



January 30, 2023

Chairwoman Jenifer French
Ohio Power Siting Board
180 E. Broad Street
Columbus, Ohio 43215

RE: Case No.: 21-902-GE-BRO

Dear Chairwoman French:

The Ohio Chamber of Commerce appreciates the changes made to the proposed rule 4906-1-01 definition for electric power transmission line and substations. The Ohio Chamber thanks the Ohio Power Siting Board (OPSB) for its consideration of that definition and subsequent change to the as filed proposal.

The Ohio Chamber of Commerce also writes to reaffirm the remaining comments contained in our August 5, 2022, letter to the OPSB. A copy of that letter is attached for reference.

The Ohio Chamber of Commerce appreciates the opportunity to participate in this process and looks forward to working with the OPSB going forward.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tony Long", written over a light blue horizontal line.

Tony Long (0037784)
General Counsel
Ohio Chamber of Commerce
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August 5, 2022

Chairwoman Jennifer French
Ohio Power Siting Board
180 E. Broad Street
Columbus, Ohio 43215
RE: Case Number: 21-902-GE-BRO

Dear Chairwoman French,

Founded in 1893, the Ohio Chamber of Commerce is the state's leading business advocate and resource, and aggressively champions free enterprise, economic competitiveness and growth for the benefit of all Ohioans. Our members range from small businesses to international companies, including energy generation providers, energy developers, intensive energy users, gas and electric utilities, and manufacturers, just to name a few.

When energy projects are sited in Ohio to meet Ohio companies' energy needs, there are multiple economic development benefits that flow to local communities often in need of new economic development activity. Increased energy supply lowers prices, reducing the cost of doing business in our state. Energy choice is enhanced. Plant owners hire workers in construction, operation, and maintenance. Energy generation resources directly inject significant tax revenue into local jurisdictions and schools, without creating additional strain on local services. In this way, as Ohio companies increase their investment in local energy generation, they are also spurring new economic activity into Ohio's rural economies. That is why the Ohio Chamber has long been an advocate for an "all-of-the-above" approach to energy policy that does not hinder Ohio's ability to develop any of its abundant and diverse energy resources. Therefore, it is imperative that the Ohio Power Siting Board (OPSB) considers rules that balance the interests of economic development and local input.

The Ohio Chamber of Commerce appreciates the opportunity to comment on the OPSB's proposed rulemaking pertaining to Ohio Administrative Code 4901-1 through 4906-7. Pursuant to the OPSB's public notice, we offer the following comments for your consideration.

Definition change to Associated Electric Transmission Lines

In section 4906-01-01(F)(2)(b), the OPSB proposes to change the definition of associated electric transmission line facilities to include substations that stepdown transmission



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voltage to distribution voltage. These facilities have traditionally not been defined as associated facilities and have not been required to obtain certificates from OPSB. If adopted, this change will subject both customer and utility-owned substations to new permitting requirements that will add time, cost and uncertainty for customers and utilities alike. The ability to construct substations free of burdensome or new regulatory approvals is critical for large users of energy who take transmission level service from electric utilities.

The Ohio Chamber is concerned by this substantial increase in regulatory jurisdiction when no change in law has occurred. The impact of this increased jurisdiction will have serious economic development impacts for Ohio's electric transmission owners and businesses in the manufacturing, energy development and technology sectors. The Ohio Chamber urges the OPSB to maintain the current rule that correctly classifies these substations as distribution infrastructure to avoid increasing regulatory uncertainty for companies looking to invest in Ohio.

Public notification requirements

Amended Rule 4906-3-03 adds a mandatory requirement for a second Public Information Meeting (PIM) in the same 90-day period that the first PIM is required. The Ohio Chamber believes that having adequate opportunities for a local community to weigh in on energy projects is vital to successful development. However, adding an additional PIM within a 90-day period will not solicit the quality feedback the OPSB is seeking. The developer must have ample time in between PIMs to take stakeholder feedback into consideration and present properly vetted revisions at the second meeting. Therefore, the Ohio Chamber recommends that the two PIMs be held within 180 days prior to the filing of a project.

Changes to requirements for Generation Facility Applications

Under current law, Ohio Adm.Code 4906-3-05 requires that all standard certificate applications shall include fully developed information on two sites/routes to electric transmission lines and gas pipelines; however, the proposed revision appears to extend this requirement to include generation facilities as well. In practice, this would require energy developers to secure a secondary set of landowner leases for the alternate site, which drastically increases – without commensurate benefit - the time, cost, and regulatory burden to the development process. Renewable developers cannot



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exercise the power of eminent domain, so site control requires signed leases from impacted landowners, leading to the untenable scenario where developers would be required to sign leases and join the interconnection queue for projects only to abandon them after submitting the application. This could also create unnecessary conflict between developer and leaseholders (and potentially among leaseholders themselves) because only the leaseholders who own land in the footprint of the site or route that is selected will be compensated.

Solar development requirements

The OPSB's proposal to establish solar setbacks at least 150 feet from the edge of pavement of any state, county, or township road within or adjacent to the project area, will require a developer to obtain more land leases to spread out these facilities (Ohio Adm. Code 4906-4-09 (G)(3) & (4)). The setback from parcel lines of 150 feet is also problematic for viable project development. We ask the Board to consider reducing these setbacks and allowing project developers to deploy a variety of tools aside from simple setbacks to mitigate visual impacts.

The additional setbacks and screening will increase the cost of solar significantly which in turn will drive up the capital expenditures of the entire project. This will result in reduced energy output if fencing is required on all sides of a project coupled with excessive setbacks from non-residential boundaries such pavement and roads.

Rule Application

The Chamber strongly urges the OPSB to apply any new, final rules prospectively to new certificate applications only, and only after the proposed rules have been promulgated. Doing so would serve to protect Ohio's business climate and the ability of businesses to make sound investment decisions within a stable regulatory framework.

Reductions in foreign oil imports due to global unrest, coupled with rebounding demand in the wake of our economy's recovery from the pandemic, have decreased energy supply and increased costs. Ohio residents are feeling the pain at the pump, the grocery store, and when they receive their monthly electric bill. In response to inflation, many Ohioans are vocally pushing for greater energy independence by leveraging all our state's abundant and diverse energy resources. Therefore, it is important that the Ohio Power Siting Board supports a balanced approach to the siting process which listens to the interest of local communities while



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also not stifling economic development and the crucial need for domestic, safe, reliable, and affordable energy.

The Ohio Chamber of Commerce appreciates the opportunity to participate in this process and looks forward to working with the agency going forward. Please do not hesitate to contact me should you have any questions.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephanie Kromer".

Stephanie Kromer
Director of Energy & Environmental Policy
Phone: (614) 228-4201
Email: skromer@ohiochamber.com

**This foregoing document was electronically filed with the Public Utilities
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Summary: Correspondence Comments in Response to Proposed Modifications to revisions of Ohio Adm. Code Chapter 4906 electronically filed by Mr. Mark A Long on behalf of Ohio Chamber of Commerce