



Ohio Administrative Code

Rule 4906-3-11 Amendments of accepted, complete applications and of certificates.

Effective: December 11, 2015

(A) The applicant shall submit to the board any applications for amendment to a pending accepted, complete application in accordance with rule 4906-3-06 of the Administrative Code.

(1) Each application for amendment shall specifically identify the portion of the pending accepted, complete application which has been amended.

(2) The applicant shall serve a copy of the application for amendment upon all persons previously entitled to receive a copy of the application, and shall supply the board with proof of such service.

(3) The applicant shall place a copy of such application for amendment or notice of its availability in all libraries consistent with rule 4906-3-07 of the Administrative Code, and shall supply the board with proof of such action.

(4) Upon review, the board or the administrative law judge may require such additional action as is determined necessary to inform the general public of the proposed amendment, including, but not limited to:

(a) Ordering the applicant to issue public notice pursuant to rule 4906-3-09 of the Administrative Code.

(b) If a hearing is required, the hearing may be postponed on the pending, accepted, complete application and/or application for amendment up to ninety days after receipt of said application for amendment.

(5) Staff shall review the application for amendment pursuant to paragraph (C) of rule 4906-3-06 of the Administrative Code.

(6) Unless otherwise ordered by the board or administrative law judge, modifications to a proposed



route that are introduced into the record by the applicant during review of the accepted, complete application and during the hearing process shall not be considered amendments if such modifications are within the two thousand foot study corridor and do not impact additional landowners by requiring easements for construction, operation, or maintenance or create further impacts within the planned right-of-way of the proposed facility. Unless otherwise ordered by the board or administrative law judge, modifications to the footprint of an electric power generation facility that are introduced into the record by the applicant during review of the accepted, complete application and during the hearing process shall not be considered amendments if such modifications do not create further impacts for each property owner or within the planned site, or within the right-of-way of the proposed facility.

(B) Applications for amendments to certificates shall be submitted in the same manner as if they were applications for a certificate.

(1) Staff shall review applications for amendments to certificates pursuant to rule 4906-3-06 of the Administrative Code and make appropriate recommendations to the board and the administrative law judge.

(a) If the board, its executive director, or the administrative law judge determines that the proposed change in the certified facility would result in any significant adverse environmental impact of the certified facility or a substantial change in the location of all or a portion of such certified facility other than as provided in the alternates set forth in the application, then a hearing shall be held in the same manner as a hearing is held on a certificate application.

(b) If the board, its executive director, or the administrative law judge determines that a hearing is not required, as defined in paragraph (B)(1)(a) of this rule, the applicant shall be directed to take such steps as are necessary to notify all parties of that determination.

(2) The applicant shall:

(a) Serve a copy of the application for amendment to a certificate upon:

(i) The persons entitled to service pursuant to rule 4906-3-07 of the Administrative Code.



- (ii) All parties to the original certificate application proceedings.
 - (iii) Any property owner(s) along the new route.
- (b) File with the board proof of service and, if required, proof of notice pursuant to this chapter.