

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 52

Senators Reineke, McColley

**Cosponsors: Senators Lang, Rulli, Schaffer, Cirino, Brenner, Schuring, Huffman,
M., O'Brien, Wilson**

A BILL

To amend sections 4906.01, 4906.02, and 4906.10 and 1
to enact sections 303.57, 303.58, 303.59, 2
303.60, 303.61, 303.62, 303.63, 4906.021, 3
4906.101, 4906.102, 4906.103, 4906.30, and 4
4906.31 of the Revised Code to permit a board of 5
county commissioners to designate energy 6
development districts and to permit a board of 7
township trustees or a board of county 8
commissioners to prevent power siting board 9
certification of certain wind and solar 10
facilities. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4906.01, 4906.02, and 4906.10 be 12
amended and sections 303.57, 303.58, 303.59, 303.60, 303.61, 13
303.62, 303.63, 4906.021, 4906.101, 4906.102, 4906.103, 4906.30, 14
and 4906.31 of the Revised Code be enacted to read as follows: 15

Sec. 303.57. As used in this section and sections 303.58 16
to 303.63 of the Revised Code: 17

(A) "Economically significant wind farm" has the same meaning as in section 4906.13 of the Revised Code. 18
19

(B) "Large wind farm" and "large solar facility" have the same meanings as in section 4906.01 of the Revised Code. 20
21

(C) "Utility facility" means an economically significant wind farm, a large wind farm, or a large solar facility. 22
23

Sec. 303.58. No person shall construct any utility facility in an unincorporated area of a county that has not been designated as part of an energy development district by the board of county commissioners in a county in which one or more energy development districts have been created under sections 303.59 and 303.60 of the Revised Code. 24
25
26
27
28
29

Sec. 303.59. (A) The board of county commissioners may adopt a resolution designating all or part of the unincorporated area of a county as an energy development district to allow for the construction of any or all of the following: 30
31
32
33

(1) Economically significant wind farm; 34

(2) Large wind farm; 35

(3) Large solar facility. 36

(B) A resolution described in division (A) of this section may designate one or more districts and shall fix district boundaries within the unincorporated area of the county. 37
38
39

(C) The board may adopt a resolution designating a district at a regular meeting of the board or at a special meeting called for the purpose of discussing such a resolution. 40
41
42

(D) Any resolution designating a district shall include a map of the district, as well as texts sufficient to identify all 43
44

boundaries of the district. A copy of the resolution and any 45
accompanying texts and maps shall be filed with the office of 46
the county recorder of the county. 47

Sec. 303.60. A resolution designating an energy 48
development district, if adopted by the board of county 49
commissioners, becomes effective thirty days after the date of 50
its adoption, unless, within thirty days after the adoption, 51
there is presented to the board of county commissioners a 52
petition, signed by a number of registered electors residing in 53
the county equal to not less than eight per cent of the total 54
vote cast for all candidates for governor in that county at the 55
most recent general election at which a governor was elected, 56
requesting the board of county commissioners to submit the 57
resolution to the electors of that county for approval or 58
rejection at a special election to be held on the day of the 59
next primary or general election that occurs at least one 60
hundred twenty days after the petition is filed. Each part 61
petition shall contain the number and the full and correct 62
title, if any, of the resolution, motion, or application, 63
furnishing the name by which the resolution is known and a brief 64
summary of its contents. In addition to meeting the requirements 65
of this section, each petition shall be governed by the rules 66
specified in section 3501.38 of the Revised Code. 67

The form of a petition calling for a referendum on the 68
designation of an energy development district and the statement 69
of the circulator shall be substantially as follows: 70

"PETITION FOR REFERENDUM ON THE DESIGNATION OF AN ENERGY 71
DEVELOPMENT DISTRICT 72

(if the proposal is identified by a particular name or 73
number, or both, these should be inserted here) _____ 74

A proposal to designate an energy development district of 75
the unincorporated area of _____ county, Ohio, adopted 76
_____ (date) (followed by brief summary of the resolution). 77

To the board of county commissioners of _____ county, 78
Ohio: 79

We, the undersigned, being electors residing in 80
_____ county, equal to not less than eight per cent of the 81
total vote cast for all candidates for governor in the county at 82
the preceding general election at which a governor was elected, 83
request the board of county commissioners to submit this 84
designation of an energy development district to the electors of 85
_____ county, for approval or rejection at a special 86
election to be held on the day of the primary or general 87
election to be held on _____ (date), pursuant to section 88
303.59 of the Revised Code. 89

_____ Signature 90

_____ Residence address 91

_____ Date of signing 92

STATEMENT OF CIRCULATOR 93

I, _____ (name of circulator), declare under penalty 94
of election falsification that I reside at the address appearing 95
below my signature; that I am the circulator of the foregoing 96
part petition containing _____ (number) signatures; that I 97
have witnessed the affixing of every signature; that all signers 98
were to the best of my knowledge and belief qualified to sign; 99
and that every signature is to the best of my knowledge and 100
belief the signature of the person whose signature it purports 101
to be or of an attorney in fact acting pursuant to section 102
3501.382 of the Revised Code. 103

<u> </u> (Signature of circulator)	104
<u> </u> (Circulator's residence address)	105
<u>WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A</u>	106
<u>FELONY OF THE FIFTH DEGREE."</u>	107
<u> The petition shall be filed with the board of county</u>	108
<u>commissioners. Within two weeks after receiving a petition filed</u>	109
<u>under this section, the board of county commissioners shall</u>	110
<u>certify the petition to the board of elections. A petition filed</u>	111
<u>under this section shall be certified to the board of elections</u>	112
<u>not less than ninety days prior to the election at which the</u>	113
<u>question is to be voted upon.</u>	114
<u> The board of elections shall determine the sufficiency and</u>	115
<u>validity of each petition certified to it by a board of county</u>	116
<u>commissioners under this section. If the board of elections</u>	117
<u>determines that a petition is sufficient and valid, the question</u>	118
<u>shall be voted upon at a special election to be held on the day</u>	119
<u>of the next primary or general election that occurs at least one</u>	120
<u>hundred twenty days after the date the petition is filed with</u>	121
<u>the board of county commissioners, regardless of whether any</u>	122
<u>election will be held to nominate or elect candidates on that</u>	123
<u>day.</u>	124
<u> No resolution designating a district for which such a</u>	125
<u>referendum vote has been requested shall be put into effect</u>	126
<u>unless a majority of the vote cast on the issue is in favor of</u>	127
<u>the resolution. Upon certification by the board of elections</u>	128
<u>that the resolution has been approved by the voters, it shall</u>	129
<u>take immediate effect.</u>	130
<u> Within five working days after the resolution's effective</u>	131
<u>date, the board of county commissioners shall file the text of</u>	132

the resolution and maps of the energy development district in 133
the office of the county recorder and with the county or 134
regional planning commission, if one exists. 135

The failure to file any resolution, or any text and maps, 136
or duplicates of any of these documents, with the office of the 137
county recorder as required by this section does not invalidate 138
the resolution. 139

Sec. 303.61. (A) The board of county commissioners may 140
adopt a resolution prohibiting the construction of any or all of 141
the following: 142

(1) Economically significant wind farm; 143

(2) Large wind farm; 144

(3) Large solar facility. 145

(B) If a resolution described in division (A) of this 146
section is adopted, no person shall file, and the power siting 147
board shall not accept, an application for a certificate, or an 148
amendment to an existing certificate, to construct, operate, or 149
maintain a utility facility prohibited by the resolution. 150

Sec. 303.62. (A) At least ninety days, but not more than 151
nine months, prior to applying for a certificate from the power 152
siting board, or an amendment to an existing certificate, for a 153
utility facility, to be located in whole or in part in the 154
unincorporated area of a county, the person intending to apply 155
shall hold a public meeting in the county where the utility 156
facility is to be located. 157

(B) The applicant shall provide written notice of the 158
public meeting to the board of county commissioners of the 159
county, as well as the boards of trustees of every township in 160

which the utility facility is to be located. Notice shall be 161
provided at least fourteen days prior to the meeting. 162

(C) At the public meeting, the applicant shall provide the 163
following information: 164

(1) The person intending to apply for a certificate shall 165
provide the following information to the board of county 166
commissioners: 167

(a) Whether the utility facility will be: 168

(i) A large wind farm; 169

(ii) An economically significant wind farm; or 170

(iii) A large solar facility. 171

(b) The maximum nameplate capacity of the utility 172
facility; 173

(c) A map of the proposed geographic boundaries of the 174
project within that county. 175

(2) The person intending to apply for an amendment that 176
makes any change or modification to an existing certificate 177
shall comply with the requirements of this section when 178
providing information regarding that change or modification to 179
the board of county commissioners. 180

(3) All of the information described in divisions (C) (1) 181
and (2) of this section shall be submitted to the board of 182
county commissioners in written form. 183

Sec. 303.63. (A) Not later than ninety days after the 184
public meeting described in section 303.62 of the Revised Code 185
regarding an application for a certificate, or an amendment to 186
an existing certificate, for a utility facility, the board of 187

county commissioners may adopt a resolution that does either of 188
the following: 189

(1) Prohibits the construction of the utility facility 190
that is the subject of the certificate; 191

(2) Limits the boundaries of the proposed utility facility 192
to a smaller geographic area of the county, completely within 193
what was proposed by the applicant. 194

(B) No resolution adopted under this section shall prevent 195
an applicant from filing another proposal for consideration by 196
the board of county commissioners at a later date. 197

Sec. 4906.01. As used in Chapter 4906. of the Revised 198
Code: 199

(A) "Person" means an individual, corporation, business 200
trust, association, estate, trust, or partnership or any 201
officer, board, commission, department, division, or bureau of 202
the state or a political subdivision of the state, or any other 203
entity. 204

(B) (1) "Major utility facility" means: 205

(a) Electric generating plant and associated facilities 206
designed for, or capable of, operation at a capacity of fifty 207
megawatts or more; 208

(b) An electric transmission line and associated 209
facilities of a design capacity of one hundred kilovolts or 210
more; 211

(c) A gas pipeline that is greater than five hundred feet 212
in length, and its associated facilities, is more than nine 213
inches in outside diameter and is designed for transporting gas 214
at a maximum allowable operating pressure in excess of one 215

hundred twenty-five pounds per square inch.	216
(2) "Major utility facility" does not include any of the following:	217
	218
(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;	219
	220
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;	221
	222
(c) Electric distributing lines and associated facilities as defined by the power siting board;	223
	224
(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;	225
	226
	227
(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;	228
	229
	230
	231
(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;	232
	233
(g) Natural gas liquids finished product pipelines;	234
(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;	235
	236
	237
	238
(i) Any natural gas liquids fractionation plant;	239
(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;	240
	241
	242

(k) Any compressor stations used by the following:	243
(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;	244 245 246
(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream of a natural gas liquids fractionation plant; or	247 248 249
(iii) A production operation as defined in section 1509.01 of the Revised Code.	250 251
(C) "Commence to construct" means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.	252 253 254 255 256 257 258
(D) "Certificate" means a certificate of environmental compatibility and public need issued by the power siting board under section 4906.10 of the Revised Code or a construction certificate issued by the board under rules adopted under division (E) or (F) of section 4906.03 of the Revised Code.	259 260 261 262 263
(E) "Gas" means natural gas, flammable gas, or gas that is toxic or corrosive.	264 265
(F) "Natural gas liquids finished product pipeline" means a pipeline that carries finished product natural gas liquids to the inlet of an interstate or intrastate finished product natural gas liquid transmission pipeline, rail loading facility, or other petrochemical or refinery facility.	266 267 268 269 270

(G) "Large solar facility" means an electric generating plant that consists of solar panels and associated facilities with a single interconnection to the electrical grid that is a major utility facility. 271
272
273
274

(H) "Large wind farm" means an electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is a major utility facility. 275
276
277
278

(I) "Natural gas liquids fractionation plant" means a facility that takes a feed of raw natural gas liquids and produces finished product natural gas liquids. 279
280
281

~~(H)~~-(J) "Raw natural gas" means hydrocarbons that are produced in a gaseous state from gas wells and that generally include methane, ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, nonanes, and decanes, plus other naturally occurring impurities like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, and helium. 282
283
284
285
286
287

~~(I)~~-(K) "Raw natural gas liquids" means naturally occurring hydrocarbons contained in raw natural gas that are extracted in a gas processing plant and liquefied and generally include mixtures of ethane, propane, butanes, and natural gasoline. 288
289
290
291
292

~~(J)~~-(L) "Finished product natural gas liquids" means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. Those products include ethane, propane, iso-butane, normal butane, and natural gasoline. 293
294
295
296
297
298

Sec. 4906.02. ~~(A)~~-(A) (1) There is hereby created within the 299

public utilities commission the power siting board, composed of 300
the ~~chairman~~chairperson of the public utilities commission, the 301
director of environmental protection, the director of health, 302
the director of development, the director of natural resources, 303
the director of agriculture, and a representative of the public 304
who shall be an engineer and shall be appointed by the governor, 305
from a list of three nominees submitted to the governor by the 306
office of the consumers' counsel, with the advice and consent of 307
the senate and shall serve for a term of four years. The 308
~~chairman~~chairperson of the public utilities commission shall be 309
~~chairman~~chairperson of the board and its chief executive 310
officer. The ~~chairman~~chairperson shall designate one of the 311
voting members of the board to act as ~~vice chairman~~vice- 312
chairperson who shall possess during the absence or disability 313
of the ~~chairman~~chairperson all of the powers of the 314
~~chairman~~chairperson. All hearings, studies, and consideration of 315
applications for certificates shall be conducted by the board or 316
representatives of its members. 317

In addition, the board shall include four legislative 318
members who may participate fully in all the board's 319
deliberations and activities except that they shall serve as 320
nonvoting members. The speaker of the house of representatives 321
shall appoint one legislative member, and the president of the 322
senate and minority leader of each house shall each appoint one 323
legislative member. Each such legislative leader shall designate 324
an alternate to attend meetings of the board when the regular 325
legislative member ~~he~~appointed by the legislative leader is 326
unable to attend. Each legislative member and alternate shall 327
serve for the duration of the elected term that ~~he~~the 328
legislative member is serving at the time of ~~his~~ appointment. A 329
quorum of the board is a majority of its voting members. 330

The representative of the public and, notwithstanding 331
section 101.26 of the Revised Code, legislative members of the 332
board or their designated alternates, when engaged in their 333
duties as members of the board, shall be paid at the per diem 334
rate of step 1, pay range 32, under schedule B of section 124.15 335
of the Revised Code and shall be reimbursed for the actual and 336
necessary expenses they incur in the discharge of their official 337
duties. 338

(2) In all cases involving an application for a 339
certificate or an amendment to an existing certificate for a 340
utility facility, as defined in section 303.57 of the Revised 341
Code, the board shall include two ad hoc members, as described 342
in section 4906.021 of the Revised Code. 343

(B) The ~~chairman~~chairperson shall keep a complete record 344
of all proceedings of the board, issue all necessary process, 345
writs, warrants, and notices, keep all books, maps, documents, 346
and papers ordered filed by the board, conduct investigations 347
pursuant to section 4906.07 of the Revised Code, and perform 348
such other duties as the board may prescribe. 349

(C) The ~~chairman~~chairperson of the public utilities 350
commission may assign or transfer duties among the commission's 351
staff. However, the board's authority to grant certificates 352
under section 4906.10 of the Revised Code shall not be exercised 353
by any officer, employee, or body other than the board itself. 354

(D) The ~~chairman~~chairperson may call to ~~his~~the 355
chairperson's assistance, temporarily, any employee of the 356
environmental protection agency, the department of natural 357
resources, the department of agriculture, the department of 358
health, or the department of development, for the purpose of 359
making studies, conducting hearings, investigating applications, 360

or preparing any report required or authorized under this 361
chapter. Such employees shall not receive any additional 362
compensation over that which they receive from the agency by 363
which they are employed, but they shall be reimbursed for their 364
actual and necessary expenses incurred while working under the 365
direction of the ~~chairman~~chairperson. All contracts for special 366
services are subject to the approval of the ~~chairman~~chairperson. 367

(E) The board's offices shall be located in those of the 368
public utilities commission. 369

Sec. 4906.021. (A) For the purposes of this section, 370
"immediate family member" means a person's: 371

(1) Spouse; 372

(2) Brother or sister of the whole, or of the half, blood, 373
or by marriage; 374

(3) Children, including adopted children; and 375

(4) Parents. 376

(B) Whenever an application is made to the power siting 377
board for a certificate or an amendment to an existing 378
certificate for a utility facility, as defined in section 303.57 379
of the Revised Code, the board shall include two ad hoc members 380
to represent the interests of the residents of the area in which 381
the utility facility is to be located. 382

(C) (1) The ad hoc members shall be: 383

(a) The chairperson of the board of township trustees of 384
the township where the utility facility is to be located or the 385
chairperson's designee; 386

(b) The president of the board of county commissioners of 387

the county where the utility facility is to be located or the 388
president's designee. 389

(2) If a utility facility is to be located in multiple 390
townships, a single ad hoc member to represent the townships 391
shall be chosen by a majority vote of all of the boards of 392
township trustees of the townships in which the utility facility 393
is to be located. 394

(3) If a utility facility is to be located in multiple 395
counties, a single ad hoc member to represent the counties shall 396
be chosen by a majority vote of all of the boards of county 397
commissioners of the counties in which the utility facility is 398
to be located. 399

(D) (1) No person shall serve as an ad hoc member if the 400
person: 401

(a) Is party to a lease agreement with, or has granted an 402
easement to, the developer of a utility facility; 403

(b) Holds any other beneficial interest in a utility 404
facility; 405

(c) Has an immediate family member who is party to a lease 406
agreement with, or has granted an easement to, the developer of 407
the utility facility; 408

(d) Has an immediate family member who holds any 409
beneficial interest in a utility facility. 410

(2) If, because of the application of division (D) of this 411
section, an individual is unable to serve as an ad hoc member, a 412
new ad hoc-member shall be appointed in accordance with division 413
(C) of this section. 414

Sec. 4906.10. (A) The power siting board shall render a 415

decision upon the record either granting or denying the 416
application as filed, or granting it upon such terms, 417
conditions, or modifications of the construction, operation, or 418
maintenance of the major utility facility as the board considers 419
appropriate. The certificate shall be subject to sections 420
4906.101, 4906.102, and 4906.103 of the Revised Code and 421
conditioned upon the facility being in compliance with standards 422
and rules adopted under section 4561.32 and Chapters 3704., 423
3734., and 6111. of the Revised Code. An applicant may withdraw 424
an application if the board grants a certificate on terms, 425
conditions, or modifications other than those proposed by the 426
applicant in the application. 427

The board shall not grant a certificate for the 428
construction, operation, and maintenance of a major utility 429
facility, either as proposed or as modified by the board, unless 430
it finds and determines all of the following: 431

(1) The basis of the need for the facility if the facility 432
is an electric transmission line or gas pipeline; 433

(2) The nature of the probable environmental impact; 434

(3) That the facility represents the minimum adverse 435
environmental impact, considering the state of available 436
technology and the nature and economics of the various 437
alternatives, and other pertinent considerations; 438

(4) In the case of an electric transmission line or 439
generating facility, that the facility is consistent with 440
regional plans for expansion of the electric power grid of the 441
electric systems serving this state and interconnected utility 442
systems and that the facility will serve the interests of 443
electric system economy and reliability; 444

(5) That the facility will comply with Chapters 3704., 445
3734., and 6111. of the Revised Code and all rules and standards 446
adopted under those chapters and under section 4561.32 of the 447
Revised Code. In determining whether the facility will comply 448
with all rules and standards adopted under section 4561.32 of 449
the Revised Code, the board shall consult with the office of 450
aviation of the division of multi-modal planning and programs of 451
the department of transportation under section 4561.341 of the 452
Revised Code. 453

(6) That the facility will serve the public interest, 454
convenience, and necessity; 455

(7) In addition to the provisions contained in divisions 456
(A) (1) to (6) of this section and rules adopted under those 457
divisions, what its impact will be on the viability as 458
agricultural land of any land in an existing agricultural 459
district established under Chapter 929. of the Revised Code that 460
is located within the site and alternative site of the proposed 461
major utility facility. Rules adopted to evaluate impact under 462
division (A) (7) of this section shall not require the 463
compilation, creation, submission, or production of any 464
information, document, or other data pertaining to land not 465
located within the site and alternative site. 466

(8) That the facility incorporates maximum feasible water 467
conservation practices as determined by the board, considering 468
available technology and the nature and economics of the various 469
alternatives. 470

(B) If the board determines that the location of all or a 471
part of the proposed facility should be modified, it may 472
condition its certificate upon that modification, provided that 473
the municipal corporations and counties, and persons residing 474

therein, affected by the modification shall have been given 475
reasonable notice thereof. 476

(C) A copy of the decision and any opinion issued 477
therewith shall be served upon each party. 478

Sec. 4906.101. (A) For purposes of this section and 479
sections 4906.102 and 4906.103 of the Revised Code, "utility 480
facility" has the same meaning as in section 303.57 of the 481
Revised Code. 482

(B) (1) The power siting board shall not grant a 483
certificate for the construction, operation, and maintenance of 484
a utility facility, or an amendment to an existing certificate, 485
either as proposed or as modified by the board, to be 486
constructed in the unincorporated area of a county in which one 487
or more energy development districts have been created under 488
sections 303.59 and 303.60 of the Revised Code, unless the 489
utility facility is to be located in an energy development 490
district as designated by the board of county commissioners 491
under section 303.59 of the Revised Code. 492

(2) The certificate or amendment shall only be approved if 493
the type of utility facility to be constructed corresponds to 494
the type of construction permitted within the district. 495

(C) The power siting board shall not grant a certificate 496
or amendment for a utility facility that extends beyond the 497
boundaries of a district or districts. 498

Sec. 4906.102. (A) The power siting board shall not grant 499
a certificate for the construction, operation, and maintenance 500
of a utility facility, or an amendment to an existing 501
certificate, either as proposed or as modified by the board, to 502
be constructed in the unincorporated area of a county, if the 503

board of county commissioners of the county in which a utility 504
facility is to be located has adopted a resolution prohibiting 505
the construction of the utility facility as described section 506
303.63 of the Revised Code. 507

(B) If the utility facility is to be located in multiple 508
counties and less than all of the boards of county commissioners 509
adopt a resolution prohibiting the construction of a utility 510
facility, the power siting board shall modify the certificate or 511
amendment to exclude the area of each county whose board of 512
county commissioners rejected the certificate or amendment. 513

Sec. 4906.103. If a board of county commissioners has 514
adopted a resolution which limits the boundaries of the proposed 515
utility facility to a smaller geographic area of the county, 516
completely within what was proposed by the applicant, as 517
described in section 303.63 of the Revised Code, the power 518
siting board shall not grant a certificate or amendment that 519
includes an area outside of the geographic area approved by the 520
board of county commissioners of the county in which the utility 521
facility is to be located. 522

Sec. 4906.30. (A) For purposes of this section and section 523
4906.31 of the Revised Code, "utility facility" has the same 524
meaning as in section 303.57 of the Revised Code. 525

(B) The power siting board shall not grant a certificate 526
for the construction, operation, and maintenance of a utility 527
facility, or an amendment to an existing certificate, either as 528
proposed or as modified by the board, to be constructed in the 529
unincorporated area of a county, if the facility has any of the 530
following: 531

(1) A nameplate capacity exceeding that which was provided 532

to that county's board of county commissioners under section 533
303.62 of the Revised Code; 534

(2) A geographic area that is not completely within the 535
boundaries provided to that county's board of county 536
commissioners under section 303.62 of the Revised Code or the 537
limited boundaries provided by that county's board of county 538
commissioners under Section 303.63 of the Revised Code; 539

(3) A type of generation that is different than that which 540
was provided to that county's board of county commissioners 541
under section 303.62 of the Revised Code. 542

Sec. 4906.31. (A) Not later than three days after an 543
application for a certificate, or amendment to an existing 544
certificate, for a utility facility is determined to be complete 545
and accepted by the power siting board and the filing fee is 546
paid by the applicant, the board shall provide a full and 547
complete copy of the application to each board of trustees and 548
each board of county commissioners of the townships or counties 549
in which the facility is to be located. 550

(B) The copy of the application may be provided in any of 551
the following formats: 552

(1) Paper copy; 553

(2) Electronic format; 554

(3) An electronic communication containing a link to the 555
application, if posted on the board's web site. 556

Section 2. That existing sections 4906.01, 4906.02, and 557
4906.10 of the Revised Code are hereby repealed. 558

Section 3. (A) The provisions of this bill shall apply to 559
any application that has been filed with, but has not been 560

determined to be complete and accepted by, the power siting 561
board as of the effective date of S.B. 52 of the 134th general 562
assembly. 563

(B) Any application not determined to be complete and 564
accepted by the power siting board prior to the effective date 565
of this section shall be subject to review by the board of 566
county commissioners of the county in which the utility facility 567
is to be located. The board of county commissioners shall have 568
ninety days after the bill's effective date to review the 569
application and to adopt such resolution as set forth in section 570
303.63 of the Revised Code. 571