

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 ON REHEARING

Entered in the Journal on September 15, 2023

{¶ 1} 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.

{¶ 2} 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, the Board's Staff (Staff) recommended changes to the rules, which were published by the Board for comments on June 16, 2022.

{¶ 3} Thereafter, comments and/or reply comments were submitted by numerous interested parties.

{¶ 4} Following its review of the comments, the Staff recommended further modifications to the proposed rules, as provided in a Board Entry issued January 19, 2023. The Board sought additional comments related to Staff's modifications. In response, numerous comments and reply comments were again submitted.

{¶ 5} On July 20, 2023, the Board issued a Finding and Order that adopted the rules, as amended.

{¶ 6} R.C. 4906.12 states, in part, that R.C. 4903.02 to 4903.16 apply to a proceeding or order of the Board in the same manner as if the Board were the Public Utilities Commission of Ohio (Commission). R.C. 4903.10 provides that any party to a proceeding before the Commission may apply for rehearing with respect to any matter determined in that proceeding within 30 days after the entry of the order upon the journal of the Commission. Similarly, Ohio Adm.Code 4906-2-32 provides that any party may file an application for rehearing within 30 days after an order has been journalized by the Board in the manner, form, and circumstances set forth in R.C. 4903.10.

{¶ 7} On August 21, 2023, Duke Energy Ohio, Inc.; the Ohio Consumers' Counsel (OCC); American Clean Power and MAREC Action and Utility Scale Solar Energy Coalition of Ohio; the Ohio Independent Power Producers; National Grid Renewables Development, LLC; and Columbia Gas of Ohio filed applications for rehearing Memorandum contra OCC's application for rehearing were filed by various entities.

{¶ 8} Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the administrative law judge grants each application for rehearing filed in this case for the purpose of affording the Board more time to consider the issues raised in the applications for rehearing.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That all applications for rehearing filed in this case be granted for further consideration of the issues raised therein, in accordance with Paragraph 8. It is, further,

{¶ 11} ORDERED, That a copy of this entry on rehearing be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Nicholas J. Walstra

By: Nicholas J. Walstra
Administrative Law Judge

JSA/dr

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

9/15/2023 1:38:54 PM

in

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

Summary: Administrative Law Judge Entry granting all applications for rehearing filed in this case for further consideration of the issues raised therein, in accordance with Paragraph 8, electronically filed by Debbie S. Ryan on behalf of Nicholas J. Walstra, Administrative Law Judge, Ohio Power Siting Board.