



Ohio Administrative Code

Rule 122:23-1-02 Application and certification.

Effective: October 30, 2017

(A) An application for certification shall be in the form and contain the substance required by the director. To be considered, the application for certification must be complete, accompanied by all required supporting documentation and submitted by an authorized representative of the applicant. An application for certification must be submitted to the director no later than the close of business on the last day for application as provided in division (E) of section 5727.75 of the Revised Code. If an application for certification is incomplete, the director shall notify the applicant and identify in reasonable detail the information or supporting documentation necessary to complete the application. The applicant shall have thirty days after notice from the director to cure any deficiencies in the application. If such deficiencies are not cured within the thirty day cure period, the application for certification will be considered denied. The applicant may submit a new application for certification if the statutory deadline for submitting an application for certification has not passed.

(B) An application for certification must identify the location where any tangible personal property or real property that is part of the energy project will be located including: each county in which any real or tangible personal property will be located, the taxing units in which any real or tangible personal property will be located, and the permanent parcel numbers for parcels within each county on which any part of the energy project will be located. An application for certification must also provide a mailing address for the board of county commissioners of each county and for the taxing authority of each taxing unit listed in the application.

(C) To satisfy the requirement for certification provided in division (E)(3) of section 5727.75 of the Revised Code, each applicant for certification of an energy project as a qualified energy project must submit a certification by an authorized representative of the applicant that no portion of the energy facility was used to supply electricity before December 31, 2009. "Supply electricity" has the same meaning as "supplying of electricity" set forth in division (A) of section 5727.02 of the Revised Code.



(D) A board of county commissioners to which an application for certification is forwarded for review as provided in division (E)(1)(b) of section 5727.75 of the Revised Code may request an extension of time from the director to consider a resolution approving or rejecting the application. Any such request shall be made in writing to the director. The board shall be entitled to receive, and the director shall grant, one extension of thirty days. The board may request a further extension of time to consider a resolution approving or rejecting the application, but any further extension may be granted or denied in the director's discretion.

(E) If, within thirty days after the director forwards an application for certification to boards of county commissioners for the affected counties (or within any extension of that time granted by the director upon request of a county or otherwise), no board of county commissioners for a county in which any part of the energy project is located provides a resolution approving the application for certification or approving an alternative energy zone in which a part of the energy project is located, the director shall deny the application for certification. The director shall notify the applicant in writing of such denial and provide a copy of the denial notice to the commissioner and the board of county commissioners for each county in which any part of the energy project is located. If the statutory deadline for submitting an application for certification has not passed, the applicant may resubmit its application for certification.

(F) The director shall review each application for certification and determine if the application and supporting documentation satisfies the requirements of division (E)(2) of section 5727.75 of the Revised Code for certification of the energy project as a qualified energy project. The director shall notify the applicant in writing of such determination. For any energy project determined to be a qualified energy project, the director shall issue a certificate in the form determined by the director, in consultation with the commissioner. The certificate shall identify the applicant, each county in which any part of the qualified energy project is located, and the proposed nameplate capacity of the qualified energy project. The director shall provide to the commissioner, the board of county commissioners, auditor and treasurer of each county in which any part of the qualified energy project is located, and to the applicable taxing units in which any real or tangible personal property is located, a copy of the qualified energy project certificate issued by the director to the applicant.