage.

Through these reply comments, One Energy maintains that the OPSB should decline to expand its jurisdiction to include “substations that change line voltage between transmission voltage and distribution voltage” as it proposed in its rulemaking. Proposed Ohio Admn.Code 4906-1-01(F).

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.

I. Nothing in the record supports the OPSB's proposed expansion of the definition of "associated facilities" of electric power transmission lines.

As part of its rulemaking, the OPSB has both held a workshop and accepted initial comments. *Nothing in the transcript from the workshop, no initial comments filed, and nothing filed by the OPSB supports the OPSB's proposed expansion of the definition of "associated facilities" of electric power transmission lines.* In fact, in initial comments, twelve parties that span a range of interests, including the interests of generation and transmission cooperatives, industrial groups, economic development groups, distributed generation companies, PUCO-regulated investor-owned utilities, and others, all filed in opposition to the proposed change. It is hard to get these groups to agree on what day of the week it is. Yet, they have all agreed in this docket that the OPSB's proposed expansion of authority in this manner would be inappropriate and unlawful.

Given the outpouring of opposition to this change, the fact that the change violates Ohio statute, and that it would impose significant regulatory burdens on hundreds of private, industrial and manufacturers in the state without a change in statute having taken place, the OPSB should decline to adopt the proposed change to its rules.

II. The OPSB should decline to adopt its proposed expansion of the definition of "associated facilities" of electric power transmission lines. In the alternative, the OPSB should decline to assert jurisdiction over substations intended to service a single customer at a single location.

The OPSB should decline to expand its authority to include substations that change line voltage between transmission voltage and distribution voltage. Instead, the OPSB should maintain its current definition of "associated facilities," which is as follows:

Transmission voltage switching substations and substations that change electricity from one transmission voltage to another transmission voltage shall be classified 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. Ohio Admn. Code 4906-1-01(F) (emphasis added).

In the alternative, the OPSB should decline to assert jurisdiction over substations intended to service a single customer at a single location by adopting the following language:

~~Transmission voltage switching~~ Both 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, **excluding substations intended to service a single customer at a single location,** ~~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).

Respectfully submitted,

/s/ Katie Johnson Treadway

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