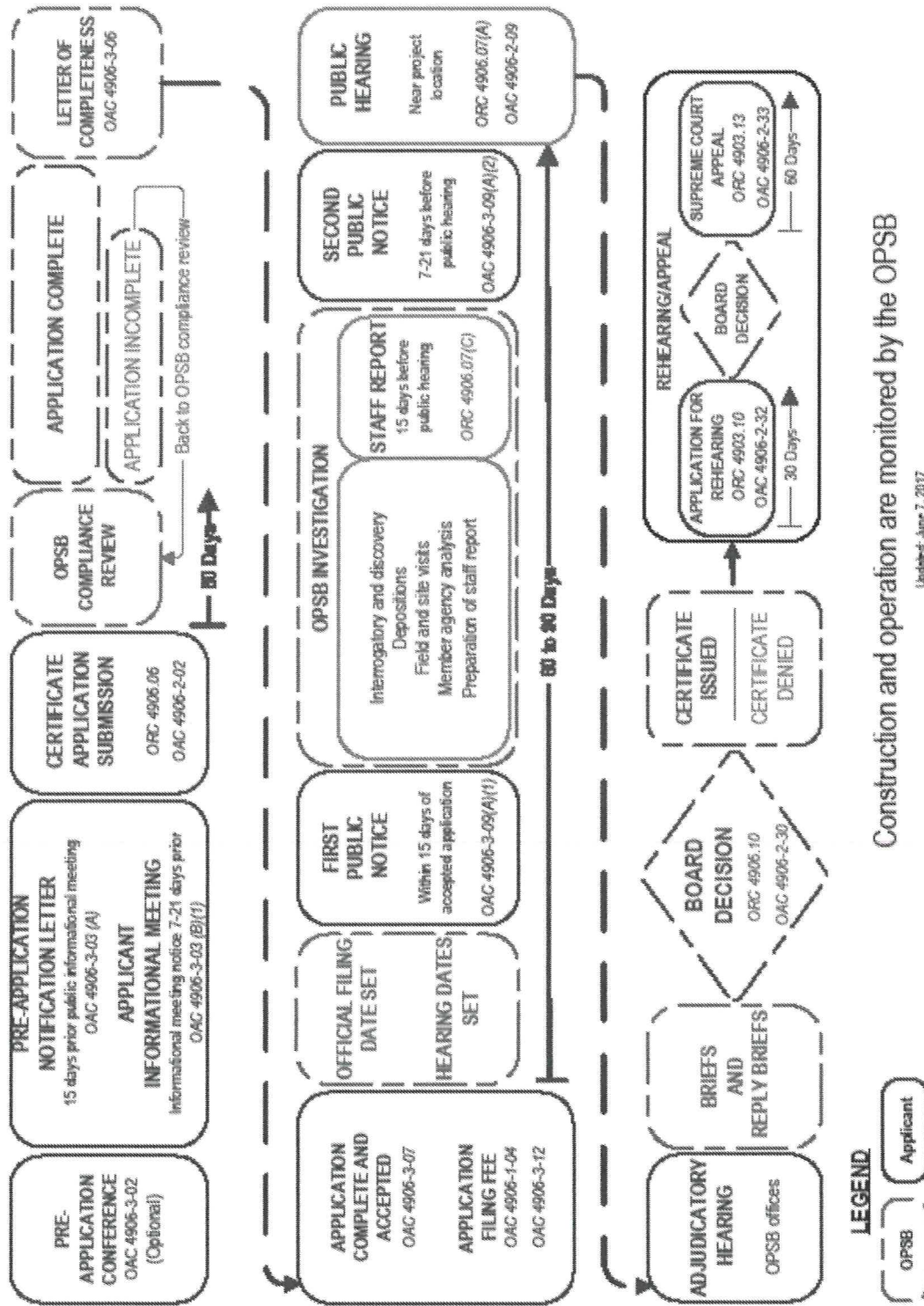


**Ohio Power Siting Board**  
**Standard Application Process Flowchart**  
(updated 6/7/17)

Ohio Power Siting Board  
 Standard Application Process Flowchart  
 & Associated ORC/OAC Reference Language

Ohio Power Siting Board  
 STANDARD APPLICATION PROCESS FLOWCHART



Construction and operation are monitored by the OPSB

Updated: June 7, 2017

**PRE-APPLICATION CONFERENCE  
OAC-4906-3-02  
(OPTIONAL)**

## **4906-3-02 Preapplication conference.**

An applicant considering construction of a major utility facility or economically significant wind farm may request a preapplication conference with the board staff prior to submitting an application. The results of such conference(s) shall in no way constitute approval or disapproval of a particular site or route, and shall in no way predetermine the board's decision regarding subsequent certification or approval.

Replaces: 4906-5-01

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: 111.15

Statutory Authority: 4906.03, 4906.20

Rule Amplifies: 4906.03, 4906.04, 4906.06, 4906.10, 4906.13, 4906.20

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/13/03, 1/25/09, 5/7/09



**PRE-APPLICATION NOTIFICATION LETTER  
OAC 4906-3-03 (A)**

## 4906-3-03 Public information program.

(A) The applicant shall file a preapplication notification letter with the board at least fifteen days prior to the date of any public informational meeting(s) held pursuant to paragraph (B) of this rule. The preapplication notification letter shall include the following information:

(1) A basic description of the project that shall include information about the anticipated function, equipment size, approximate areal extent, general location, schedule, and purpose of the project.

(2) The date, time, and location of the public informational meeting to be held pursuant to paragraph (B) of this rule.

(3) A list of any anticipated waivers of the board's rules that the applicant will be requesting for the project.

(B) No more than ninety days prior to submitting a standard certificate application to the board, the applicant shall conduct at least one informational meeting open to the public to be held in the area in which the project is located. If substantial changes are made to the application after the informational meeting, the executive director of the board shall have the authority to require another informational meeting at his/her discretion.

(1) The applicant will give one public notice of the informational meeting in newspapers of general circulation in the project area, to be published not more than twenty-one days or fewer than seven days before the date for the meeting. The notice shall occupy not less than one-fourth of each newspaper's standard page, with letters not less than ten-point type, and shall bear the heading "Notice of Public Information Meeting for Proposed Major Utility Facility" in bold letters not less than one-fourth inch high or thirty-point type. The notice shall not be published in the legal notices section of the newspaper. The information provided shall address the need for the project, the project schedule, the design of the facility, and other pertinent data. Proof of publication shall be filed with the board no later than thirty days from the date of publication.

(2) At least twenty-one days before the informational meeting, the applicant shall send a letter to each property owner and affected tenant. The letter shall briefly describe the certification process, including information on how to participate in the proceeding and how to request notification of the public hearing. The letter shall include the applicant's website and the website, mailing address, email address, and telephone number of the board. The letter shall also include the date, time, and location of the informational meeting, and a brief description of the project. The letter shall be sent by first class mail. Notice of compliance with this requirement shall be filed with the board and a list of the names of each tenant and property owner shall be provided to staff. Inability or inadvertent failure to notify the persons described in this rule shall not constitute failure to give public notices, provided there is substantial compliance with these requirements. The letter shall be sent to each property owner and affected tenant:

(a) Within the planned site or along the proposed route options for the proposed facility.

(b) Contiguous to the planned site or contiguous to the preferred or alternate route(s) of the proposed facility.

(c) Who may be approached by the applicant for any additional easement necessary for the construction, operation, or maintenance of the facility.

(d) If the property owner's address is not the same as the address affected by the proposed facility, then the applicant shall also send a letter to the affected property.

(3) If the location of the proposed facility changes after the informational meeting, the applicant shall send a letter to any property owner and affected tenant, as defined by paragraph (B)(2) of this rule. The letter shall be sent at least twenty-one days prior to the public hearing. The letter shall briefly describe the certification process, including information on how to participate in the proceeding, and the date, time, and location of the public hearing. The letter shall also include a brief description of the project. The letter shall include the applicant's website and the website, mailing address, email address, and telephone number of the board. The letter shall be sent by first class mail. Notice of compliance with this requirement shall be filed with the board and a list of the names of each tenant and property owner shall be provided to staff.

(4) At the informational meeting, the applicant shall present maps showing the proposed facility at a scale that allows affected property owners to identify the location of their property in relation to the facility. The applicant shall solicit written comments from the attendees. The applicant shall summarize in its certificate application how many and what types of comments were received.

Replaces: part of 4906-5-08

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#), [4906.20](#)

Rule Amplifies: [4906.03](#), [4906.04](#), [4906.06](#), [4906.10](#), [4906.13](#), [4906.20](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 6/17/05, 1/25/09

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**APPLICANT INFORMATIONAL MEETING  
OAC 4906-3-03 (B)(1)**



## 4906-3-03 Public information program.

(A) The applicant shall file a preapplication notification letter with the board at least fifteen days prior to the date of any public informational meeting(s) held pursuant to paragraph (B) of this rule. The preapplication notification letter shall include the following information:

- (1) A basic description of the project that shall include information about the anticipated function, equipment size, approximate areal extent, general location, schedule, and purpose of the project.
- (2) The date, time, and location of the public informational meeting to be held pursuant to paragraph (B) of this rule.
- (3) A list of any anticipated waivers of the board's rules that the applicant will be requesting for the project.

(B) No more than ninety days prior to submitting a standard certificate application to the board, the applicant shall conduct at least one informational meeting open to the public to be held in the area in which the project is located. If substantial changes are made to the application after the informational meeting, the executive director of the board shall have the authority to require another informational meeting at his/her discretion.

(1) The applicant will give one public notice of the informational meeting in newspapers of general circulation in the project area, to be published not more than twenty-one days or fewer than seven days before the date for the meeting. The notice shall occupy not less than one-fourth of each newspaper's standard page, with letters not less than ten-point type, and shall bear the heading "Notice of Public Information Meeting for Proposed Major Utility Facility" in bold letters not less than one-fourth inch high or thirty-point type. The notice shall not be published in the legal notices section of the newspaper. The information provided shall address the need for the project, the project schedule, the design of the facility, and other pertinent data. Proof of publication shall be filed with the board no later than thirty days from the date of publication.

(2) At least twenty-one days before the informational meeting, the applicant shall send a letter to each property owner and affected tenant. The letter shall briefly describe the certification process, including information on how to participate in the proceeding and how to request notification of the public hearing. The letter shall include the applicant's website and the website, mailing address, email address, and telephone number of the board. The letter shall also include the date, time, and location of the informational meeting, and a brief description of the project. The letter shall be sent by first class mail. Notice of compliance with this requirement shall be filed with the board and a list of the names of each tenant and property owner shall be provided to staff. Inability or inadvertent failure to notify the persons described in this rule shall not constitute failure to give public notices, provided there is substantial compliance with these requirements. The letter shall be sent to each property owner and affected tenant:

- (a) Within the planned site or along the proposed route options for the proposed facility.
- (b) Contiguous to the planned site or contiguous to the preferred or alternate route(s) of the proposed facility.
- (c) Who may be approached by the applicant for any additional easement necessary for the construction, operation, or maintenance of the facility.
- (d) If the property owner's address is not the same as the address affected by the proposed facility, then the applicant shall also send a letter to the affected property.

(3) If the location of the proposed facility changes after the informational meeting, the applicant shall send a letter to any property owner and affected tenant, as defined by paragraph (B)(2) of this rule. The letter shall be sent at least twenty-one days prior to the public hearing. The letter shall briefly describe the certification process, including information on how to participate in the proceeding, and the date, time, and location of the public hearing. The letter shall also include a brief description of the project. The letter shall include the applicant's website and the website, mailing address, email address, and telephone number of the board. The letter shall be sent by first class mail. Notice of compliance with this requirement shall be filed with the board and a list of the names of each tenant and property owner shall be provided to staff.

(4) At the informational meeting, the applicant shall present maps showing the proposed facility at a scale that allows affected property owners to identify the location of their property in relation to the facility. The applicant shall solicit written comments from the attendees. The applicant shall summarize in its certificate application how many and what types of comments were received.

Replaces: part of 4906-5-08

Effective: 12/11/2015

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Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#), [4906.20](#)

Rule Amplifies: [4906.03](#), [4906.04](#), [4906.06](#), [4906.10](#), [4906.13](#), [4906.20](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 6/17/05, 1/25/09



**CERTIFICATE APPLICATION SUBMISSION  
ORC 4906.06  
OAC 4906-2-02**

## 4906-2-02 Filing of pleadings and other documents.

### (A) General provisions

(1) The principal office of the board is located within the office of the public utilities commission of Ohio. The official address of the board is: 180 East Broad street, Columbus, Ohio 43215-3793.

(2) Filings for the board shall be addressed to: "Ohio Power Siting Board, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3797."

(3) The internet address of the docketing division is <http://dis.puc.state.oh.us>.

(4) The docketing division is open from seven-thirty a.m. to five-thirty p.m., Monday through Friday, except on state holidays.

(5) Except as discussed in paragraph (D) of this rule, no document shall be considered filed with the board until it is received and date-stamped by the docketing division.

(6) The board reserves the right to redact any material from a filed document prior to posting the document on the docketing information system if the board finds the material to be confidential personal information, a trade secret, or inappropriate for posting to its website.

(7) A party seeking to consolidate a new case with one or more previously filed cases, or with cases being concurrently filed, shall file a motion to consolidate the cases.

### (B) Paper filing

(1) All applications, complaints, reports, pleadings, or other documents to be paper filed with the board shall be mailed or delivered to the docketing division at the address shown in paragraph (A) of this rule. In addition to the original, any person paper filing a document for inclusion in a case file must submit the required number of copies of the document. Information regarding the number of copies required by the board is available under procedural filing requirements on the docketing information system website, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the commission. As an alternative, a filer may submit twenty copies of the filing. Failure to submit the required copies may result in the document being stricken from the case file. An administrative law judge may require a party to provide additional paper copies of any filed document.

(2) Unless a request for a protective order is made in accordance with rule [4906-2-21](#) of the Administrative Code, concurrent with or prior to receipt of the document by the docketing division, any document filed with the docketing division will be made publicly available on the docketing information system.

### (C) Facsimile transmission (fax) filing

A person may file documents with the board via fax under the following conditions:

(1) The following documents may not be delivered via fax:

(a) The application or other initial pleading that is responsible for the opening of a case.

(b) Any document for which protective or confidential treatment is requested under rule [4906-2-21](#) of the Administrative Code.

(c) A notice of appeal of a board order to the Ohio supreme court filed pursuant to section [4903.13](#) of the Revised Code or service of that notice upon the chairman.

(2) All documents sent via fax must include a transmission sheet that states the case number, case title, date of transmission, number of pages, brief description of the document, and the name and telephone number of the sender.



(3) The originator of a fax document must contact the docketing division at (614) 466-4095 prior to sending a fax. A person must notify the docketing division of its intent to send a document by fax by five p.m. on the date the document is to be sent. The person must be prepared to commence transmission at the time the docketing division is notified.

(4) All documents must be sent to the fax machine in the docketing division at (614) 466-0313. If that machine is inoperable, directions for alternative arrangements will be given when the originator calls to commence a fax. Unrequested documents sent to any of the board's other facsimile machines will not be relayed to the docketing division by board employees.

(5) Excluding the transmission sheet, all documents transmitted by fax must be thirty pages or less.

(6) All documents must be legible when received. Illegible documents received via fax will not be filed. If the document is illegible, the docketing division will attempt to contact the sender to resolve the problem. The person making a fax filing shall bear all risk of transmission, including all risk of equipment, electric, or telephonic failure or equipment overload or backup. Any document sent by fax that is received in whole or in part after five-thirty p.m. will be considered filed the next business day.

(7) No document received via fax will be given confidential treatment by the board.

(8) If a document is delivered via fax, the party must make arrangements for the original signed document and the required number of copies of the pleading to be delivered to the board no later than the next business day. Failure to comply with this requirement may result in the document being stricken from the case file.

(9) Because a document sent to the board by fax will be date-stamped, and thus filed, the day it is received by the docketing division, the originator of the document shall serve copies of the document upon other parties to the case no later than the date of filing.

(D) Electronic filing (e-file)

A person may e-file documents with the board under the following conditions:

(1) All filings must comply with the electronic filing manual and technical requirements at the docketing information system website and any additional guidelines provided by the board.

(2) All filings must be searchable and the electronic file must be able to be reproduced in hard copy at the same quality as the original.

(3) The following documents shall not be delivered via e-filing:

(a) Any document for which protective or confidential treatment is requested under rule 4906-2-21 of the Administrative Code.

(b) A notice of appeal of a board order to the Ohio supreme court filed pursuant to section 4903.13 of the Revised Code or service of that notice upon the chairman.

(4) An applicant may electronically file a certificate application pursuant to section 4906.06 of the Revised Code, provided that the applicant provides ten computer disks, each containing the full electronic copy of the application. The applicant also shall submit five complete paper copies of the application to the docketing division on the same day that an e-filing of the application is made and will be expected to provide additional paper copies or disk copies upon request.

(5) Provided that a document is not subsequently rejected by the docketing division, an e-filed document will be considered filed as of the date and time recorded on the confirmation page that is electronically inserted as the last page of the filing upon receipt by the docketing division, except that any e-filed document received after five-thirty p.m. shall be considered filed at seven-thirty a.m. the next business day. The docketing division may reject any filing that does not comply with the electronic filing manual and technical requirements, is unreadable, includes anything deemed inappropriate for inclusion on the docketing information system, or is submitted for



filing in a closed or archived case. If an e-filing is rejected by the docketing division, an email message will be sent to inform the filer of the rejection and the reason for the rejection.

(6) If an e-filing is accepted, notice of the filing will be sent via electronic mail to all persons who have electronically subscribed to the case, including the filer. This email notice will constitute service of the e-filed document upon those persons electronically subscribed to the case. Upon receiving the email notice that the e-filed document has been accepted by the docketing division, the filer shall serve copies of the document in accordance with rule 4906-2-05 of the Administrative Code upon parties to the case who are not electronically subscribed to the case.

(7) The docketing division closes at five-thirty p.m. To allow time for same-day review and acceptance of e-filings, persons making e-filings are encouraged to make their filings by no later than four p.m.

(8) The person making an e-filing shall bear all risk of transmitting a document including, but not limited to, all risk of equipment, electric, or internet failure.

(9) If an electronic filing of a certificate application cannot be made due to electronic or other problems that prevent either all or part of the certificate application to go through the docketing division equipment, the applicant shall file the five paper copies of the certificate application, fifteen computer disks containing the complete application, and a geographic information systems map disk with the docketing division in lieu of the electronic filing. The applicant will then have an additional one business day either to complete the electronic filing of the certification application or to provide fifteen more paper copies of the certificate application unless a longer period is granted by the administrative law judge. If the additional paper copies are made timely, the certificate application shall be considered filed on the day the electronic filing could not be made but the five paper copies, the fifteen disks, and the geographic information systems disk were filed.

(10) E-filed documents must be complete documents. Appendices or attachments to an e-filed document may not be filed by other methods without prior approval. Large documents may be e-filed in parts as long as all parts are e-filed on the same day.

(11) Except as otherwise provided by this rule or directed by an administrative law judge, a person filing a document electronically need not submit any paper copy of an e-filed document to the docketing division.

(E) The docketing division designates the status of each case under the case number and case name on the docket card. As discussed in this rule, attempts to make filings in certain designated cases will be denied.

(1) An open case is an active case in which filings may be made.

(2) A closed case is one in which no further filings may be made without the consent of the administrative law judge. When a case is closed, any person seeking to make a filing in a case must first contact the administrative law judge assigned to the case. If the administrative law judge agrees to permit the filing, the docketing division will be notified to reopen the case. If an additional filing is permitted, the case status will be changed to open and service of the filing must be made by the filer upon the parties to the case in accordance with rule 4906-2-05 of the Administrative Code.

(3) An archived case is a closed case that will not be reopened and in which no further filings will be permitted. If additional activity is thereafter required on any matter addressed in an archived case, the board will open a new case and designate the new case as a related case. The docketing information system displays for each case a related cases tab to provide a link to related cases.

(4) A reserved case is one set aside for future use. No filings should be made in the case until the party for who it was reserved makes an initial filing.

(5) A void case is one that was opened in error and no documents may be filed in it.

Replaces: 4906-1-06

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#)

Rule Amplifies: [4906.02](#), [4906.03](#), [4906.06](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98



## **4906.06 Certificate application.**

(A) An applicant for a certificate shall file with the office of the chairperson of the power siting board an application, in such form as the board prescribes, containing the following information:

(1) A description of the location and of the major utility facility;

(2) A summary of any studies that have been made by or for the applicant of the environmental impact of the facility;

(3) A statement explaining the need for the facility;

(4) A statement of the reasons why the proposed location is best suited for the facility;

(5) A statement of how the facility fits into the applicant's forecast contained in the report submitted under section 4935.04 of the Revised Code;

(6) Such other information as the applicant may consider relevant or as the board by rule or order may require. Copies of the studies referred to in division (A)(2) of this section shall be filed with the office of the chairperson, if ordered, and shall be available for public inspection.

The application shall be filed not more than five years prior to the planned date of commencement of construction. The five-year period may be waived by the board for good cause shown.

(B) Each application shall be accompanied by proof of service of a copy of such application on the chief executive officer of each municipal corporation and county, and the head of each public agency charged with the duty of protecting the environment or of planning land use, in the area in which any portion of such facility is to be located.

(C) Each applicant within fifteen days after the date of the filing of the application shall give public notice to persons residing in the municipal corporations and counties entitled to receive notice under division (B) of this section, by the publication of a summary of the application in newspapers of general circulation in such area. Proof of such publication shall be filed with the office of the chairperson.

(D) Inadvertent failure of service on, or notice to, any of the persons identified in divisions (B) and (C) of this section may be cured pursuant to orders of the board designed to afford them adequate notice to enable them to participate effectively in the proceeding. In addition, the board, after filing, may require the applicant to serve notice of the application or copies thereof or both upon such other persons, and file proof thereof, as the board considers appropriate.

(E) An application for an amendment of a certificate shall be in such form and contain such information as the board prescribes. Notice of such an application shall be given as required in divisions (B) and (C) of this section.

(F) Each application for certificate or an amendment shall be accompanied by the application fee prescribed by board rule. All application fees, supplemental application fees, and other fees collected by the board shall be deposited in the state treasury to the credit of the power siting board fund, which is hereby created. The chairperson shall administer and authorize expenditures from the fund for any of the purposes of this chapter. If the chairperson determines that moneys credited to the fund from an applicant's fee are not sufficient to pay the board's expenses associated with its review of the application, the chairperson shall request the approval of the controlling board to assess a supplemental application fee upon an applicant to pay anticipated additional expenses associated with the board's review of the application or an amendment to an application. If the chairperson finds that an application fee exceeds the amount needed to pay the board's expenses for review of the application, the chairperson shall cause a refund of the excess amount to be issued to the applicant from the fund.



12/7/2020

Lawriter - ORC - 4906.06 Certificate application.

Amended by 129th General Assembly File No.125, SB 315, §101.01, eff. 9/10/2012.

Effective Date: 04-07-2004 .

**OPSB COMPLIANCE REVIEW  
(NOTHING HERE TO SEE)**

**APPLICATION COMPLETE/INCOMPLETE  
(NOTHING HERE TO SEE)**

**LETTER OF COMPLETENESS  
OAC 4906-3-06**

## **4906-3-06 Completeness of standard certificate applications, staff investigations, and staff reports.**

(A) Upon receipt of a standard certificate application for an economically significant wind farm or major utility facility, excluding those filed under paragraph (B) of this rule, the chairman shall examine the certificate application to determine compliance with Chapters 4906-1 to 4906-7 of the Administrative Code. Within sixty days following receipt, the chairman shall either:

(1) Accept the standard certificate application as complete and complying with the content requirements of section 4906.06 of the Revised Code and Chapters 4906-1 to 4906-7 of the Administrative Code, and notify the applicant to serve and file a certificate of service for the accepted, complete application.

(2) Reject the standard certificate application as incomplete, setting forth specific grounds on which the rejection is based. The chairman shall mail a copy of the completeness decision to the applicant.

(B) Upon receipt of a standard certificate application for a major utility facility which is related to a coal research and development project as defined in section 1551.01 of the Revised Code, or to a coal development project as defined in section 1551.30 of the Revised Code, submitted to the Ohio coal development office for review under division (B)(8) of section 1551.33 of the Revised Code, the chairman shall promptly accept the certificate application as complete and shall notify the applicant to file the accepted, complete application in accordance with the provisions of rules 4906-3-08 and 4906-3-09 of the Administrative Code.

(C) Staff shall conduct an investigation of each accepted, complete application and submit a written report as provided by division (C) of section 4906.07 of the Revised Code not less than fifteen days prior to the beginning of public hearings.

(1) The staff report for an economically significant wind farm or major utility facility, excluding those filed under paragraph (B) of this rule shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and all applicable rules contained in Chapters 4906-1 to 4906-7 of the Administrative Code.

(2) The staff report for a major utility facility that is filed under paragraph (B) of this rule shall set forth the nature of the investigation and shall contain recommended findings with regard to divisions (A)(2), (A)(3), (A)(5), and (A)(7) of section 4906.10 of the Revised Code.

(3) The staff report shall be filed by staff and become part of the official record in the case pursuant to section 4906.07 of the Revised Code.

(4) Copies of the staff report shall be provided to the board members, the administrative law judge assigned to the case, the applicant, and all persons who have become parties to the proceedings. Copies shall be made available to any person upon request.

(5) The chairman shall cause either a copy of such staff report or a notice of the availability of such staff report to be placed in the main public library of each political subdivision as referenced in division (B) of section 4906.06 of the Revised Code. If a notice is provided, that notice shall state that an electronic or paper copy of the staff report is available from staff (with instructions as to how to obtain an electronic or paper copy) and available for inspection at the board's main office. Staff will also maintain on the board's website information as to how to request an electronic or paper copy of the staff report. Upon request for a paper copy of the staff report, staff shall supply the report without cost.

Replaces: 4906-5-05

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

12/7/2020

Lawriter - OAC - 4906-3-06 Completeness of standard certificate applications, staff investigations, and staff reports.

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#), [4906.20](#)

Rule Amplifies: [4906.03](#), [4906.06](#), [4906.10](#), [4906.13](#), [4906.20](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 5/7/09



**Ohio Power Siting Board  
Standard Application Process Flowchart  
& Associated ORC/OAC Reference Language**

**APPLICATION COMPLETE AND ACCEPTED  
OAC 4906-3-07**

## **4906-3-07 Service and publication of accepted, complete applications.**

(A) Upon receipt of notification from the chairman that the standard certificate application is complete, the applicant shall:

(1) Serve a copy of the accepted, complete application, either electronically or by disk, on the chief executive officer of each municipal corporation, county, township, and the head of each public agency charged with the duty of protecting the environment or of planning land use in the area in which any portion of such facility is to be located. Hard copies shall be made available upon request. As used in this rule, "any portion" includes site or route alternatives as provided in rule 4906-3-05 of the Administrative Code.

(2) Place a copy of the accepted, complete application or place a notice of the availability of such application in the main public library of each political subdivision as referenced in division (B) of 4906.06 of the Revised Code. If a notice is provided, that notice shall state that an electronic or paper copy of the accepted, complete application is available from the applicant (with instructions as to how to obtain an electronic or paper copy), available for inspection at the applicant's main office, available for inspection at the board's main office, and available at any other sites at which the applicant will maintain a copy of the accepted, complete application.

(3) Supply the board with such additional copies of the accepted, complete application as the board shall require.

(4) Supply the board with a certificate of its service of such accepted, complete standard certificate application, which shall include the name, address, and official title of each person so served, together with the date on which service was performed and a description of the method by which service was obtained.

(5) Submit the application fee.

(B) The applicant shall maintain on its website, information as to how to request an electronic or paper copy of the accepted, complete application. Upon request for a paper copy of the accepted, complete application, the applicant shall supply the copy within five business days and at no more than cost.

(C) Proof of compliance with the requirements of this rule shall be filed in the case.

Replaces: 4906-5-06, part of 4906-5-07

Effective: 12/11/2015

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Promulgated Under: 111.15

Statutory Authority: 4906.03, 4906.20

Rule Amplifies: 4906.03, 4906.04, 4906.06, 4906.07, 4906.13, 4906.20

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 5/7/09

## **4906-1-04 Fees and payments.**

(A) All duplication fees used to defray the cost of copying documents shall be charged by the board in accordance with applicable provisions of the Revised Code, including section 4903.23 of the Revised Code.

(B) All application fees shall be determined pursuant to rule 4906-3-12 of the Administrative Code.

(C) All payments of application fees shall be in the form of a check payable to "Treasurer of the State of Ohio, Ohio Power Siting Board, fund 561," and shall be designated by case number.

(D) All payments of forfeitures, compromise forfeitures, and other payments made pursuant to stipulation shall be made in accordance with rule 4906-7-03 of the Administrative Code.

Replaces: 4906-1-13

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: 111.15

Statutory Authority: 4906.03

Rule Amplifies: 4903.23, 4906.03, 4906.06, 4906.12, 4906.97

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 6/17/05

## **4906-7-03 Payment of forfeitures, compromise forfeitures and payments made pursuant to stipulations in enforcement investigations.**

(A) All forfeitures, compromise forfeitures and payments made pursuant to stipulations shall be paid by certified check or money order made payable to "Treasurer of the state of Ohio, general revenue fund," and shall be designated by case number.

(B) All forfeitures, compromise forfeitures and payments made pursuant to stipulations shall be mailed or delivered to: Ohio Power Siting Board, Fiscal Division, 180 East Broad Street, Columbus, Ohio 43215-3793."

Replaces: 4906-9-02

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: 111.15

Statutory Authority: 4906.03

Rule Amplifies: 4906.03, 4906.97, 4906.99

Prior Effective Dates: 6/17/05



## **4903.23 Fees for copying and certifying documents - status as evidence.**

The public utilities commission or power siting board may charge and collect a fee, which shall not exceed cost, for furnishing any copy of any paper, record, testimony, or writing made, taken, or filed under Chapters 4901., 4903., 4905., 4906., 4907., 4909., 4921., 4923., and 4927. of the Revised Code, except such transcript and other papers as are required to be filed in any court proceedings authorized in those chapters, whether under seal and certified to or otherwise; and may charge and collect a fee for certifying a document, which shall not exceed that charged by the secretary of state under division (K) of section 111.16 of the Revised Code. All such fees, itemized, shall be paid into the state treasury on the first day of each month.

Upon application of any person and payment of the proper fee, the commission or board shall furnish certified copies under the seal of the commission or board of any order made by it, which order is prima-facie evidence in any court of the facts stated in such copies. The copies of schedules, classifications, and tariffs of rates, tolls, prices, rentals, regulations, practices, services, fares, and charges, and copies of all contracts, agreements, and arrangements between public utilities and railroads, or either, filed with the commission, and the statistics, tables, and figures contained in the annual or other reports of such companies made to the commission as required by the chapters, shall be preserved as public records in the custody of the commission and shall be received as prima-facie evidence of what they purport to be, for the purpose of investigations and prosecutions by the commission and in all judicial proceedings. Copies of and extracts from any of such schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records, certified by the commission under its seal, shall be received in evidence with like effect as the originals.

Amended by 128th General Assembly File No.43, SB 162, §1, eff. 9/13/2010.

Effective Date: 09-29-1997 .

APPLICATION FILING FEE

OAC 4906-1-04

OAC 4906-3-12



## 4906-3-12 Application fees and board expenses.

(A) The board's expenses associated with the review, analysis, processing, and monitoring of applications made pursuant to Chapters 4906-1 to 4906-7 of the Administrative Code shall be borne by the person submitting the application and shall include all expenses associated with monitoring, construction, and operation of the facility and compliance with certificate conditions. Application fees submitted to the board shall be utilized for all direct expenses associated with the consideration of an application and granting of a certificate and monitoring of construction and initial operation of the facility. The chairman shall provide, annually to each applicant, a current summary of the applicant's active cases showing case numbers, fees received, and board expenses.

(B) The application filing fee for a certificate for a single or multiple unit electric power generation plant and associated facilities, or substantial additions thereto, shall consist of the product of fifty cents times the maximum kilowatt electric capacity, as determined by the estimated net demonstrated capability of the highest capacity alternative. The maximum application filing fee shall be one hundred fifty thousand dollars.

(1) After accepting an application as complete, the chairman, using paragraph (B) of this rule, shall determine the amount of the application filing fee, advise the applicant of the fee amount and advise the applicant that it is payable upon filing the accepted, complete application.

(2) Board expenses associated with a preapplication conference will be included as part of the application review expenses. If the applicant fails to file an application within twelve months of the preapplication conference, the chairman shall invoice the applicant for the board's expenses incurred as a result of the preapplication conference.

(C) The application filing fee for a certificate for a gas pipeline and associated facilities or an electric power transmission line and associated facilities shall consist of:

(1) An amount based on the estimated construction cost of the most costly alternative route as follows:

Construction cost	Fee
up to - \$500,000	\$10,000
\$500,000 - 1,000,000	\$25,000
1,000,001 - 2,000,000	\$35,000
2,000,001 - 5,000,000	\$50,000
5,000,001 - up	\$65,000

(2) After accepting an application as complete, the chairman, using paragraph (C)(1) of this rule, shall determine the amount of the application filing fee, advise the applicant of the fee amount, and advise the applicant that it is payable upon filing the accepted, complete application.

(3) Board expenses associated with a preapplication conference will be included as part of the application review expenses. If the applicant fails to file an application within twelve months of the preapplication conference, the chairman shall invoice the applicant for the expenses the board incurred as a result of the preapplication conference.

(4) If an associated transmission substation is included in the application for an electric transmission line, the application fee for the substation shall be calculated separately and added to the filing fee for the transmission line.

(D) The application filing fee for an amendment to a certificate shall consist of:

(1) An amount based on the estimated construction cost of the amended portion of the facility as follows:

Construction cost	Fee
-------------------	-----



up to - \$500,000	\$3,000
\$500,000 - 1,000,000	6,000
1,000,000 - 2,000,000	9,000
2,000,001 - 5,000,000	12,000
5,000,001 - up	15,000

(2) After accepting an amendment application as complete, the chairman, using paragraph (D)(1) of this rule, shall determine the amount of the application filing fee, advise the applicant of the fee amount, and advise the applicant that it is payable upon filing the accepted, complete amendment application.

(E) If the chairman determines that the initial application fee paid under paragraph (B), (C) or (D) of this rule will not be adequate to pay for the board's expenses associated with the application prior to the end of the year in which the certificate is issued, the chairman may charge the applicant a supplemental application fee in an amount necessary to cover such expenses.

(F) At the end of the calendar year in which the certificate is issued, the chairman shall determine if the application filing fee was adequate to pay the actual expenses for review of the application. If the fee was inadequate, the chairman shall invoice the applicant for the amount of the shortage, and shall do so, at least, annually thereafter to cover the board's expenses until the project has been completed. If there are adequate funds, no annual invoicing will be required until a shortage occurs. The review will be done annually. Final reconciliation, including refunds in cases where fees paid exceed the amount needed to cover the board's expenses, will be done at the end of the calendar year in which the applicant notifies the board that the project has been completed. If a certificate application is withdrawn, the chairman shall cause a refund to be issued in the amount of the application fee in excess of the costs incurred to date.

(G) For purposes of this rule, "construction cost" shall include all costs of the project including rights-of-way, land acquisition, clearing, material and equipment, erection of the facility and any other capital cost applicable to that project.

(H) Board expenses for the resolution of jurisdictional issues, and all other incidental services will be invoiced at cost. Payment shall be due upon receipt of an invoice.

(I) The board shall publish annually a report accounting for the collection and expenditure of fees. The annual report shall be published not later than the last day of June of the year following the calendar year to which the report applies.

Replaces: 4906-5-11

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#), [4906.20](#)

Rule Amplifies: [4906.03](#), [4906.06](#), [4906.20](#)

Prior Effective Dates: 12/27/76, 7/12/82, 5/17/84, 2/17/84 (Emer.), 9/27/86, 1/8/87, 7/4/87, 6/10/89, 8/6/94, 8/28/98, 12/15/03, 6/19/09

**Ohio Power Siting Board  
Standard Application Process Flowchart  
& Associated ORC/OAC Reference Language**

**OFFICIAL FILING DATE SET  
HEARING DATES SET  
(NOTHING TO SEE HERE)**

**Ohio Power Siting Board  
Standard Application Process Flowchart  
& Associated ORC/OAC Reference Language**

**FIRST PUBLIC NOTICE  
OAC 4906-3-09(A)(1)**



## **4906-3-09 Public notice of accepted, complete applications.**

(A) After filing an accepted, complete application with the board, the applicant shall give two notices of the proposed utility facility.

(1) The initial notice shall be a written notice to those persons that received service of a copy of the application pursuant to rule 4906-3-07 of the Administrative Code and each owner of a property crossed and/or adjacent to the preferred and alternative routes for transmission lines and/or a new generation site within fifteen days of the filing of the accepted, complete application and shall contain the following information:

(a) The name and a brief description of the proposed facility, including type and capacity.

(b) A map showing the location and general layout of the proposed facility.

(c) A list of officials served with copies of the accepted, complete application pursuant to rule 4906-3-07 of the Administrative Code.

(d) A list of public libraries that were sent paper copies or notices of availability of the accepted, complete application, and other readily accessible locations (including the applicant's website and the website, mailing address, and telephone number of the board) where copies of the accepted, complete application are available for public inspection.

(e) A statement, including the assigned docket number, that an application for a certificate to construct, operate, and maintain said facility is now pending before the board.

(f) A statement setting forth the eight criteria listed in division (A) of section 4906.10 of the Revised Code used by the board to review an application.

(g) Section 4906.07 of the Revised Code, including the time and place of the public and adjudicatory hearings.

(h) Division (C) of section 4906.08 of the Revised Code, including the deadline for filing a notice of intervention or petition for leave to intervene as established by the board or administrative law judge.

(2) The second public notice shall be a written notice to those persons that received the initial notice pursuant to paragraph (A)(1) of this rule and shall be published in newspapers of general circulation in those municipal corporations and counties in which the chief executive received service of a copy of the application pursuant to rule 4906-3-07 of the Administrative Code at least seven days but no more than twenty-one days before the public hearing. The notice shall be published with letters not less than ten-point type, shall bear the heading "Notice of Proposed Major Utility Facility" in bold type not less than one-fourth inch high or thirty-point type and shall contain the following information:

(a) The name and a brief description of the project.

(b) A map showing the location and general layout of the proposed facility.

(c) A statement, including the assigned docket number that an application for a certificate to construct, operate, and maintain said facility is now pending before the board.

(d) The date, time, and location of the public and adjudicatory hearings.

(e) A statement that the public will be given an opportunity to comment on the proposed facility.

(f) A reference to the date of the first public notice.

(B) Inability or inadvertent failure to notify the persons or publish the notice described in this rule shall not constitute a failure to give public notice, provided substantial compliance with these requirements is met.

Replaces: part of 4906-5-08



Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#), [4906.20](#)

Rule Amplifies: [4906.03](#), [4906.06](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 6/17/05, 1/25/09

OPSB INVESTIGATION  
INTERROGATOR & DISCOVERY DEPOSITIONS  
FIELD & SITE VISITS  
MEMBER AGENCY ANALYSIS  
PREP. OF STAFF REPORT  
(NOTHING TO SEE HERE)

**OPSB INVESTIGATION  
STAFF REPORT  
ORC 4906.07(C)**

## **4906.07 Public hearing on application.**

(A) Upon the receipt of an application complying with section [4906.06](#) of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

(B) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application.

(C) The chairperson of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section [4906.10](#) of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

Amended by 129th General Assembly File No.125, SB 315, §101.01, eff. 9/10/2012.

Effective Date: 10-17-1985 .

**SECOND PUBLIC NOTICE  
OAC 4906-3-09(A)(2)**



## 4906-3-09 Public notice of accepted, complete applications.

(A) After filing an accepted, complete application with the board, the applicant shall give two notices of the proposed utility facility.

(1) The initial notice shall be a written notice to those persons that received service of a copy of the application pursuant to rule [4906-3-07](#) of the Administrative Code and each owner of a property crossed and/or adjacent to the preferred and alternative routes for transmission lines and/or a new generation site within fifteen days of the filing of the accepted, complete application and shall contain the following information:

(a) The name and a brief description of the proposed facility, including type and capacity.

(b) A map showing the location and general layout of the proposed facility.

(c) A list of officials served with copies of the accepted, complete application pursuant to rule [4906-3-07](#) of the Administrative Code.

(d) A list of public libraries that were sent paper copies or notices of availability of the accepted, complete application, and other readily accessible locations (including the applicant's website and the website, mailing address, and telephone number of the board) where copies of the accepted, complete application are available for public inspection.

(e) A statement, including the assigned docket number, that an application for a certificate to construct, operate, and maintain said facility is now pending before the board.

(f) A statement setting forth the eight criteria listed in division (A) of section [4906.10](#) of the Revised Code used by the board to review an application.

(g) Section [4906.07](#) of the Revised Code, including the time and place of the public and adjudicatory hearings.

(h) Division (C) of section [4906.08](#) of the Revised Code, including the deadline for filing a notice of intervention or petition for leave to intervene as established by the board or administrative law judge.

(2) The second public notice shall be a written notice to those persons that received the initial notice pursuant to paragraph (A)(1) of this rule and shall be published in newspapers of general circulation in those municipal corporations and counties in which the chief executive received service of a copy of the application pursuant to rule [4906-3-07](#) of the Administrative Code at least seven days but no more than twenty-one days before the public hearing. The notice shall be published with letters not less than ten-point type, shall bear the heading "Notice of Proposed Major Utility Facility" in bold type not less than one-fourth inch high or thirty-point type and shall contain the following information:

(a) The name and a brief description of the project.

(b) A map showing the location and general layout of the proposed facility.

(c) A statement, including the assigned docket number that an application for a certificate to construct, operate, and maintain said facility is now pending before the board.

(d) The date, time, and location of the public and adjudicatory hearings.

(e) A statement that the public will be given an opportunity to comment on the proposed facility.

(f) A reference to the date of the first public notice.

(B) Inability or inadvertent failure to notify the persons or publish the notice described in this rule shall not constitute a failure to give public notice, provided substantial compliance with these requirements is met.

Replaces: part of 4906-5-08

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: 111.15

Statutory Authority: 4906.03, 4906.20

Rule Amplifies: 4906.03, 4906.06

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 6/17/05, 1/25/09

PUBLIC HEARING  
ORC 4906.07(A)  
OAC 4906-2-09



## 4906-2-09 Hearings.

(A) Unless otherwise ordered, all hearings shall be held at the principal office of the board. However, where practicable, the board shall schedule a session of the hearing for the purpose of taking public testimony in the vicinity of the project. Reasonable notice of each hearing shall be provided to all parties.

(B) The administrative law judge shall regulate the course of the hearing and conduct of the participants. Unless otherwise provided by law, the administrative law judge may without limitation:

(1) Administer oaths and affirmations.

(2) Determine the order in which the parties shall present testimony and the order in which witnesses shall be examined.

(3) Issue subpoenas.

(4) Rule on objections, procedural motions, and other procedural matters.

(5) Examine witnesses.

(6) Grant continuances.

(7) Require expert or factual testimony to be offered in board proceedings to be reduced to writing, filed with the board, and served upon all parties and the staff prior to the time such testimony is to be offered and according to a schedule to be set by the administrative law judge.

(8) Take such actions as are necessary to:

(a) Avoid unnecessary delay.

(b) Prevent the presentation of irrelevant or cumulative evidence.

(c) Prevent public disclosure of trade secrets, proprietary business information, or confidential research, development, or commercial materials and information. The administrative law judge may, upon motion of any party, direct that a portion of the hearing be conducted in camera and that the corresponding portion of the record be sealed to prevent public disclosure of trade secrets, proprietary business information or confidential research, development, or commercial materials and information. The party requesting such protection shall have the burden of establishing that such protection is required.

(d) Assure the hearing proceeds in an orderly and expeditious manner.

(C) Members of the public to offer testimony may be sworn in or affirmed at the portion or session of the hearing designated for the taking of public testimony.

(D) Formal exceptions to rulings or orders of the administrative law judge are unnecessary if, at the time any ruling or order is made, the party makes known the action which he or she desires the presiding hearing officer to take, or his or her objection to action which has been taken and the basis for that objection.

Replaces: 4906-7-01

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#)

Rule Amplifies: [4903.22](#), [4906.03](#), [4906.07](#), [4906.08](#), [4906.12](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 1/25/09



## **4906.07 Public hearing on application.**

(A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

(B) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application.

(C) The chairperson of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

Amended by 129th General Assembly File No.125, SB 315, §101.01, eff. 9/10/2012.

Effective Date: 10-17-1985 .

**ADJUDICATORY HEARING  
(NOTHING TO SEE HERE)**

**BRIEFS AND REPLY BRIEFS  
(NOTHING TO SEE HERE)**



**BOARD DECISION  
ORC 4906-10  
OAC 4906-2-30**

**4906-2-30 Decision by the board.**

Within a reasonable time after the conclusion of the hearing, the board shall issue a final decision based only on the record, including such additional evidence as it shall order admitted. The board may determine that the location of all or part of the proposed facility should be modified. If it so finds, it may condition its certificate upon such modifications. Persons and municipal corporations shall be given reasonable notice thereof. The decision of the board shall be entered on the board journal and into the record of the hearing. Copies of the decision or order shall be served on all attorneys of record and all unrepresented parties in the proceedings by ordinary mail.

Replaces: part of 4906-7-17

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: 111.15

Statutory Authority: 4906.03

Rule Amplifies: 4903.22, 4906.03, 4906.10, 4906.11, 4906.12, 4906.20

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 1/25/09, 5/7/09



## 4906.10 Basis for decision granting or denying certificate.

(A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under section 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. An applicant may withdraw an application if the board grants a certificate on terms, conditions, or modifications other than those proposed by the applicant in the application.

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(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 Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under section 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.

(6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(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.

(B) If the board determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon that modification, provided that the municipal corporations and counties, and persons residing therein, affected by the modification shall have been given reasonable notice thereof.

(C) A copy of the decision and any opinion issued therewith shall be served upon each party.

Amended by 133rd General Assembly File No. TBD, HB 166, §101.01, eff. 10/17/2019.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Amended by 129th General Assembly File No. 125, SB 315, §101.01, eff. 9/10/2012.

Effective Date: 04-07-2004 .



**Ohio Power Siting Board  
Standard Application Process Flowchart  
& Associated ORC/OAC Reference Language**

**CERTIFICATE ISSUED /  
CERTIFICATE DENIED  
(NOTHING TO SEE HERE)**

REHEARING/APPEAL  
APPLICATION FOR REHEARING  
ORC 4903.10  
OAC 4906-2-32

## **4906-2-32 Applications for rehearing.**

(A) Any party or any affected person, firm, or corporation may file an application for rehearing, within thirty days after the issuance of a board order, in the manner and form and circumstances set forth in section [4903.10](#) of the Revised Code. An application for rehearing must set forth the specific ground or grounds upon which the applicant considers the board order to be unreasonable or unlawful. An application for rehearing must be accompanied by a memorandum in support, which sets forth an explanation of the basis for each ground for rehearing identified in the application for rehearing and which shall be filed no later than the application for rehearing.

(B) Any party may file a memorandum contra within ten days after the filing of an application for rehearing.

(C) As provided in section [4903.10](#) of the Revised Code, all applications for rehearing must be submitted within thirty days after an order has been journalized by the secretary of the board, or in the case of an application that is subject to automatic approval under the board's procedures, an application for rehearing must be submitted within thirty days after the date on which the automatic time frame has expired, unless the application has been suspended by the board.

(D) A party or any affected person, firm, or corporation may only file one application for rehearing to a board order within thirty days following the entry of the order upon the journal of the board.

(E) The board, the chairman of the board, or the administrative law judge may issue an order granting rehearing for the purpose of affording the board more time to consider the issues raised in an application for rehearing.

Replaces: part of 4906-7-17

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: [111.15](#)

Statutory Authority: [4906.03](#)

Rule Amplifies: [4903.22](#), [4906.03](#), [4906.10](#), [4906.11](#), [4906.12](#), [4906.20](#)

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 1/25/09, 5/7/09



## 4903.10 Application for rehearing.

After any order has been made by the public utilities commission, any party who has entered an appearance in person or by counsel in the proceeding may apply for a rehearing in respect to any matters determined in the proceeding. Such application shall be filed within thirty days after the entry of the order upon the journal of the commission. Notwithstanding the preceding paragraph, in any uncontested proceeding or, by leave of the commission first had in any other proceeding, any affected person, firm, or corporation may make an application for a rehearing within thirty days after the entry of any final order upon the journal of the commission. Leave to file an application for rehearing shall not be granted to any person, firm, or corporation who did not enter an appearance in the proceeding unless the commission first finds:

(A) The applicant's failure to enter an appearance prior to the entry upon the journal of the commission of the order complained of was due to just cause; and,

(B) The interests of the applicant were not adequately considered in the proceeding. Every applicant for rehearing or for leave to file an application for rehearing shall give due notice of the filing of such application to all parties who have entered an appearance in the proceeding in the manner and form prescribed by the commission. Such application shall be in writing and shall set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful. No party shall in any court urge or rely on any ground for reversal, vacation, or modification not so set forth in the application. Where such application for rehearing has been filed before the effective date of the order as to which a rehearing is sought, the effective date of such order, unless otherwise ordered by the commission, shall be postponed or stayed pending disposition of the matter by the commission or by operation of law. In all other cases the making of such an application shall not excuse any person from complying with the order, or operate to stay or postpone the enforcement thereof, without a special order of the commission. Where such application for rehearing has been filed, the commission may grant and hold such rehearing on the matter specified in such application, if in its judgment sufficient reason therefor is made to appear. Notice of such rehearing shall be given by regular mail to all parties who have entered an appearance in the proceeding. If the commission does not grant or deny such application for rehearing within thirty days from the date of filing thereof, it is denied by operation of law. If the commission grants such rehearing, it shall specify in the notice of such granting the purpose for which it is granted. The commission shall also specify the scope of the additional evidence, if any, that will be taken, but it shall not upon such rehearing take any evidence that, with reasonable diligence, could have been offered upon the original hearing. If, after such rehearing, the commission is of the opinion that the original order or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate or modify the same; otherwise such order shall be affirmed. An order made after such rehearing, abrogating or modifying the original order, shall have the same effect as an original order, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order prior to the receipt of notice by the affected party of the filing of the application for rehearing. No cause of action arising out of any order of the commission, other than in support of the order, shall accrue in any court to any person, firm, or corporation unless such person, firm, or corporation has made a proper application to the commission for a rehearing.

Effective Date: 09-29-1997 .

**REHEARING/APPEAL  
BOARD DECISION  
(NOTHING TO SEE HERE)**

REHEARING/APPEAL  
SUPREME COURT APPEAL  
ORC 4903.13  
OAC 4906-2-33



## **4906-2-33 Supreme court appeals.**

Consistent with the requirements of section 4903.13 of the Revised Code, a notice of appeal of a board order to the Ohio supreme court must be filed with the board's docketing division within the time period prescribed by the court and served upon the chairman of the board or, in his absence, upon any voting board member, or by leaving a copy at the offices of the board. A notice of appeal of a board order to the Ohio supreme court may not be delivered via fax or email.

Replaces: 4906-7-18

Effective: 12/11/2015

Five Year Review (FYR) Dates: 11/30/2020

Promulgated Under: 111.15

Statutory Authority: 4906.03

Rule Amplifies: 4903.11, 4903.12, 4903.13, 4906.03, 4906.12

Prior Effective Dates: 12/27/76, 6/10/89, 8/28/98, 12/15/03, 1/25/09



## **4903.13 Reversal of final order - notice of appeal.**

A final order made by the public utilities commission shall be reversed, vacated, or modified by the supreme court on appeal, if, upon consideration of the record, such court is of the opinion that such order was unlawful or unreasonable. The proceeding to obtain such reversal, vacation, or modification shall be by notice of appeal, filed with the public utilities commission by any party to the proceeding before it, against the commission, setting forth the order appealed from and the errors complained of. The notice of appeal shall be served, unless waived, upon the chairman of the commission, or, in the event of his absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. The court may permit any interested party to intervene by cross-appeal.

Effective Date: 10-01-1953 .