

Before the Sunset Review Committee

Submitted Testimony of Jenifer French

Ohio Power Siting Board

August 28, 2024



Co-Chairs Wilkin and Hillyer, and members of the Sunset Review Committee, my name is Jenifer French. I am the chair of the Public Utilities Commission of Ohio (PUCO) and the Ohio Power Siting Board (OPSB). I am here to testify on behalf of the OPSB and ask that the members of this committee continue to support this entity.

The OPSB is a division of the Public Utilities Commission of Ohio (PUCO). The General Assembly has charged the OPSB with reviewing applications to construct and operate certain “major utility facilities” and determining whether a certificate of public convenience and necessity should be granted to applicants in accordance with the applicable statutory criteria. No major utility facility can be constructed in Ohio unless the OPSB authorizes a certificate of public convenience and necessity.

Section 4906.02 of the Revised Code defines the OPSB’s voting members as:

- The chairperson of the public utilities commission;
- The directors of:
 - The Ohio Environmental Protection Agency,
 - The Department of Health,
 - The Department of Development,
 - The Ohio Department of Natural Resources,
 - The Department of Agriculture; and
- A representative of the public who shall be an engineer and shall be appointed by the governor

These voting members of the OPSB are joined by nonvoting members from each party representing both chambers of the General Assembly.

The PUCO staff supports the functions performed by the OPSB. There are between 16 to 18 dedicated staff. The workload of the OPSB is tied to (1) the number and type of applications submitted and (2) ensuring that facilities operate consistent with Board certificates. Over the last four years, application submissions have averaged 115 per year, which is an increase of approximately 15% from our prior reporting period. Additionally, the OPSB enhanced compliance operations beginning in late 2022. Over the past 18 months, OPSB's compliance efforts have resulted in over 400 site inspections and over 200 combined interactions with developers and the public as to project-specific concerns raised by either OPSB Staff or the public.

The OPSB is not funded from the general revenue fund. Rather, applicants are assessed fees based on the nature of the proposed project. These fees cover all of the expenses incurred by the OPSB to fulfill its statutory responsibilities.

When reviewing applications for certificates to construct and operate these facilities, the staff of the PUCO works alongside technical staff from each of the member agencies to facilitate coordination of the technical resources and expertise resident within each agency.

The OPSB's statutory and rule requirements guide the Board's work and provide opportunities for stakeholders to participate in the certificate application review process that typically includes a public information meeting and a local public hearing in the project area, and an evidentiary

hearing held in Columbus at the PUCO's offices. Once an application is submitted to the OPSB, the PUCO staff and the staff of the other member agencies begin their review of the application and this review typically is followed by a "staff report" that contains findings and recommendations for the OPSB's consideration.

Once the evidentiary phase of the process is complete, then the case is ready for review by the OPSB voting and nonvoting members who then determine whether to grant, grant with conditions or deny the application based on the following statutory criteria set forth in section 4906.10 of the Revised Code:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Ohio's water and air protection laws, as well as laws governing hazardous materials and rules that protect aircraft from obstructions near airports;

- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) The impact on the viability of agricultural land of any land in an existing agricultural district;
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

The OPSB performs important functions on behalf of the citizens of Ohio and in accordance with its statutory directives. Therefore, I respectfully recommend the statutory continuance of the OPSB. Thank you for your time. I am happy to answer any questions that you might have.

The Public Utilities Commission of Ohio
Mike DeWine, Governor
Jenifer French, Chair

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