

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of South Field)
Energy LLC for a Certificate of Environmental) Case No. 15-1716-EL-BGN
Compatibility and Public Need to Construct an)
Electric Generation Facility in Columbiana)
County, Ohio)

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Applicant South Field Energy LLC (“South Field” or “Applicant”), Yellow Creek Township, the Columbiana County Development Department Director, American Transmission Systems, Incorporated (“ATSI”), the Ohio Edison Company and the Staff of the Ohio Power Siting Board (“Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the certification and construction of the proposed South Field Energy Generation Facility. ATSI and Ohio Edison Company shall be referred to as the FirstEnergy Intervenors.

South Field is proposing to develop, build and operate South Field Energy Generation Facility (the Facility), a new dual fuel combined cycle generating facility located in Columbiana County, Ohio. The Facility is a state-of-the-art combined cycle dual fuel turbine electric generating facility designed in a 2x2 configuration. The Facility will primarily fire natural gas, with the capability to fire ultra-low sulphur distillate (ULSD) as back-up. It will utilize two integrated General Electric (GE) 7HA.02 combustion turbine generators, each with a dedicated supplementary-fired heat recovery steam generator; two steam generators and two mechanical draft wet cooling towers. The Facility will have a nominal net output of 1,105 MW (full duct burner operation with inlet air cooling at 59 degrees Fahrenheit ambient temperature).

The Facility (which includes the power generating facility, on-site switchyard, and ancillary equipment) will be located within an approximately 150-acre property entirely within Yellow Creek Township, Columbiana County, Ohio. Because the portion of the property that is south of Hibbetts Mill Road will not be utilized in any way, the 86.5-acre portion of the property that is north of Hibbetts Mill Road has been defined as the Facility Site. Access to the Facility Site is from Hibbetts Mill Road, which generally bounds the Facility Site to the west and south; access will extend from the west. The Facility Site is approximately three miles northwest of the Village of Wellsville and approximately 0.7 mile west of State Route 45.

Within the 86.5-acre Facility Site, the power generating equipment, on-site switchyard, and other ancillary facilities will be located on approximately thirty acres. Other portions of the Facility Site will be used for temporary laydown during the construction phase. Approximately twenty acres within the Facility Site are proposed for use as temporary construction laydown. Once the Facility is constructed, the area will be landscaped. Additional construction laydown is proposed on an adjacent approximately 13-acre parcel located southeast of the Facility Site (the Construction Laydown Site). Access to the Construction Laydown Site is also from Hibbetts Mill Road, which bounds the Construction Laydown Site to the north. Temporary construction access between the Facility Site and Construction Laydown Site will be provided in the location of an existing driveway which extends north off Hibbetts Mill Road onto the Facility Site. The Facility is located less than one mile west of State Route 45.

On October 5, 2015, the Applicant filed its Pre-Application Notification Letter and filed proof of publication of notice of the public informational meeting on October 13, 2015. On October 20, 2015, the Applicant held a public information meeting regarding the proposed electric generating facility in Wellsville, Ohio. On December 7, 2015, the Applicant filed the

South Field Energy Generation Facility application. It also filed a motion for waiver which the Staff did not oppose and to which the Administrative Law Judge granted the waiver request on March 29, 2016. ATSI and the Ohio Edison Company filed a motion to intervene on February 17, 2016.

On February 5, 2016, the Board issued the Applicant a letter of compliance regarding the Application. On March 29, 2016, the Administrative Law Judge issued an Entry consolidating this case with the interconnection facilities case (Case No. 15-1717-EL-BTX) and establishing a procedural schedule for the cases.

On May 12, 2016, both the Columbiana County Development Department Director and Yellow Creek Township filed their respective motions to intervene in both cases. On June 6, 2016, the motions to intervene by ATSI, Ohio Edison Company, the Columbiana County Development Department Director and Yellow Creek Township were granted.

A local public hearing was held on June 6, 2016 at 6:00 PM at the Wellsville High School, 1 Bengal Boulevard, Wellsville, Ohio 43968. The adjudicatory hearing was scheduled to be held on June 21, 2016 at 10:00 AM in Hearing Room 11-D at the offices of the PUCO, 180 East Broad Street, Columbus, Ohio 43215. However, on June 21, 2016, the Administrative Law Judge granted Staff's unopposed motion to call and continue the hearing to June 29, 2016 at 10:00 AM in Hearing Room 11-D.

The Stipulation results from discussions between the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the proposed South Field Energy generation facility.

II. STIPULATION AND RECOMMENDATION

A. Recommended Conditions

- (1) The facility shall be installed at the Applicant's proposed site as presented in the application and as modified and/or clarified by any supplemental filings and recommended conditions in this Stipulation.
- (2) The Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in any supplemental filings, replies to data requests, and recommended conditions in this Stipulation.
- (3) The Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in any supplemental filings, replies to data requests, and recommended conditions in this Stipulation.
- (4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (5) At least 30 days prior to the preconstruction conference, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from project construction and operation, including noise from the facility. The resolution procedure must provide that the Applicant will work to mitigate or resolve any issues with those who submit either a formal or informal complaint and that the Applicant will immediately forward all complaints to Staff. The Applicant shall provide the complaint resolution procedure to Staff, for review and confirmation that it complies with this condition, prior to the preconstruction conference.
- (6) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff, for review to ensure compliance with this condition, one set of detailed engineering drawings of the final project design, including the facility, temporary and permanent access roads, any crane routes, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.

- (7) If the Applicant makes any changes to the project layout after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically-referenced electronic data. All changes will be subject to Staff review to ensure compliance with all conditions of the certificate, prior to construction in those areas.
- (8) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (9) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (10) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (11) As the information becomes known, the Applicant shall docket in the case record the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (12) With the exception of removal of trees during seasonal cutting dates that exhibit suitable Indiana bat habitat or Northern long-eared bat habitat, the Applicant shall not commence any construction of the facility until it has an Interconnection Service Agreement or Interim Interconnection Service Agreement with PJM Interconnection, signed or filed unsigned with the Federal Energy Regulatory Commission, which includes construction, operation, and maintenance of system upgrades necessary to reliably and safely integrate the proposed generating facility into the regional transmission system. The Applicant shall docket in the case record a letter stating that the Agreement has been signed or a copy of the signed Interconnection Service Agreement to Staff.
- (13) Prior to commencement of construction, the Applicant shall develop a public information program that informs affected property owners of the nature of the project, specific contact information of Applicant personnel who are familiar with the project, the proposed timeframe for project construction, and a schedule for

restoration activities. The Applicant shall give notification to affected property owners at least 30 days prior to work on the affected property.

- (14) The Applicant shall avoid, where possible, or minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the facility in agricultural areas. Unless otherwise provided in an agreement between the Applicant and an affected landowner, the Applicant shall promptly repair damaged field tile systems to at least original conditions at the Applicant's expense; if applicable, shall segregate and restore excavated topsoil in accordance with the Applicant's lease agreement with the landowner; and shall plow or otherwise de-compact severely compacted soils, if necessary, to restore them to original conditions, unless otherwise agreed to by the landowner.
- (15) Prior to construction, the Applicant shall flag all streams and wetlands, including a minimum 15-foot buffer area, within the facility site to assure avoidance of fill and accidental equipment crossing.
- (16) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of trees, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service allow a different course of action.
- (17) Should site-specific conditions warrant blasting, the Applicant shall submit a blasting plan at least 30 days prior to blasting, to Staff for review and confirmation that it complies with this condition. The Applicant shall submit the following information as part of its blasting plan:
 - (a) The name, address, and telephone number of the drilling and blasting company;
 - (b) A detailed blasting plan for dry and/or wet holes for a typical shot. The blasting plan shall address blasting times, blasting signs, warnings, access control, control of adverse effects, and blast records; and
 - (c) A plan for liability protection and complaint resolution.
- (18) Prior to the use of explosives, the Applicant or explosive contractor shall obtain all required local, state, and federal licenses/permits. The Applicant shall submit a copy of the license or permit to Staff within seven days of obtaining it from the local authority.
- (19) The blasting contractor shall utilize two blasting seismographs that measure ground vibration and air blast for each blast. One seismograph shall be placed at the nearest dwelling and the other placed at the discretion of the blasting contractor.

- (20) At least 30 days prior to the initiation of blasting operations, the Applicant must notify, in writing, all residents or owners of dwellings or other structures within 1,000 feet of the blasting site. The Applicant or explosive contractor shall offer and conduct a pre-blast survey of each dwelling or structure within 1,000 feet of each blasting site, unless waived by the resident or property owner. The survey must be completed and submitted to Staff at least 10 days before blasting begins.
- (21) The Applicant shall complete a full detailed geotechnical exploration and evaluation to confirm that there are no issues to preclude development of the facility. The geotechnical exploration and evaluation shall include borings to provide subsurface soil properties, static water level, rock quality description, percent recovery, and depth and description of the bedrock contact and recommendations needed for the final design and construction of the facility. The Applicant must fill all boreholes, and borehole abandonment must comply with state and local regulations. The Applicant shall provide copies of all geotechnical boring logs to Staff and to the ODNR Division of Geological Survey prior to construction.
- (22) The Applicant shall restrict public access to the facility with appropriately placed warning signs or other necessary measures.
- (23) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, the Ohio Department of Transportation (ODOT), local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (24) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving, hoe ram, and blasting operations, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm.Code 4906-5-08(C)(3) (2014), of upcoming construction activities including potential for nighttime construction activities.
- (25) The Applicant shall use inert gases or compressed air for all cleaning of pipes during construction, consistent with the NFPA 56 (PS) “Standard for Fire and Explosion Prevention during Cleaning and Purging of Flammable Gas Pipeline Systems.”

- (26) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff for review and confirmation that it complies with this condition an emergency response plan to be used during construction. The Applicant shall coordinate with fire, safety and emergency personnel during all stages of the project. This plan should be developed in consultation with appropriate department(s) having jurisdiction over the area.
- (27) All applicable structures, including construction equipment, shall be lit in accordance with Federal Aviation Administration (FAA) circular 70/7460-1 K Change 2, Obstruction Marking and Lighting; or as otherwise prescribed by the FAA. This includes all cranes and construction equipment.
- (28) Within 30 days of construction completion, the Applicant shall file the as-built transmission structure coordinates and heights (above ground level) with the ODOT Office of Aviation and the FAA.
- (29) The Applicant shall not clear, undertake any construction activities in, or store any construction or operate equipment on FirstEnergy Intervenors' existing rights-of-way without FirstEnergy Intervenor's prior authorization. The Applicant shall not change the grade of any driveway or other existing private right-of-way that crosses under FirstEnergy Intervenor's existing transmission lines without obtaining the approval of FirstEnergy Intervenors. Notwithstanding the first sentence of this condition, the Applicant may use existing public and private roads and driveways to cross under FirstEnergy Intervenors' existing transmission lines and easements.
- (30) The Applicant shall repair damage to government-maintained (public) roads and bridges caused by construction activity. Any damaged public roads and bridges shall be repaired promptly to their preconstruction state by the Applicant under the guidance of the appropriate regulatory agency. Any temporary improvements shall be removed, unless the appropriate regulatory agency requests that they remain. If required by the appropriate regulatory agency, the Applicant shall provide financial assurance to that agency that it will restore the public roads it used to their preconstruction condition. If county or township roads are utilized for the construction of this project, the Applicant shall also enter into a road use agreement with the appropriate local authority prior to construction and subject to Staff review and confirmation that it complies with this condition. The road use agreement shall contain provisions for the following:
 - (a) A preconstruction survey of the conditions of the roads.
 - (b) A post-construction survey of the condition of the roads.
 - (c) An objective standard of repair that obligates the Applicant to restore the roads to the same or better condition as they were prior to construction.
 - (d) A timetable for posting of the construction road and bridge bond prior to the use or transport of heavy equipment on public roads or bridges.

- (e) Chipping and sealing no more than a 0.5 mile section of Crawford Road in Yellow Creek Township and a timetable for completing such work; provided however that Yellow Creek Township will complete all preparation work required to chip and seal the road section.

- (31) For informational purposes only, the Applicant will notify the Yellow Creek Township Board of Trustees and the Columbiana County Development Department or their designees as to the following: (i) any preconstruction conference with Staff referenced in Condition 4; (ii) the location and availability of the final engineering layout drawings referenced in Condition 6; and (iii) any blasting operations necessary during construction of the facility. The Applicant will also, for informational purposes only, provide the Yellow Creek Township Board of Trustees and the Columbiana County Development Department or their designees a copy of the traffic plan referenced in Condition 23 and the blasting plan referenced in Condition 17.

B. Other Terms and Conditions

(1) This Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Stipulation or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Upon rehearing by the Board, each party shall have the right, within ten (10) days of the Board's order on rehearing, to file a notice of termination of, and withdrawal from, the Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Stipulation shall immediately become null and void. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties in entering into this Stipulation.

III. FINDINGS

The Parties agree that the record in this case, provided the Board approves the conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

A. **Findings of Fact**

- (1) South Field Energy LLC is an affiliate of Advanced Power NA (Advanced Power) and is licensed to do business in the State of Ohio.
- (2) The South Field Energy Generation Facility qualifies as a major utility facility as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) On October 5, 2015, the Applicant filed a pre-application notice of a public informational meeting in Case No. 15-1716-EL-BGN.
- (4) On October 13, 2015, the Applicant filed proof of publication made on October 8, 2015 in The Review, a newspaper of general circulation in Columbiana County, of notice of the public informational meeting scheduled to be held in Case No. 15-1716-EL-BGN on October 20, 2015 in accordance with OAC Rule 4906-05-08.
- (5) The Applicant held the public informational meeting in Case No. 15-1716-EL-BGN at Wellsville High School, 1 Bengal Boulevard, Wellsville, Ohio 43968 on October 20, 2015.
- (6) The Applicant formally submitted its Application in Case No. 15-1716-EL-BGN to construct the South Field Energy Generation Facility on December 7, 2015.
- (7) On December 7, 2015, the Applicant filed a motion for waivers of certain filing requirements in OAC Chapter 4906-17 in Case No. 15-1716-EL-BGN. On December 7, 2015, the Applicant also filed a motion for protective order.
- (8) On February 17, 2016, American Transmission Systems, Inc. and Ohio Edison Company filed a motion to intervene. Kenneth Johnson and The Ohio Valley Jobs Alliance filed a petition to intervene on March 4, 2016.
- (9) On February 5, 2016, the Board issued a letter stating that the Board's staff had received sufficient information to begin its review of the Application.
- (10) On March 14, 2016, the Applicant filed a Certificate of Service indicating that copies of the Applications were served upon local public officials and libraries.
- (11) On March 16, 2016, the Applicant filed correspondence indicating that the application fees were paid.

- (12) On March 21, 2016, the Applicant filed a response to Kenneth Johnson's petition to intervene as well as the response to the Ohio Valley Jobs Alliance's petition to intervene. A reply was filed on March 28 on behalf of Mr. Johnson and the Ohio Valley Jobs Alliance followed by a motion to file a surreply by the Applicant on March 29, a memo in opposition filed on behalf of Mr. Johnson and the Ohio Valley Jobs Alliance on March 31, and a reply by the Applicant on April 4, 2016.
- (13) On March 24, 2016, the Applicant filed a motion to consolidate and a request for expedited ruling.
- (14) On March 29, 2016, the Administrative Law Judge issued an Entry granting the motion for waivers and the motion to consolidate and setting forth a scheduled hearing date and directing the Staff to file a staff report.
- (15) On April 22, 2016, the Applicant filed a proof of publication indicating that Notice of the Proposed Major Utility Facility was published in The Review, a newspaper of general circulation in Columbiana County, Ohio on April 8, 2016.
- (16) On April 22, 2016, the Applicant filed a sample letter which had been mailed by First Class Mail and a list of the Ohio property owners and affected tenants to which the letter was sent.
- (17) The Staff Report of Investigation was filed on May 20, 2016.
- (18) On June 3, 2016, the Applicant filed the second set of proofs of publication indicating that notice was published in The Review on May 23, 2016 describing the applications and listing the hearing dates in accordance with OAC former rule 4906-5-08(C)(2).
- (19) On June 6, 2016, the motions to intervene of ATSI, Ohio Edison Company, the Columbiana County Development Director and Yellow Creek Township were granted and the motions to intervene of Kenneth Johnson and The Ohio Valley Jobs Alliance were denied.
- (20) A local public hearing was held on June 6, 2016 at 6:00 p.m. at Wellsville High School, 1 Bengal Boulevard, Wellsville, Ohio 43968.
- (21) An adjudicatory hearing was scheduled to commence on June 21, 2016 in Columbus, Ohio, however, on that date the Administrative Law Judge granted Staff's unopposed motion to call and continue the hearing to June 29, 2016.
- (22) Because no electric transmission line or gas pipeline is being proposed in this Application, Section 4906.10(A)(1) of the Ohio Revised Code is not applicable.
- (23) Adequate data on the South Field Energy Generation Facility has been provided to determine the nature of the probable environmental impact as required by Section 4906.10(A)(2) of the Ohio Revised Code.

- (24) Adequate data on the South Field Energy Generation Facility has been provided to determine that the facilities described in the Applications and supplemental filings, and subject to the conditions in this Stipulation represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (25) Adequate data on the South Field Energy Generation Facility has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the South Field Generation Facility will serve the interests of electric system economy and reliability, and the requirements of Section 4906.10(A)(4) of the Ohio Revised Code are met.
- (26) Adequate data on the South Field Energy Generation Facility has been provided to determine that this facility will either comply with, or are not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all regulations there under, as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (27) Adequate data on the South Field Energy Generation Facility has been provided to determine that it will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (28) Adequate data on the South Field Energy Generation Facility has been provided to determine 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 Ohio Revised Code that is located within the site of the proposed facility, as required by Section 4906.10(A)(7) of the Ohio Revised Code.
- (29) Adequate data on the South Field Energy Generation Facility has been provided to determine that the facility as proposed incorporates maximum feasible water conservation practices considering available technology and the nature and economics of the various alternatives as required by Section 4906.10(A)(8) of the Ohio Revised Code.
- (30) The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

B. Conclusions of Law

- (1) South Field Energy LLC is a “person” under Section 4906.01(A) of the Ohio Revised Code.
- (2) The proposed South Field Energy Generation Facility is a major utility facility as defined in Section 4906.01(B)(1) of the Ohio Revised Code.

- (3) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the South Field Energy Generation Facility under Section 4906.10(A)(2) of the Ohio Revised Code.
- (4) The record establishes that the South Field Energy Generation Facility described in the Application, and subject to the conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations under Section 4906.10(A)(3) of the Ohio Revised Code.
- (5) The record establishes that the South Field Energy Generation Facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability as required by Section 4906.10(A)(4) of the Ohio Revised Code.
- (6) The record establishes, as required by Section 4906.10(A)(5) of the Ohio Revised Code, that to the extent that it is applicable, construction of the proposed South Field Energy Generation Facility will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.
- (7) The record establishes that the South Field Energy Generation Facility described in the Application and subject to the conditions in this Stipulation will serve the public interest, convenience and necessity under Section 4906.10(A)(6) of the Ohio Revised Code.
- (8) The impact of the South Field Energy Generation Facility on the viability as agricultural land of any land in an existing agricultural district has been determined under Section 4906.10(A)(7) of the Ohio Revised Code.
- (9) The record establishes that the South Field Energy Generation Facility would incorporate maximum feasible water conservation practices under Section 4906.10(A)(8) of the Ohio Revised Code.
- (10) Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation, and maintenance of the South Field Energy Generation Facility.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 28th day of June, 2016. Furthermore, the

parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.

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Respectfully submitted,

s/ John Jones per authorization (ms)

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 28th day of June, 2016.

s/ Michael J. Settineri

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Summary: Stipulation - Joint Stipulation electronically filed by Mr. Michael J. Settineri on behalf of South Field Energy LLC