



Ohio Administrative Code Rule 4906-3-13 Construction and operation.

Effective: [May 30, 2024](#)

(A) The applicant shall notify the board , through timely filings made in the docket of the case, of the date on which construction will begin, the date on which construction was completed, and the date on which the facility began commercial operation.

(B) 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 issuance of the certificate.

(C) An applicant may seek review of a proposed modification(s) of a certificated facility by filing the proposed modification(s) in the public docket of the certificate case and by providing written notification of such filing to staff and all owners and residents of each property that would hold the proposed modified facility, or a portion of the proposed modified facility, or would require an easement for the proposed modified facility. The applicant shall also send a letter to the owner and resident of each property that is separated by a distance of less than forty feet from the aforementioned properties. Unless otherwise ordered by the board or administrative law judge, modification(s) shall not be considered amendments to the certificate if such modification(s) would be minimal in nature and would be adequately addressed by the conditions of the certificate. The applicant's written notification shall reference, and include a copy of, paragraph (D) of this rule. In the filing submitted in the public docket, the applicant shall present its rationale as to why the applicant is seeking the proposed modification(s) and shall demonstrate that the proposed modification(s) would be minimal in nature and would be adequately addressed by the conditions of the certificate. Staff or any interested person may file objections to the applicant's proposal within twenty-one days. If no objections are filed within the twenty-one day period, the applicant may proceed with the proposed modification(s). If objections are filed within the twenty-one day period, the board's staff may subsequently docket its recommendation on the proposal. The board will process proposed modification(s) with filed objections under the suspension process set forth for accelerated applications as outlined in rule 4906-6-09 of the Administrative Code. The applicant may start or continue construction activities during review of a proposed modification on any portion or segment of the certificated facility that is not impacted by the proposed modification.



(D) Within sixty days after the commencement of commercial operation, the applicant shall submit on the docket of its certificate case a copy of the as-built drawings, subject to any redactions pertaining to critical energy infrastructure information and other facility information protected from public disclosure, for the entire facility. The applicant also shall use reasonable efforts to provide to the board's staff as-built drawings in both hard copy and as geographically-referenced electronic data.

(E) Within six months of commencement of operation of the facility, the applicant shall register the as-built locations of the underground electric lines or gas pipelines referenced in the application with the Ohio utilities protection service. The applicant shall also register with the Ohio oil and gas producers underground protection service, if it operates in the project area. Confirmation of registration(s) shall be filed on the docket of the certificate case.

(F) Proof of condition compliance shall be provided to staff and filed in the case docket, subject to any protective treatment authorized by board staff or an administrative law judge, in accordance with the timelines established in each respective condition.