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OPSB RESPONSE MEMORANDUM

To: Mark Hamlin
Director of Regulatory Policy
Ohio Lieutenant Governor's Office

From: Angela Hawkins
Legal Director
Public Utilities Commission of Ohio
Ohio Power Siting Board
Legal Department

Date: September 25, 2014

Re: OPSB Response – OPSB Ohio Administrative Code Rules.

The Ohio Power Siting Board (OPSB) issued its Finding and Order on February 18, 2014, rescinding the current rules for the OPSB rules contained in Ohio Adm.Code Chapters 4906-1, 4906-5, 4906-7, 4906-9, 4906-11, 4906-13, 4906-15, and 4906-17, and adopting new rules in Ohio Adm.Code Chapters 4906-1 through 4906-7, subject to filing with the Joint Committee on Agency Rule Review (JCARR), the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15. On March 19, 2014, CSI replied to the OPSB, stating that it had no recommendations for the rule package and that the OPSB should proceed to file the rule package with JCARR. Rehearing applications regarding the OPSB's February 18, 2014 Finding and Order were filed and the OPSB issued its Entry on Rehearing ruling on the applications on May 19, 2014.

On September 15, 2014, House Bill 483 became effective, thus, amending R.C. 4906.20 and 4906.201, regarding the setback requirements for wind farm applications that come before the OPSB. In light of this statutory amendment, it is necessary for the OPSB to amend Ohio Adm.Code 4906-4-08 prior to filing the new rule with JCARR.

Therefore, the OPSB will proceed and file all of the rules with JCARR, with the exception of Ohio Adm.Code 4906-4-08, 4906-13-04, 4906-13-07, 4906-17-05, and 4906-17-08.

cc: Katie Stenman, Chief of Staff, Public Utilities Commission of Ohio
Christine Pirik, Chief, Gas & Power Siting Section, Public Utilities Commission of Ohio