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July 12, 2001

Power Siting Board
Docketing Department
180 E. Broad St.
Columbus, Ohio 43266-0572

Re: Case No. 01-1830-EL-BGN

To the Docketing Department:

Please accept for filing on behalf of the DPL Energy, LLC a copy of a document to be filed in a new Power Siting docket. The original and eleven copies are enclosed. Please return the extra copy, file-stamped, in the enclosed envelope.

If there are questions, please call me at (937) 259-7118.

Sincerely,



Edward N. Rizer

C: Leon Winget

doktletr

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BEFORE
THE OHIO POWER SITING BOARD

PUCO

In the Matter of the Application of DPL)
Energy, Inc. for a Certificate of Environ-)
mental Compatibility and Public Need for)
An Electric Generating Plant in Madison)
County, Ohio)

Case No. 01-1820-EL-BGN

**MOTION FOR WAIVERS OF
REQUIREMENTS OF O.R.C. 4906.06(A) AND O.A.C. 4906-5-04
AND REQUEST FOR EXPEDITED RULING ON APPLICATION**

This motion is filed pursuant to authority granted the Board by Revised Code Section 4906.06(A)(6) and Ohio Administrative Code Sections 4906-1-03 and 4906-5-04(B) by which the Board and/or the administrative law judge is permitted to waive certain power siting requirements. DPL Energy, LLC (DPLE) seeks waivers of the R. C. 4906.06(A)(6) requirement that applications for new generating facilities be filed not less than two years prior to commencement of construction. DPLE also asks for a waiver of the requirement for fully developed data on an alternate site and further requests that the Board review these motions and render a decision on the entire Application on an expedited basis to permit construction to be completed in time to put the new plant in operation by the summer of 2003.

DPLE will file in this docket an Application for a Certificate for construction of an electric power peaking facility in Madison County. Given the need for new power supplies in the midwest, it is DPLE's intention to bring this new generation online in time for the cooling demand of the summer of 2003. To accommodate that schedule, DPLE requests that the Board waive, pursuant to its authority under 4906.06, the requirement that this Application for new generation be filed two years prior to commencement of construction.

Furthermore, DPLE requests a waiver of fully developed alternate site data requirements of O.A.C. 4906-5-04(A). DPLE's application will provide information on the alternate site and DPLE will cooperate with the Board to provide additional information as needed. However, it will be helpful to both parties if the requirement for fully developed information is waived. The Board has the authority to make such waivers under O.A.C. Sections 4906-1-03 and 4906-5-04(B).

Project Description

The proposed electric generating station will have a nominal capacity to generate 300 megawatts from six dual-fuel combustion turbine generators. The units will be primarily fueled by natural gas, with diesel fuel as a secondary fuel. Electricity generated by the facility will tie directly into a 345kV transmission line operated by the Dayton Power and Light Company, which is located 0.75 miles north of the proposed site. Natural gas to fuel the turbine generators will be supplied by a tap to an existing Columbia Gas Transmission gas pipeline that is located 1.5 miles south of the property.

The proposed facility will be constructed on a site of approximately 37 acres, however, overall the facility will occupy only approximately 25 acres on the 37 acre parcel. The overall dimensions of the facility will be approximately 1,200 feet long by 900 feet wide, and the tallest structure will be approximately 65 feet high. The station will be designed as a peaking facility that will generate electricity at times of peak demand when electricity usage is at its greatest.

Request for Waiver of Alternative Site Data

DPLE intends to provide the Board alternate site information in its Application and will provide such additional information as the Board requests. However, DPLE believes that fully developed data for an alternate site is not necessary for the Board to conduct a sufficient review of the Application. Given that, and the tight timeframe for siting approval and construction of this project, it is not unreasonable or inappropriate for the Board to waive the usual requirement with regard to fully developed alternate site data.

The Company therefore requests, pursuant to Ohio Administrative Code Rules 4906-1-03 and 4906-5-04(B), a waiver of the requirement for fully developed information on the alternative site, where that information is requested in O.A.C. Chapter 4906-5-04(A). In the past, the Board has been willing to grant such requests, provided the Company does provide information required under Rules 4906-13-04(B)(2) and 4906-13-04(B)(2). The granting of this request will prejudice no one and will contribute to a more efficient siting process.

Request For Waiver Of The Requirement that the Application be Filed Two Years Before Construction

As mentioned above, and as is well known to anyone familiar with the energy situation in the midwestern United States, the demand for electric power has been escalating, especially in the summer months, and new sources of power have not been as quick to come online. DPLE's new peaking units will help to alleviate this situation.

Fortunately new construction processes make it possible to site and build generating units on smaller parcels of land, and in less time than was contemplated at the time power siting statutes were drafted. As a consequence, DPLE can respond to the

need for new generation in a short period of time, if the Board will grant a waiver of the two year filing requirement.

Therefore, DPLE requests a waiver of the two year notice requirement, as is permitted by Ohio Revised Code 4906.06. The granting of this request will prejudice no one and will enable Ohio to continue to benefit from continued dependable electric service.

Request for Expedited Ruling on the Application

DPLE asks the Board to consider these motions on an expedited basis under O.A.C. Section 4906-7-12 and to similarly conduct its review of the Application on a schedule which is as accelerated as possible. The reason, as described above, is that the region is badly in need of additional generation to meet summer energy needs and, while DPLE can build generation in time to help meet the summer energy needs for 2003, construction must begin by July 2002 to do so. DPLE is prepared to work with the Board to enable it to have all the information it needs to render a decision on the Application in the short timeframe available.

Conclusion

Wherefore, DPLE respectfully asks the Board to permit the waivers requested herein.

Respectfully submitted,



Edward N. Rizer (#0029567)

DPL Energy, LLC

P.O. Box 8825

Dayton, Ohio 45401

(513) 259-7118