



# Power Siting Board

Mike DeWine, Governor  
Sam Randazzo, Chairman

## Board Members

Director, Ohio Environmental Protection Agency  
Director, Ohio Development Services Agency  
Director, Ohio Department of Health  
Director, Ohio Department of Natural Resources  
Director, Ohio Department of Agriculture  
Public Member  
Ohio House of Representatives  
Ohio Senate

## Power Siting Board Rule Review

Summary of Discussion

First Stakeholder Meeting: March 10, 2020

*Utilities, renewable energy developers, trade associations*

Thank you to all who attended and participated in this workshop. The notes below represent a general summary of the suggestions, comments, and/or guidance provided. The notes are not intended to be an official transcript of the meeting, nor will they take the place of or supersede the detailed written comments that many participants or interested parties/stakeholders are developing relative to the questions we provided prior to the meeting.

### General comments regarding rules and process

- A question was raised on retroactive application of rules. Chairman Randazzo responded that the Ohio Power Siting Board (OPSB) is mindful of this and laws regarding retroactivity apply.
- The current process was characterized as robust, with multiple opportunities for public engagement.
- A question was raised on what should be mandatory in rules versus best practices.
- The OPSB requirements are not the only standards that must be adhered to. There are also national requirements, like safety and electrical codes.
- It was suggested that there should be a complete overhaul or reorganization of the rules.
- Companies could be involved in the process with the OPSB and member agencies to better understand underlying concerns. Director Butler responded that coordination could be beneficial, but some conversations would need to be without the companies. Others expressed concerns about company involvement with member agencies.
- The importance of clarity was stressed.

### Engagement of local governments and the public

- The idea was proposed to make the preapplication conference mandatory and for it to involve local governments. The concern was raised regarding encouraging a transparent discussion, and that perhaps engaging only with OPSB staff at the conference is preferable. Certain discussions with staff may need to be kept confidential.

- Some companies have community ambassadors or relations managers to engage local governments at an early stage in the process. Some companies use social media. These programs can allow for local residents to inform companies about where the need for a project might be.
- It was suggested that a best practice may be that the applicant notifies the OPSB regarding public outreach and the OPSB can determine whether the applicant's measures were sufficient or if more needs to be done.
- Perhaps maps can be improved so residents can type in an address and see how close they are to the project. For solar projects, the most important issue for the public is how close the project is.
- The need question may be overly technical for public input. Public input may be more useful for route selection and the issues that impact route selection.
- There are issues at play other than safety, in terms of ensuring that communities can live with a project. It was suggested that interested parties could engage with the developer or OPSB staff to propose alternatives when plans are objectionable.
- It was suggested that it could be in the preconstruction notice that certain conditions have been met.
- It was suggested that the 90-day window following the public-information-meeting process could be extended to allow for more public engagement and comments. It was further suggested that interval vetting or resolution could ease tension that arises between the completeness determination and the public hearing. Developers would welcome a distinction between public comments and public questions, facilitating the opportunity to respond to questions and improve communication.
- It was suggested that OPSB staff could meet with the public or otherwise provide periodic project updates during the prehearing phase.
- Another challenge is who receives notification; it may be useful to examine a route-corridor approach rather than a centerline approach. It may not always be appropriate to send notification letters to adjacent neighbors.
- It was recommended to hold the public hearing earlier in the process and not wait the full 90 days as seems to be the current practice.

### **Flexibility for developers**

- Providing conservative dimensions gives developers freedom to make adjustments before construction.

- Applicant costs can be significant. Certain project aspects, like easements, can be finalized only after a route is determined. In the case of natural gas projects, the need for engineering flexibility can be even greater because of underground installations. Route selection should focus on minimized impact, then, after certification, there can be efforts to address concerns from the public and the OPSB.
- For solar projects, certain components function the same regardless of the model. But making model selections closer to the beginning of construction can provide economic flexibility for developers. This also applies to wind projects.
- For wind and solar projects, there may be five years between certification and construction.
- Presenting final engineering plans may not be realistic. This may be due to the number of agencies and groups involved in planning.

### **Provision of information and completeness**

- It was discussed that safety manuals for wind turbines could not be shared with the public but could be shared with the OPSB.
- Utilities could provide information on what is happening with PJM.
- Permitting is an ongoing process. Having all permits up front is not practical, particularly in terms of financing. And having certain permits come up on the docket in the middle of the process may create confusion.
- It may be useful to have a completion process, such as providing to the public as-built drawings 60 days after commercial application.

### **Transmission lines for projects**

- For wind projects, flexibility is desirable to propose lines in the main application or as a separate application. This flexibility is important for financing so that the whole application does not have to be reopened if changes need to be made regarding a transmission line. On the other hand, joint applications may allow for administrative efficiency. A joint application may make sense for certain projects but not others, depending on ownership of facilities.
- It was suggested that for transmission projects, there should be a higher level of scrutiny for need and an earlier determination of need.

## **Decommissioning**

- It was suggested that applicants should file the clearest decommissioning plan on the front end.
- Some developers have decommissioning obligations in leases with landowners; it may be better to address decommissioning at year ten.
- There are different decommissioning financial strategies, which may need to be updated. It was suggested that salvage value should be considered. For wind projects, it was suggested that a bond could be sufficient.
- Clarification was suggested regarding replacement of a facility with a “like facility” at the end of the useful life of a facility.

## **Process bifurcation: construction and operation**

- It was discussed that bifurcating the certificate process will not work for wind projects. Construction certificates are meaningless without the operation portion of the certificate. Developers would not be able to obtain the necessary financing if there is bifurcation.

## **Post-certificate activities**

- It was suggested that pre- and post-construction filing notices should be publicly disclosed.
- Developers would welcome a single point of contact or project lead with OPSB staff throughout the application and construction phases of a project.