

FILE

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

ENTRY

Entered in the Journal on January 19, 2023

I. SUMMARY

{¶ 1} The Ohio Power Siting Board invites all interested persons to file initial and reply comments regarding proposed modifications to the proposed revision of Ohio Adm. Code Chapters 4906 by January 30, 2023 and February 6, 2023, respectively.

II. DISCUSSION

{¶ 2} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. The Ohio Power Siting Board (Board) opened this docket in order to review the rules in Ohio Adm.Code Chapters 4906-1 through 4906-7.

{¶ 3} R.C. 106.03(A) requires that the Board determine, among other things, whether a rule should be amended or rescinded because it exceeds or conflicts with the purpose, scope, or intent of the statute(s) under which the rule was adopted; creates a compliance of oversight burden that is greater than the burden that would be created if the agency accomplished the intended purpose of the restriction by other means; is no longer useful or beneficial; or duplicates, overlaps with, or conflicts with a federal or state law or rule. Additionally, the Board must assess whether the rule has an adverse impact on businesses, as determined under R.C. 107.52, or any other person or entity.

{¶ 4} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Board must evaluate the rules against the business impact analysis (BIA). If there

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician EC Date Processed 1/19/23

RECEIVED
JAN 19 2023
DOCKETING DIVISION
Public Utilities Commission of Ohio

will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Board is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the BIAs.

{¶ 5} On October 4 and October 8, 2021, the Board held three workshops in this proceeding to enable interested stakeholders to propose revisions to Ohio Adm.Code Chapters 4906-01 through 4906-7.

{¶ 6} Following the workshops, the Board and Staff evaluated the rules contained in Ohio Adm.Code Chapters 4906-01 through 4906-7. As a result of that review, Staff recommended changes to the rules, which were published by the Board for comments on June 16, 2022.

{¶ 7} Following its review of the comments, Staff recommends further modifications to the proposed rules as outlined in Attachment A. Specifically, Staff recommends changes to (1) certain definitions in Ohio Adm.Code 4906-1-01, (2) the site/route information that is required of applicants, as described in Ohio Adm.Code 4906-3-05, and (3) unless waived, the facility setback requirements, as required in Ohio Adm.Code 4906-4-09.

{¶ 8} Attached to this Entry are the further modifications to the proposed rule changes, which are also posted on the Public Utilities Commission of Ohio's Docketing Information System website at <http://dis.puc.state.oh.us/>.

{¶ 9} The Board requests comments on the proposed modifications from interested persons to assist in the review as required by R.C. 111.15 and 106.03. Comments should be filed, via electronic filing or in hard copy, by January 30, 2023. Reply comments should be filed by February 6, 2023.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That all interested persons or entities wishing to file comments or reply comments with the Board do so no later than January 30, 2023, and February 6, 2023, respectively, as described in Paragraph 9. It is, further,

{¶ 12} ORDERED, That a copy of this Entry and proposed modifications to the proposed rule changes be submitted to CSI, in accordance with R.C. 121.82. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be sent to the parties of record in this case, as well as those in Case Nos. 16-1109-GE-BRO and 19-778-GE-BRO.

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Damian Sikora, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

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

Drew Bergman, Designee for Anne Vogel, Director
Ohio Environmental Protection Agency

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

Gregory Slone
Public Member

MLW/hac

4906-1-01 Definitions.

(F) "Associated facility" or "associated facilities" is defined as follows:

(2) For an electric power transmission line:

(b) Transmission voltage switching substations and substations that change electricity line voltage 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. 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.

(H) "Brownfield" has the same meaning listed in division (D) of section 122.65 of the Revised Code.

(NN) "Route" means, in the case of a proposed electric transmission line or gas pipeline, a proposed corridor, consisting of a centerline and a proposed distance from each side of the centerline, with such total distance not to exceed the proposed right-of-way width. Route width may vary along the proposed electric transmission line or gas pipeline, as specified in the application.

4906-3-05 Fully developed site or route information Alternatives in standard certificate applications.

~~All standard certificate applications for electric power transmission facilities and gas pipelines shall include fully developed information on the proposed site/route two sites/routes. Applicants for electric power generation facilities may choose to include fully developed information on two or more sites. Each proposed site/route shall be designated as a preferred or an alternate site/route. Each proposed site/route shall be a viable alternative on which the applicant could construct the proposed facility. Two routes shall be considered as alternatives if not more than twenty per cent of the routes are in common. The percentage in common shall be calculated based on the shorter of the two routes. Any segment of a route that makes use of existing transmission structures or is entirely within existing transmission rights of way may be excluded from the calculation of the percentage in common. A Standard standard certificate applications for an electric transmission line or gas pipeline should may include information identification of an on additional alternatives route, which may include site, route, major equipment, or other alternatives but does not need fully developed information on the~~

alternative route.

4906-4-09 Regulations associated with ~~wind farms~~ renewable energy generation facilities.

(G) The following are applicable to solar facility applications.

(4) Setbacks. The facility design is to incorporate a minimum setback from the project's solar modules of (i) at least 50 feet from non-participating parcel boundaries not containing a residence, (ii) at least 300 feet from non-participating residences existing as of the application filing date, and (iii) at least 150 feet from the edge of pavement of any state, county, or township road within or adjacent to the project area, unless otherwise agreed to by an authorized government representative with authority over a state, county, or township road or a waiver is granted.