OHIO CHAMBER OF COMMERCE
RESEARCH FOUNDATION

Scioto Analysis
Economics | Public Policy

ENERGY PERMITTING IN OHIO
A PROCESS ANALYSIS

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ENERGY TRANSFER

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LETTER FROM THE PRESIDENT

To the Members of the Ohio Chamber of Commerce and the Citizens of Ohio:

Ohio stands at a pivotal moment in its economic history. We are witnessing an unprecedented era of growth and opportunity, driven by a surge in advanced manufacturing and the rapid expansion of data centers choosing to call our state home. The world is looking to Ohio as a hub for innovation, but with this attention comes a critical challenge: our energy needs are evolving faster than our current infrastructure development can keep pace.

For decades, Ohio was an energy-dominant state, leveraging an abundance of local resources to fuel our rise as an industrial giant. Today, the landscape has shifted. We currently import energy to meet our needs —a reality that places us at a competitive disadvantage just as demand is skyrocketing. If we are to secure our economic future and support the industries of tomorrow, we must return to a place of energy independence and abundance.

This study, Energy Permitting in Ohio: A Process Analysis, produced by the Ohio Chamber of Commerce Research Foundation, is the first step in a larger, necessary conversation about how we power our future. While a subsequent study will address the specifics of energy generation, this report tackles the foundational issue: the process.

Currently, our permitting system is fraught with bottlenecks that delay critical projects. Every delay is more than just a timeline slipping; it represents lost capital investment, lost job creation, and lost opportunities for our communities. In this report, we map out the current regulatory landscape to provide clarity on how projects are approved, identify specific choke points that stifle progress, and offer data-driven recommendations to streamline these procedures without sacrificing safety or community input.

We must move into a space where we can innovate and approve projects with the speed and efficiency required by the modern economy. Our goal is not to bypass necessary safeguards, but to ensure that our regulatory framework functions as a gateway to opportunity rather than a barrier to entry. We must be able to approve projects that are good and safe for our communities quickly, ensuring that the jobs and investments they bring end up here in Ohio, not in neighboring states.

The findings in these pages are a call to action. To meet the energy demands of the future, we must be creative, agile, and decisive on all levels—from generation to transmission to permitting.

Thank you for your continued commitment to a prosperous Ohio.

Sincerely,

Steve Stivers
President & CEO
Ohio Chamber of Commerce

EXECUTIVE SUMMARY

The Cost of Permitting Delays

Ohio's energy permitting process protects the public interest but creates significant economic bottlenecks. Here is the impact of the current regulatory environment on Ohio's future.

LOST INVESTMENT	JOBS FORFEITED	CAPACITY LOST	TAX REVENUE
$440 MILLION	**5,400 JOBS**	**9,000 MW**	**$4.3 MILLION**
Estimated annual loss in capital investment due to withdrawn projects.	Lost annually, including 2,600 high-paying construction roles.	Generation capacity withdrawn from the queue each year since 2016.	State income tax revenue lost annually due to foregone wages.

THE TIMELINE REALITY GAP

While Ohio law mandates swift decisions, the actual process stretches months or years beyond statutory limits due to rehearings and appeals.

CASE STUDY EXAMPLE

The Frasier Solar project faced a 262-day delay just between the final hearing and the Board's decision.

The Challenge: Balancing Process with Progress

Ohio's energy permitting system is designed to balance the risks and benefits of energy development, protecting communities and ecosystems while supporting investment and statewide priorities. The energy permitting process, managed by the Ohio Power Siting Board, channels projects through two tracks: a detailed, multi-stage standard process and a faster, limited accelerated process. These processes are designed to create a balance between encouraging efficient energy development and protecting the health and well-being of community members near energy generation sites. In practice, this structure has produced many project approvals but also measurable economic and procedural bottlenecks.

On paper, the standard permitting process is methodical and bounded by statutory deadlines: applications must be reviewed for legal compliance within 60 days and decisions rendered within 150 days of filing. In reality, average permitting timelines exceed **18 months**, and pre-decision hearings or post-approval litigation can extend that window dramatically. For example, **Frasier Solar** faced a **262-day delay** between the end of public hearings and the Power Siting Board's decision and **Project Icebreaker** spent **a year and a half** in Supreme Court appeals. Even when the Ohio Power Siting Board meets its deadlines precisely, the cumulative time from application to operation remains lengthy.

EXECUTIVE SUMMARY

The Economic Cost of Delay

These procedural delays carry real costs. Based on federal interconnection and construction cost data, roughly **9,000 megawatts** of planned generation capacity have been withdrawn from Ohio's development queue each year since 2016, an estimated **$440 million in lost investment annually**. Applying Bureau of Economic Analysis RIMS II multipliers, those foregone projects translate to **5,400 lost jobs per year**, including 2,600 in construction, with total income losses approaching **$300 million** and **$3.2–$4.3 million in state income-tax revenue.** Each month of regulatory delay effectively defers millions of dollars in wages, infrastructure, and local tax receipts.

The Regional Context

Regionally, Ohio's process stands out for its centralization. Only **West Virginia** has a comparable single-board approval system; other neighboring states, including **Kentucky** and **Michigan**, employ hybrid models that delegate some siting authority to local or specialized agencies.

The trade-offs are clear. A rigorous permitting process builds accountability and public trust but risks stalling critical investment in renewable and conventional energy infrastructure alike. Expanding eligibility for accelerated review and creating statutory upper limits for decision timelines could reduce approval durations and modernizing public notice systems could improve prospects for community input.

Ultimately, Ohio's permitting system protects the public interest but remains inefficient. Our case studies show that industry representatives can delay the permitting process for competing sectors through legal channels. Reforming the permitting system to be more transparent, time-bound, and technologically modern would allow the state to meet its growing energy demand, attract private capital, and strengthen community confidence without sacrificing the safeguards that make the system credible and keeps communities safe and healthy.

The Path Forward

We can protect the public interest without stifling investment. This study recommends three key reforms to modernize Ohio's approach:

1. **Enforce Timelines:** Create statutory upper limits for decision-making to close the gap between the "150-day goal" and the "18-month reality."
2. **Expand Accelerated Review:** Allow more low-impact projects to utilize the expedited review process, freeing up resources for complex cases.
3. **Modernize Engagement:** Update public notice systems to use modern technology, ensuring communities are informed earlier and more effectively.

Reforming this system is not just about regulatory housekeeping; it is about ensuring Ohio remains a dominant player in the modern economy. By creating a transparent, time-bound process, we can meet our future energy needs and secure the jobs of tomorrow.

ENERGY PERMITTING IN OHIO

Ohio's energy permitting process is a system designed to manage risk, ensure fairness, protect communities and ecosystems, and steer energy development toward public goals. In a highly regulated industry like energy, development can have profound impacts on the welfare of the state economy, individuals, and communities. Ohio's energy permitting process is designed to balance these considerations.

Tradeoffs in Energy Permitting

At its core, energy permitting is about mitigating potential spillover effects of energy development. In an extreme example, a coal-fire power plant built next to an elementary school would expose children to high concentrations of particulate matter and nitrous oxide. On another extreme, a solar panel built on private property out of sight of any other property will have no impact on the community aside from providing another source of energy. An effective energy permitting process will provide enough time and opportunity for community members to share information with regulators about the local impacts of a project but not so much time that it will delay the project needlessly, endangering the chances of socially-beneficial energy generation projects to be installed. Ohio's permitting process is designed to strike a balance with this tradeoff.

Ohio's Permitting Process

The state of Ohio has two application processes to obtain an energy permit: a standard application process and an accelerated application process. Most energy projects in Ohio are subject to the standard application process, though there are some exceptions. Electric generation facilities that use waste or natural gas and are planned within the boundary of an existing electric generation or industrial facility, gas pipeline projects that are five miles or shorter, and electric transmission lines that are two miles or shorter are reviewed through the accelerated application process instead of the standard application process.[1],[2],[3]

To analyze the permitting process in Ohio as laid out in Ohio's legal code, we reviewed Chapter 4906 of the Ohio Administrative Code and related sections of the Ohio Revised Code. Chapter 4906 of the Ohio Administrative Code encompasses all regulations for the Power Siting Board, which includes information about standard applications, accelerated applications, and application differences by project type.

[1] *Legislative Service Commission, "4906-1-01 Appendix A", May 20, 2024, https://codes.ohio.gov/assets/laws/administrative-code/pdfs/4906/0/1/4906-1-01_FF_A_APP1_20240520_0825.pdf*
[2] *Legislative Service Commission, "4906-1-01 Appendix B", May 20, 2024, https://codes.ohio.gov/assets/laws/administrative-code/pdfs/4906/0/1/4906-1-01_FF_A_APP2_20240520_0825.pdf*
[3] *Legislative Service Commission, "4906-1-01 Appendix C", May 20, 2024, https://codes.ohio.gov/assets/laws/administrative-code/pdfs/4906/0/1/4906-1-01_FF_A_APP3_20240520_0825.pdf*

There are five key stages of the standard application process to obtain an energy permit in Ohio, as designated by the Power Siting Board: (1) pre-application, (2) application and completeness, (3) investigation, (4) hearings, and (5) decision and appeals.[1] In the following sections, we describe each stage of the standard energy certificate application process in Ohio. For a simplified view, we also created a flow chart that includes all stages of the process. The flow chart can be found in Appendix A.

Pre-Application

Before submitting a certificate application, the applicant can choose to schedule an optional pre-application conference with the Power Siting Board. The purpose of this conference is to discuss the applicant's intentions of filing an application.[5] After the pre-application conference, the first required part of the standard application process is the pre-application notification letter. The pre-application notification letter is sent from the applicant to the Power Siting Board, and it must include a description of the project, information about public information meetings, a list of any rule waivers that are being requested, and confirmation that the applicant has posted the contents of the pre-application notification letter prominently on their website. The pre-application notification letter must be sent from the applicant to the Power Siting Board at least 21 days prior to the first public information meeting, which is the next part of the pre-application stage.[6]

Before submitting a standard certificate application, the applicant must hold at least two public information meetings in the project area. If there are substantial changes made to the proposed project after the second meeting, the Power Siting Board can require additional public information meetings as well. Before holding each meeting, the applicant has four public notice requirements to fulfill. First, they must send a letter to each affected property owner and tenant that details the application process and provides information on how to participate in the public information meetings and future hearings. These letters must be sent out at least 21 days prior to each public information meeting. Second, they must display the information contained in the public notices in a prominent location on the applicant's website at least 21 days prior to each public information meeting. Third, they must have a public notice published in a locally-circulated newspaper that addresses project needs, schedule, design, and public information meeting schedule. This notice should be published between 7 to 21 days prior to each public information meeting. Lastly, they must provide written notice of the public information meeting to the board of county commissioners and the board of trustees within each county and township that the project is located in. This written notice must be sent at least 14 days prior to each public information meeting.

The first public information meeting must be held between 90 to 300 days prior to submitting the certificate application, and the second public information meeting must be held within 90 days of submitting the application. Generally, the public information meetings are used to present a map of the project location and a summary of the certificate application. The applicant then solicits comments from attendees, which are summarized by the applicant and submitted to the Power Siting Board alongside the certificate application.[7]

Application and Completeness

The next step in the standard application process is for the applicant to submit a certificate application. The application should be filed within five years of the beginning of construction. In general, the certificate application should include a description of the location and facility, a summary of any studies that have been made of the environmental impact of the facility, a statement explaining the need for the facility, a statement of the reasons why the proposed location is the best fit, and any other information that may be necessary for the Power Siting Board. The applicant must send a copy of the application to each municipal corporation, county, environmental protection agency, and planning land use agency within the project area, and they must provide public notice in a newspaper that the application has been filed within 15 days of filing. Within 45 days of the application being submitted, the Power Siting Board will determine if the application is in compliance with the law. If 45 days pass without confirmation, the application will be automatically deemed in compliance with the law.[1] Alongside the certificate application, the applicant must also pay a $10,000 application fee.[9]

[4] Ohio Power Siting Board, "Standard application process", https://opsb.ohio.gov/processes/standard-process
[5] Legislative Service Commission, "Rule 4906-3-02 | Preapplication meeting.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-02
[6] Legislative Service Commission, "Rule 4906-3-03 | Public notification requirements.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-03
[7] Legislative Service Commission, "Rule 4906-3-03 | Public notification requirements.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-03
[8] Legislative Service Commission, "Section 4906.06 | Certificate application.", August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.06/8-14-2025
[9] Legislative Service Commission, "Rule 4906-3-12 | Application fees and board expenses.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-12

After the certificate application is submitted, the Power Siting Board will review the application and issue a letter to the applicant within 60 days that indicates whether or not the application is considered complete. If the Power Siting Board considers the application to not be complete, it will provide reasoning to the applicant, who can then make adjustments as necessary or appeal for redetermination from an administrative law judge. If the Power Siting Board deems the application complete, the Board will begin investigation and prepare to submit a written report.[10]

Once the application is deemed complete, the applicant must provide a copy of the completed application to each municipal corporation, county, environmental protection agency, and planning land use agency within the project area and place a copy of the completed application in the main public library of each political subdivision of the project area. The applicant must also accept the complete application by supplying the Power Siting Board with a certificate of acceptance and paying an additional application fee.[11] The additional application fee prorates based on the estimated cost of construction for the project, and it is intended to pay for the Power Siting Board's expenses in reviewing the certificate application.[12]

Within 30 days of when the board of county commissioners and board of trustees within each county and township receive a copy of the complete certificate application, each board and township must designate two voting ad hoc members to represent the interests of the residents of the area.[13]

Investigation

The investigation phase mainly includes the Power Siting Board's investigation and reporting of the application, but it also includes a number of preparations for the hearings phase. After the application is deemed complete, an administrative law judge from the Power Siting Board is assigned to the case and will determine the dates of the public hearings within 45 to 60 days.[14]

After the application is deemed complete and accepted by the applicant, the applicant must provide two public notices. The first public notice must be a written notice to the persons who initially received a copy of the application and to each owner and resident of property within the project area. The first public notice must be sent out within 15 days of the filing of the accepted, compete, application and must include information about the project itself, a list of officials and locations that received the application, the docket number of the certificate application, the eight criteria used by the board to award a certificate, the time and place of the public hearings, and the deadline to file a notice of intervention.[15] Within fourteen days of the first public notice being sent out, the applicant must file a copy of it with the board.[16]

The second public notice must be sent to the same recipients as the first, and it should be published in newspapers circulated within each county or township in the project area. The second public notice must be sent out 7 to 21 days prior to the public hearing, and it must include information about the project, the docket number of the application, the time and place of the public hearing, a statement that the public will be given an opportunity to comment on the facility, and a reference of the first public notice.[17] At least three days before the public hearing, the applicant should provide proof of this notice to the Power Siting Board.[18]

As part of the investigation phase and leading up to the local hearings, affected entities and individuals can request to formally participate in application proceedings through the intervention process. There are two types of intervention: intervention as a right and intervention by motion. Intervention as a right is for affected municipal and county officials. These individuals can formally intervene by placing an intervention notice on the docket within 30 days of receiving a copy of the application. Intervention by motion is for any affected party that can demonstrate good cause to intervene. These parties can formally intervene by filing a motion within 30 days of the first public notice being published. If approved, intervenors can participate in all stages of the application process, including the hearings and appeals phases.[19]

[10] *Legislative Service Commission, "Rule 4906-3-06 | Completeness of standard certificate applications, staff investigations, and staff reports.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-06*
[11] *Legislative Service Commission, "Rule 4906-3-07 | Service and publication of accepted, complete applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-07*
[12] *Legislative Service Commission, "Rule 4906-3-12 | Application fees and board expenses.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-12*
[13] *Legislative Service Commission, "Section 4906.022 | Ad hoc member designation.", October 11, 2021, https://codes.ohio.gov/ohio-revised-code/section-4906.022*
[14] *Legislative Service Commission, "Section 4906.07 | Public hearing on application.", August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.07/8-14-2025*
[15] *Legislative Service Commission, "Rule 4906-3-09 | Public notice of accepted, complete applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-09*
[16] *Legislative Service Commission, "Rule 4906-3-10 | Proof of publication.", December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-10*
[17] *Legislative Service Commission, "Rule 4906-3-09 | Public notice of accepted, complete applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-09*
[18] *Legislative Service Commission, "Rule 4906-3-10 | Proof of publication.", December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-10*
[19] *Legislative Service Commission, "Rule 4906-2-12 | Intervention.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-12*

Lastly, the core of the investigation phase is the staff investigation and report itself. There are eight key topics that must be investigated:

1. The basis of need for an electric transmission line or gas pipeline
2. The nature of the probable environmental impact
3. If the facility represents the minimum adverse environmental impact possible given available resources
4. If the facility is consistent with regional plans and aligns with the local electric system economy
5. If the facility will comply with the Ohio Revised Code
6. If the facility services public interest, convenience, and necessity
7. The impact of the facility on the viability of agricultural land
8. If the facility incorporates maximum feasible water conservation practices.[20]

To determine these criteria, the Power Siting Board consults with a number of organizations:

- Public Utilities Commission of Ohio
- Ohio Department of Agriculture
- Ohio Department of Natural Resources
- Ohio Environmental Protection Agency
- Ohio Department of Health
- Ohio Department of Transportation
- Ohio Department of Development
- State Historic Preservation Office, the US Fish and Wildlife Service
- US Army Corps of Engineers

The written report resulting from the investigation must be completed at least 15 days prior to the public hearing.[21]

Hearings

In the hearings stage, there are two key hearings that take place: the public hearing and the adjudicatory hearing.

The public hearing is held by the Power Siting Board in an area near the project location, and the administrative law judge will regulate the course of the hearing and conduct of the participants. During the hearing, members of the public can offer sworn testimony for the Power Siting Board to consider. To offer testimony, members of the public may be sworn in or affirmed at the session of the hearing designated for public testimony.

The adjudicatory hearing is held by the Power Siting Board at their offices in Columbus. During the adjudicatory hearing, parties may present expert witnesses to support their position and may cross-examine witnesses. The administrative law judge presides over this hearing as well, and they can issue subpoenas, examine witnesses, and require export or factual testimony to be offered. At the conclusion of the hearing, the administrative law judge will set deadlines for briefs and reply briefs, which serve as final arguments in the case.[22],[23]

Decision and Appeals

After a “reasonable” time has passed from the conclusion of the hearings, the Power Siting Board will issue a ruling at a public meeting. This ruling can be an approval, a denial, or an approval with terms. Copies of the decision are sent to all attorneys and unrepresented parties in the proceedings of the case. The board decision must be provided within 150 days of the application being deemed complete. If a decision is not provided in this timeline, a certificate will be automatically issued.[24],[25]

There are two options to appeal the board decision after it is made: an application for rehearing and a Supreme Court appeal.

[20] *Legislative Service Commission, “Section 4906.10 | Basis for decision granting or denying certificate.”, August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.10*
[21] *Legislative Service Commission, “Section 4906.07 | Public hearing on application.”, August 14, 2025,*
[22] *Legislative Service Commission, “Rule 4906-2-09 | Hearings.”, December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-09*
[23] *Legislative Service Commission, “Section 4906.07 | Public hearing on application.”, August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.07/8-14-2025*
[24] *Legislative Service Commission, “Rule 4906-2-30 | Decision by the board.”, December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-30*
[25] *Legislative Service Commission, “Section 4906.10 | Basis for decision granting or denying certificate.”, August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.10*

After the board decision is provided, any party or affected person may file an application for rehearing within 30 days of the decision. Generally, rehearings are filed if it is believed the board decision is unreasonable or unlawful. An application for rehearing must be accompanied by a memorandum in support, which should explain the basis of the rehearing. The Power Siting Board can choose to grant or deny the application for rehearing, and they must do so within 30 days. If they do not grant or deny the application for rehearing within 30 days, the application for rehearing is automatically denied. After the hearing, the Power Siting Board can issue a new decision or maintain the original decision. If the Power Siting Board does not address the original order within 90 days of the application rehearing being granted, the original board decision will be automatically maintained.[26],[27]

Within 60 days of the board decision, parties can file a notice of appeal to the Supreme Court of Ohio with the Power Siting Board's docketing division. During the Supreme Court appeal, the court may permit any interested party to intervene by cross-appeal. At the end of the Supreme Court appeal, the previous board decision can be reversed, vacated, or modified if the court determines that the order was unreasonable or unlawful.[28],[29]

Accelerated Application Process

Generally, the accelerated application process has much stricter timelines and fewer opportunities for community input than the standard application process. We compared the accelerated application process to the standard application process and identified key areas of difference.

There are two types of accelerated applications: letters of notification and construction notice applications. Construction notice applications are reserved for the smallest electric transmission line and gas pipeline projects, while letters of notification are for medium-size electric transmission line and gas pipeline projects or electric generation facilities planned within the boundary of an existing facility. There is also an option to request to expedite the accelerated application process, which shortens the application process even more than the base accelerated application process does.

Compared to the standard application, the accelerated application only has four stages: (1) pre-application, (2) application and completeness, (3) investigation, and (4) decision. The hearings phase is completely eliminated in the accelerated application process. There is also an option at any point in the accelerated application process for the Power Siting Board or administrative law judge to suspend consideration for up to 90 days.[30] Similar to the standard application process, a flow chart of the accelerated application process can be found in Appendix B.

Pre-Application

Similar to the standard application process, the first phase of the accelerated application process is pre-application. The only step in the pre-application phase of the accelerated application process is the pre-application notification letter, and it is only required for applicants requesting expedited accelerated applications. If this is the case, the applicant must file a pre-application notification letter at least five business days prior to submitting the application and pay $2,000.[31]

Compared to the standard application process, the pre-application conference and both public information meetings have been eliminated.

Application and Completeness

At least 90 days prior to planned construction commencement, or at least 21 or 28 days (depending on the project type) before planned construction commencement for expedited applications, the applicant must file the accelerated application.[32]

The accelerated application has similar requirements to the standard application, though the applicant must also include a public information plan to inform affected property owners and residents, as these requirements are not as explicitly laid out in the accelerated application process.[33]

[26] *Legislative Service Commission, "Section 4903.10 | Application for rehearing.", September 30, 2025, https://codes.ohio.gov/ohio-revised-code/section-4903.10/9-30-2025*
[27] *Legislative Service Commission, "Rule 4906-2-32 | Application for rehearing.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-32*
[28] *Legislative Service Commission, "Rule 4906-2-33 | Supreme court appeals.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-33*
[29] *Legislative Service Commission, "Section 4903.13 | Reversal of final order - notice of appeal.", October 1, 1953, https://codes.ohio.gov/ohio-revised-code/section-4903.13*
[30] *Legislative Service Commission, "Rule 4906-6-09 | Suspension of accelerated certificate applications.", December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-09*
[31] *Legislative Service Commission, "Rule 4906-6-04 | Requests for expedited treatment and fees.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-04*
[32] *Legislative Service Commission, "Rule 4906-6-03 | Filing of an accelerated application.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-03*
[33] *Legislative Service Commission, "Rule 4906-6-05 | Accelerated application requirements.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-05*

Within seven days of filing the application, the applicant must provide a copy of the application to each municipality, county, and township; place a copy of the application in the main public library of each political subdivision in the project area; and maintain on their website information on how to request a copy of the application. If a community member requests a copy of the application, the applicant must supply it within five business days.[34]

If the accelerated application is a letter of notification, the applicant must provide public notice in newspapers within seven days of filing the application, and they must provide proof to the Power Siting Board that this is complete within 30 days of the newspaper being published.[35]

If there are any deficiencies in the accelerated application, the Power Siting Board is instructed to notify the applicant. Otherwise, the accelerated application is automatically considered complete.[36] Between 7 to 90 days after the application is filed, the Power Siting Board must also recommend an automatic approval date, which is the date the accelerated application is automatically approved if the Power Siting Board does not otherwise act before then.[37]

Compared to the standard application process, there are fewer and less stringent checks on the accelerated application compliance and completeness from the Power Siting Board. There is also no designation of ad hoc board members, and the applicant is not required to accept the completed application or pay an application fee.

Investigation
The Power Siting Board will conduct an investigation and submit a written report at least seven days before the automatic approval date. The report should include findings on the same eight criteria as the report in the standard application process.[38]

The investigation phase for the accelerated application is similar to the standard application, but it is typically shorter, and it does not include preparation for hearings and intervention. Instead of preparing the written report for the public hearing like in the standard application process, the Power Siting Board is preparing the written report for the automatic approval date.

Decision
The last phase in the accelerated application process is the decision phase. If the board does not act upon the application prior to the automatic approval date previously set, the application will be automatically approved.

Any conditions included in the staff report that are not objected to by the applicant prior to the automatic approval date are automatically accepted as conditions for the certificate. To avoid this, the applicant must propose alternative conditions to the Power Siting Board at least three days prior to the automatic approval date. The proposed alternative conditions will only be considered effective if recommended by the Power Siting Board in an amended staff report.[39]

Lastly, accelerated applicants must provide notice to affected property owners at least seven days before beginning construction.[40]

[34] *Legislative Service Commission, "Rule 4906-6-07 | Service and public distribution of accelerated certificate applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-07*
[35] *Legislative Service Commission, "Rule 4906-6-08 | Public notice for letter of notification applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-08*
[36] *Legislative Service Commission, "Rule 4906-6-06 | Completeness of accelerated certificate applications, staff investigation, and staff report.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-06*
[37] *Legislative Service Commission, "Rule 4906-6-10 | Automatic approval of accelerated applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-10*
[38] *Legislative Service Commission, "Rule 4906-6-06 | Completeness of accelerated certificate applications, staff investigation, and staff report.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-06*
[39] *Legislative Service Commission, "Rule 4906-6-10 | Automatic approval of accelerated applications.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-10*
[40] *Legislative Service Commission, "Rule 4906-6-11 | Construction of approved projects and notification of construction.", https://codes.ohio.gov/ohio-administrative-code/rule-4906-6-11*

Application Differences by Project Type

For the most part, certificate applications in Ohio are considered the same way across different energy and project types. However, there are some small differences that may cause changes at different stages of the application process.

Electric Generation Facilities
There are some application requirements that are outlined for electric generation facilities generally, as well as some application requirements outlined for specific types of electric generation facilities.

For electric generation facilities generally, the applicant must have an interactive map on the project website containing a one-mile radius of the project area that shows the proposed facilities; any roads and railroads; major institutions, parks, or recreational areas; existing gas pipeline and electric power transmission lines; named lakes, reservoirs, streams, canals, and rivers; population centers and legal boundaries of cities, villages, townships, and counties; sensitive receptors within 500 feet of the site; and the acreage of the proposed site. The applicant must also provide the area of all owned and leased properties that will be used for construction and operation of the facility, provide examples of each generation equipment alternative, and describe relevant information to the construction method of the facility.[41]

Electric Power Transmission Lines and Gas Pipelines
For electric power transmission lines and gas pipelines, the applicant should include a proposed alternative route for the line along with a brief explanation of why the alternative route is less preferred than the proposed route.[42]

Prior to submitting an application, the applicant must also conduct a site and route selection study. The applicant should provide a summary table of factors identified in the study alongside the certificate application.[43]

The applicant must also describe information on the interconnection of the facility to the regional electric power grid.[44]

Renewable Energy Generation Facilities
There are two additional requirements to submit alongside the certificate application for economically significant wind farms and solar facilities. For economically significant wind farms specifically, the applicant must provide information on blade shear, ice throw, shadow flicker, and wind farm maps alongside the certificate application.[45] The applicant must also provide plans to minimize potential impacts from blade shear. For solar facilities specifically, the applicant must provide an analysis of high wind velocities for the area alongside the certificate application.

After a certificate for a renewable energy generation facility is awarded, there are also more unique requirements that applicants of renewable energy generation facilities must meet.

At least 60 days prior to the preconstruction conference, the applicant must provide a preliminary geotechnical exploration and evaluation to confirm that there are no issues to preclude development of the facility, and they must fill all boreholes. If blasting is necessary for construction, the applicant must submit a blasting plan to the Power Siting Board at least thirty days prior to blasting.

The applicant must have a construction and maintenance access plan based on final plans for the facility, access roads, and types of equipment to be used. The applicant must also have a vegetation management plan that identifies all areas of proposed vegetation for clearing the project, and they must describe the planned herbicide use for all areas in or near any surface waters prior to construction commencing.

The applicant must provide a final decommissioning plan to the Power Siting Board at least 30 days prior to the preconstruction conference, and at least 7 days prior to the preconstruction conference, the applicant must retain an independent engineer to estimate the total cost of decommissioning.

For wind facilities specifically, the applicant must also conduct a microwave path study that identifies all existing microwave paths that intersect the wind farm project, and a worst-case Fresnel zone analysis for each path.[46]

[41] Legislative Service Commission, "Rule 4906-4-03 | Project description in detail and project schedule in detail.", January 16, 2025, https://codes.ohio.gov/ohio-administrative-code/rule-4906-4-03
[42] Legislative Service Commission, "Rule 4906-3-05 | Fully developed site or route information.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-05
[43] Legislative Service Commission, "Rule 4906-4-04 | Project area selection and site design.", January 16, 2025, https://codes.ohio.gov/ohio-administrative-code/rule-4906-4-04
[44] Legislative Service Commission, "Rule 4906-4-05 | Electric grid interconnection.", https://codes.ohio.gov/ohio-administrative-code/rule-4906-4-05
[45] Legislative Service Commission, "Rule 4906-4-08 | Health and safety, land use and ecological information.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-4-08
[46] Legislative Service Commission, "Rule 4906-4-09 | Regulations associated with renewable energy generation facilities.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-4-09

Application Differences by Project Type

Coal Research and Development Projects
A “coal research and development project” refers to any coal research and development facility in the state of Ohio that is being funded by the Ohio Coal Development Office.[47] Coal research and development projects are reviewed through the standard application process by the Power Siting Board, but they are also submitted for review by the Ohio Coal Development Office. If a developer submits an application to the Power Siting Board for a coal research and development project, the Power Siting Board is instructed to promptly accept the application as complete and notify the applicant to accept the completed application and begin posting public notices for hearings.[48] This language may imply that coal research and development projects are given higher priority to move quickly to the investigation stage, while they also undergo additional review from the Ohio Coal Development Office.

Budget

According to the Ohio Power Siting Board’s 2024 Annual Report, the board brought in about $980,000 in revenue and spent about $830,000 in 2024, running a surplus of about $140,000.[49] The Ohio Power Siting Board does not receive any funding from Ohio’s general revenue fund, so the budget is entirely funded by fees. Revenues in excess of operating costs for generating facility applications and electric transmission applications made up for expenses exceeding revenues for accelerated letters of notification and accelerated construction notices.

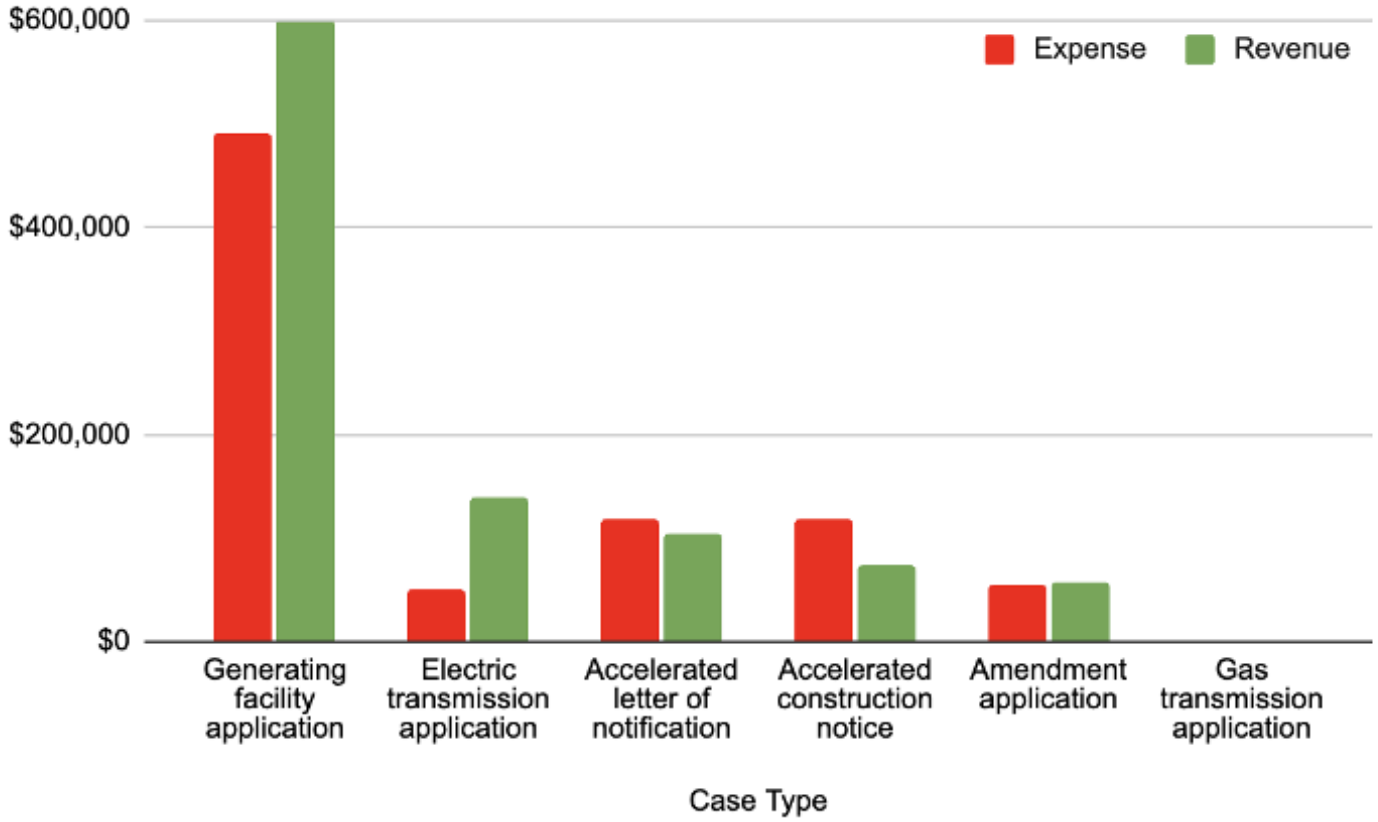


Figure 1: Generating facility applications and electric transmission applications generated revenue in excess of operating expenses in 2024.

This suggests that standard facilities and transmission processes have fees that exceed operating expenses while accelerated processes have expenses that exceed fee revenue.

[47] Legislative Service Commission, “Section 1555.01 | Coal research and development definitions.”, September 26, 1996, https://codes.ohio.gov/ohio-revised-code/section-1555.01
[48] Legislative Service Commission, “Rule 4906-3-06 | Completeness of standard certificate applications, staff investigations, and staff reports.”, May 30, 2024 https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-06
[49] Ohio Power Siting Board. “2024 Annual Report.” https://www.lsc.ohio.gov/assets/organizations/legislative-service-commission/monthly-agency-reports/agency-reports/files/powersitingboardannual2024.pdf Accessed October 15, 2025. Differences due to rounding.

Energy Permitting in Other States

The energy permitting process in Ohio is unusual compared to peer states due to the relative power of the Ohio Power Siting Board in the process. Energy project siting laws vary substantially across states, with different balances between state and local authority and different opportunities for community input. Differences in energy permitting regulations, climate, resource availability, and political context shape variation in the types of energy projects developed in each state. Understanding how the process works in other states can provide insight into what is working well in Ohio's energy permitting regulations and how Ohio could improve its permitting process. Below, we discuss energy permitting processes in Ohio's five neighboring states (Indiana, Kentucky, Michigan, Pennsylvania, West Virginia), and in two other similarly-sized states with comparably-sized metropolitan areas (Virginia and North Carolina). We begin by summarizing key similarities and differences across states in terms of how centralized the process is, who has the power to approve or reject projects, and whether there are fast-track options. We then describe the permitting process in detail for each of the seven comparison states.

How Centralized is the Process?
Ohio's system is one of the most centralized in the region for large energy projects. The Ohio Power Siting Board serves as a single authority for reviewing and approving projects like power plants over 50 megawatts, large-scale wind and solar, and certain pipelines and transmission lines. West Virginia has a similarly centralized system. By contrast, Indiana and Pennsylvania leave most energy siting decisions to local forms of government, while Kentucky, Michigan, Virginia, and North Carolina have mixed state and local authority depending on project type.

Who Can Reject Projects?
In Ohio, the Power Siting Board gets to make the decision to approve energy projects. The process involves significant input from local parties, but their power is limited. County commissioners have the power to prohibit new wind and solar facilities before they enter the Ohio Power Siting Board process.[50] The main way local opponents can intervene in the permitting process is by providing legal challenges to the Ohio Power Siting Board's decision.

Neighboring states with decentralized systems place even more influence in the hands of local governments. For example, in Pennsylvania, township boards, county commissioners, and local zoning boards have full authority to approve or deny projects, and public referendums are not uncommon.[51] Indiana's process is similarly vulnerable to local opposition, with restrictive ordinances and organized resident campaigns often halting wind or solar proposals.[52] Kentucky's siting board process is more insulated from local politics, but public opposition can still influence the conditions imposed on approved projects.[53]

Are There Fast-Track Options?
Ohio offers some streamlined options for smaller projects. The Ohio Power Siting Board's accelerated review process applies to generation facilities under 50 megawatts and certain minor transmission projects, cutting review timelines significantly compared to full board proceedings. In Pennsylvania and Indiana, the speed of permitting depends almost entirely on local zoning rules. West Virginia can move certain projects quickly through the public service commission, particularly utility-led fossil fuel facilities, and smaller renewable projects that avoid major environmental triggers can advance without lengthy reviews.[54]

[50] Ohio Power Siting Board, "Senate Bill 52 Summary." Available online: https://opsb.ohio.gov/news/sb52
[51] Pennsylvania "Subdivision and Land Development in Pennsylvania." Available online: https://dced.pa.gov/download/planning-series-08-subdivision-and-land-development-in-pennsylvania/?wpdmdl=56215
[52] Noelle Maxwell, "County Resistance Plagues Indiana Renewable Push," Indiana Capital Chronicle. Available online: https://indianacapitalchronicle.com/2025/05/05/county-resistance-plagues-indiana-renewable-progress/
[53] Oluoch, Sydney, Nirmal Pandit, Leticia Munoz Revelo, and Cecelia Harner. "Public Awareness, Concerns and Attitudes towards Energy Transition in Kentucky." Renewable and Sustainable Energy Transition (2025): 100122.
[54] Jericho Casper, "New West VA Law Grants Sweeping Exemptions to Attract Data Centers." Available online: https://broadbandbreakfast.com/new-west-va-law-grants-sweeping-exemptions-to-attract-data-centers/

Details of the Permitting Processes for Seven Comparison States
In this section, we describe the permitting processes in seven comparison states in greater detail. Table 1 summarizes the regulations in each state. While all seven states share the goal of ensuring safe and reliable energy development, they differ in how authority is divided between state and local governments and in the pathways for community input.

State	Summary
Indiana	• Siting decisions are primarily local • Since 2022, there are voluntary state-level citing and zoning standards, with benefits to localities that comply • Since 2025, electricity generation facilities that meet certain stipulations do not require zoning permits or land use approvals from local authorities
Kentucky	• State Board on Electric Generation and Transmission Siting manages siting of large merchant power plants • Kentucky Public Services Commission regulates siting for certain utility providers • Smaller facilities are regulated through local channels
Michigan	• Energy facility siting was primarily local until 2024 • Since 2024, developers of certain utility-scale renewable energy projects can pursue permitting through the Michigan Public Service Commission rather than through local pathways; other projects are still locally regulated
Pennsylvania	• Siting decisions are primarily local • The state provides environmental guardrails and forbids local ordinances from explicitly prohibiting land use for solar, wind, or other energy projects
West Virginia	• Siting decisions are managed by the Public Service Commission of West Virginia • Solar facilities have special siting regulations and a slightly different approval process
Virginia	• Utility-scale energy facility siting is primarily under local authority • Projects may require a certificate from the State Corporation Commission or a permit from the Virginia Department of Environmental Quality, depending on the proposed facility's capacity and energy source
North Carolina	• Electric generating facilities with capacity greater than two megawatts require a Certificate of Convenience and Necessity from the North Carolina Utilities Commission prior to construction • Special regulations apply to wind and solar facilities

Table 1: Summary of State vs. Local Control Across States

Indiana

In Indiana, energy siting decisions are made primarily by counties and municipalities.[55] Many counties in Indiana have enacted strict zoning regulations or moratoriums against wind and solar projects.[56] In 2022, Indiana's Senate Bill 411 established state-level siting and zoning standards, covering topics such as height restrictions, sound limits, and project decommissioning, but the standards are entirely voluntary. Local jurisdictions that comply with these standards can receive a designation as "wind ready" or "solar ready" communities, which makes them eligible for state-sponsored technical assistance and financial support. In 2022, the state legislature also considered a bill that would have established mandatory statewide standards for wind and solar projects, but the bill did not pass.[57]

In early 2025, the Indiana legislature considered three bills to reduce local control over energy siting and passed two of them. House Bill 1628 proposed to give the state more control in the energy permitting process, reducing local control over the construction of any power plants, gas pipelines, or other energy projects that would extend across more than one county. The bill was proposed by Republicans who argued that the state needs more renewable energy in order to attract billions of dollars of new business to the state. However, the bill received opposition from county officials and did not advance out of committee.[58]

Senate Bill 425 proposed to change zoning laws so that electricity generation facilities that meet certain stipulations, such as being in the location of a former power plant or coal mine, would not require zoning permits or land use approvals from local authorities. The bill was amended to omit wind and solar facilities, which would still require local permits. Opponents argued that the bill was implicitly designed to pave the way for small modular nuclear reactors.[59] The bill was passed into law in May 2025.[60]

Indiana also passed House Bill 1007, which establishes an expedited approval process with the Indiana Utility Regulatory Commission for utilities that plan to serve large-load customers like data centers. The bill also requires that any public utility planning to retire or refuel an energy generation facility must file a report with the Indiana Utility Regulatory Commission with plans that will achieve the same energy generation capacity or greater, at no increased cost to consumers. The Indiana Utility Regulatory Commission can prohibit public utilities from retiring or refueling facilities if the plan for replacing the facility is not satisfactory under these requirements.[61]

More changes may be on the horizon in Indiana, as Governor Mike Braun recently created the Strategic Energy Growth Task Force in June 2025. The Governor stated that the task force will advance an "all-of-the-above approach to meet the electricity demands of our growing economy," with a focus on becoming a leader in nuclear power. The state anticipates increased energy needs due to new data centers for artificial intelligence, increased manufacturing, and rising consumer demand for electricity.[62]

[55] *Shawn Enterline and Andrew Valainis, "Laws in Order: An Inventory of State Renewable Energy Siting Policies," Regulatory Assistance Project, June 2024, https://live-lbl-eta-publications.pantheonsite.io/sites/default/files/rap-enterline-valainis-laws-order-inventory-state-renewable-energy-siting-policies-2024-june.pdf*

[56] *Casey Smith, "Opposition brings likely end to Indiana utility siting bill, but the issue isn't going away," Indiana Capital Chronicle, February 17, 2025, https://indianacapitalchronicle.com/2025/02/17/opposition-brings-likely-end-to-indiana-utility-siting-bill-but-the-issue-isnt-going-away/*

[57] *Jon Davis, "Wind, solar, and siting: A look at recent laws and legislative trends in the Midwest," Council of State Governments, January 2024, https://csgmidwest.org/wp-content/uploads/2024/01/2023_MLC_Renewable-Energy-Siting-Laws-Brief.pdf*

[58] *Casey Smith, "Opposition brings likely end to Indiana utility siting bill, but the issue isn't going away," Indiana Capital Chronicle, February 17, 2025, https://indianacapitalchronicle.com/2025/02/17/opposition-brings-likely-end-to-indiana-utility-siting-bill-but-the-issue-isnt-going-away/*

[59] *Caleb Crockett, "Energy bill seems to be another indication of Indiana's lean into nuclear power," City-County Observer, April 15, 2025, https://city-countyobserver.com/energy-bill-seems-to-be-another-indication-of-indianas-lean-into-nuclear-power/*

[60] *PolicyEngage. "Indiana SB425: Energy production zones." https://trackbill.com/bill/indiana-senate-bill-425-energy-production-zones/2626605/, Accessed August 29, 2025.*

[61] *Indiana General Assembly, "House Bill 1007: Energy generation resources," https://iga.in.gov/legislative/2025/bills/house/1007/details, Accessed September 20, 2025*

[62] *Griffin Reid, "RELEASE: Governor Braun Forms Strategic Energy Growth Task Force to Meet New Energy Demands Reliably and Affordably," Office of Governor Mike Braun, June 25, 2025, https://events.in.gov/event/release-governor-braun-forms-strategic-energy-growth-task-force-to-meet-new-energy-demands-reliably-and-affordably*

Kentucky

Kentucky instituted its State Board on Electric Generation and Transmission Siting in 2002, housed within the Kentucky Public Service Commission. The board reviews applications and grants certificates for merchant power plants with a capacity over 10 megawatts, and electric transmission lines with a capacity over 69,000 volts if those lines are not regulated by the Kentucky Public Service Commission through other pathways.[64],[65] Facilities with smaller capacity are regulated through local zoning.[66] A key difference between Kentucky's State Board on Electric Generation and Transmission Siting and the Ohio Power Siting Board is that Kentucky's board is not involved in gas pipeline siting. Additionally, utilities that are subject to other regulations through the Kentucky Public Services Commission, such as Louisville Gas and Electric and Kentucky Utilities, have a separate process for facility siting.[67]

Kentucky's State Board on Electric Generation and Transmission Siting evaluates economic, aesthetic, and noise impacts of proposed projects, along with impacts of projects on the transmission grid.[68] They also review specific environmental impacts that are outside the purview of the Kentucky Department for Environmental Protection. The review process includes opportunities for public input similar to Ohio's process, including local hearings and the opportunity for interested parties to become "intervenors."[69]

In 2023, Kentucky's House Bill 4 was signed into law, altering the balance between state and local control for electric facility siting. Governor Andy Beshear argued that the bill weakened local control by establishing statewide standards for decommissioning plans for merchant electric generating facilities.[70] However, the bill also gave local decommissioning rules primacy over the state requirements.[71]

[64] A "merchant" power plant is a plant that sells electricity on the wholesale market.
[65] Kentucky State Board on Electric Generation and Transmission Siting, "Kentucky's Electric Generation and Transmission Siting Process: A Guide to Public Participation," https://apps.legislature.ky.gov/CommitteeDocuments/262/12873/Oct%2022%202020%20Kentucky%27s%20Electric%20Generation%20and%20Transmission%20Siting%20Process%20-%20A%20Guide%20to%20Public%20Participation.pdf, Accessed August 29, 2025.
[66] Kentucky Resources Council, "Relationship of Local Zoning and Planning to Kentucky State Board on Electric Generation and Transmission Siting," https://www.kyrc.org/news/energy-and-environment-101/relationship-of-local-zoning-planning, Accessed August 29, 2025.
[67] Liam Niemeyer, "Beshear vetoes solar decommissioning bill, saying it weakens local control," Kentucky Lantern, March 24, 2023, https://kentuckylantern.com/2023/03/24/beshear-vetoes-solar-decommissioning-bill-saying-it-weakens-local-control/
[68] Electric Generation and Transmission Siting Board, "Large-Scale Solar in Kentucky—What You Need To Know. A Primer for Local Officials," Conference presentation to the Kentucky Association of Counties, https://conference.kaco.org/media/1323/solar-siting-primer-11-4-kaco-copy.pdf, Accessed August 29, 2025.
[69] Kentucky State Board on Electric Generation and Transmission Siting, "Kentucky's Electric Generation and Transmission Siting Process: A Guide to Public Participation," https://apps.legislature.ky.gov/CommitteeDocuments/262/12873/Oct%2022%202020%20Kentucky%27s%20Electric%20Generation%20and%20Transmission%20Siting%20Process%20-%20A%20Guide%20to%20Public%20Participation.pdf, Accessed August 29, 2025.
[70] Liam Niemeyer, "Beshear vetoes solar decommissioning bill, saying it weakens local control," Kentucky Lantern, March 24, 2023, https://kentuckylantern.com/2023/03/24/beshear-vetoes-solar-decommissioning-bill-saying-it-weakens-local-control/
[71] "House Bill 4: AN ACT relating to merchant electric generating facilities and making an appropriation therefor," March 30, 2023, https://apps.legislature.ky.gov/record/23rs/hb4.html

Michigan

Until recently, nearly all decisions about energy project zoning and permitting in Michigan were local. In 2023, Public Acts 233 and 234 established statewide standards for renewable energy facilities and gave developers of certain utility-scale renewable energy projects the option to pursue permitting through the Michigan Public Service Commission rather than through local pathways. This change became effective November 2024.[72] The new regulations apply to solar facilities with a capacity of 50 megawatts or more, wind facilities with a capacity of 100 megawatts or more, and energy storage facilities with a capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt-hours or more.[73] The siting process for non-renewable energy facilities and for renewable energy facilities that do not meet the criteria above remains locally regulated.

Under the new regulations, if the local authority has a "compatible renewable energy ordinance," developers are still required to follow the local permitting process. A compatible renewable energy ordinance must have standards that are no more restrictive than the statewide standards. On the other hand, if the local authority does not have a compatible renewable energy ordinance, developers have the option to apply for a permit from the Michigan Public Service Commission instead of pursuing a permit through local pathways.[74]

Key steps in the Michigan Public Service Commission permitting process are as follows:[75]

1. The developer offers to meet with the affected local unit's chief elected official.
2. The developer holds a public meeting in the affected jurisdiction.
3. The developer prepares an application, which requires several documents.
4. The developer files the application and the Michigan Public Services Commission posts a Notice of Hearing. Affected local units can file to participate in the hearing as intervenors. There are also opportunities for public comment from interested parties who are not intervenors.
5. If the Michigan Public Services Commission deems the application complete, the case proceeds. This will involve a variety of steps, including a virtual technical conference with all intervening parties, at which the site plans are presented and intervening parties can ask questions. Intervenors can also participate in the contested case proceedings.
6. The Michigan Public Services Commission orders a final decision on the case.
7. If the project is approved, the developer and affected local unit begin planning for construction and operation.
8. The project will become operational until it is decommissioned according to the decommissioning plan.

There has been pushback against the new state regulations. More than 75 municipalities jointly filed a lawsuit regarding Public Act 233 in November 2024. However, the court denied a motion for a preliminary injunction to prevent the new regulations from taking effect, and has taken no further action as of August 2025, so the new regulations remain in effect.[76]

The Michigan Public Service Commission also has regulatory authority over certain electric transmission lines. Public Act 30 of 1995 requires that proposed transmission lines over five miles long that transfer electricity at 345 kilovolts or more receive approval from the Michigan Public Service Commission prior to construction.[77]

[72] *Michigan Townships Association, "Renewable Energy Siting and Permitting," https://michigantownships.org/renewable-energy-siting-and-permitting/, Accessed August 31, 2025.*
[73] *Michigan Public Service Commission, "Case No. U-21547," October 10, 2024, https://mi-psc.my.site.com/sfc/servlet.shepherd/version/download/068cs00000EuxDUAAZ*
[74] *Madeleine Krol, "What the New Renewable Energy Siting Legislation Means for Michigan Local Governments," Graham Sustainability Institute Center for Empowering Communities, University of Michigan, March 14, 2025, https://graham.umich.edu/media/files/2025-03-14_PA-233-Overview-slide-deck.pdf*
[75] *Olivia Stoetzer, Madeleine Krol, and Sarah Mills, "Navigating the MPSC Renewable Energy Siting Process: A Checklist for Local Governments," Graham Sustainability Institute Center for Empowering Communities, University of Michigan, August 22, 2025, https://docs.google.com/document/d/1jlVNbEiq-RTodiEpHtnPD7v7Am4jXtQ_/edit?tab=t.0*
[76] *Sarah Mills, Madeleine Krol, Olivia Stoetzer, and Zona Martin, "What Local Governments Should Know About Michigan's New Renewable Energy Siting Policies," Graham Sustainability Institute Center for Empowering Communities, University of Michigan, July 22, 2025, https://graham.umich.edu/media/files/FAQ-How-HB5120-Works.pdf*
[77] *Michigan Public Service Commission, "Electric Transmission Line Siting - Public Act 30 of 1995," https://www.michigan.gov/mpsc/regulatory/facility-siting/act-30, Accessed September 23, 2025*

Pennsylvania

Energy project siting in Pennsylvania is primarily regulated at the local level.[78] Power siting regulations vary across jurisdictions, and many jurisdictions lack specific guidance on energy project siting. For example, a 2021 review of local zoning ordinances by researchers at Penn State University's Dickinson Law School found that 13% of Pennsylvania zoning codes did not provide any guidance on solar developments.[79] Penn State Extension reports that this patchwork approach to regulation increases the cost of new energy projects due to regulatory uncertainty and increased planning time.[80]

Although energy project siting is primarily local, state-level regulations play a role in the process. The state's Department of Environmental Protection regulates environmental issues related to energy projects, although it is not directly involved in the siting process. Utility-scale solar projects cannot be built on land that is enrolled in the Pennsylvania Department of Agriculture's "Clean and Green Program" or land that is subject to state conservation easements.[81] The Pennsylvania Municipalities Planning Code forbids zoning ordinances that exclude certain land uses. Therefore, local governments cannot explicitly prohibit land use for solar, wind, or other energy projects, nor can they create overly restrictive ordinances that result in de facto land use prohibitions.[82],[83]

Pennsylvania might see changes to energy project siting regulations in the near future. In April 2025, Governor Josh Shapiro introduced the "Lightning Plan," a proposal to increase the state's energy production. The proposal includes the creation of a Pennsylvania Reliable Energy Siting and Electric Transition (RESET) Board to streamline energy project siting.[84] This proposal is a response to rising energy needs, particularly with new data center development on the horizon. The regional electric transmission company PJM Interconnections projects that Pennsylvania's energy demand will grow by 20% in the coming decade due primarily to the growth of data centers and manufacturing.[85],[86]

[78] *Daniel P. Craig, "Pennsylvania DEP Official: Regulation of Utility-Scale Solar Projects in Pennsylvania is a Local Matter," Frost Brown Todd Attorneys, June 23, 2021, https://frostbrowntodd.com/pennsylvania-dep-official-regulation-of-utility-scale-solar-projects-in-pennsylvania-is-a-local-matter/*

[79] *Rachel Wagoner, "Majority of local zoning codes in Pa. lack guidance on solar," Farm and Dairy, June 2, 2021, https://www.farmanddairy.com/news/majority-of-local-zoning-codes-in-pa-lack-guidance-on-solar/666604.html*

[80] *Joseph C. Conklin, Thomas Beresnyak, Daniel Brockett, Dana Ollendyke, and Matthew Svetz, "Ordinance Considerations for Grid-Scale Solar Development," Penn State Extension, March 24, 2025, https://extension.psu.edu/ordinance-considerations-for-grid-scale-solar-development*

[81] *Daniel P. Craig, "Pennsylvania DEP Official: Regulation of Utility-Scale Solar Projects in Pennsylvania is a Local Matter," Frost Brown Todd Attorneys, June 23, 2021, https://frostbrowntodd.com/pennsylvania-dep-official-regulation-of-utility-scale-solar-projects-in-pennsylvania-is-a-local-matter/*

[82] *Anna Jewart, "Navigating Local Permitting Roadblocks to Renewable Energy Deployment in Pennsylvania," Babst Calland Attorneys at Law, July 25, 2025, https://www.babstcalland.com/news-article/navigating-local-permitting-roadblocks-to-renewable-energy-deployment-in-pennsylvania/*

[83] *Centre Regional Planning Agency, "An Overview of Common Zoning Validity Challenges and Methods for Improving the Defensibility of Zoning Ordinances," https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Zoning_Validity_Challenges_Handbook.pdf, Accessed September 5, 2025*

[84] *Governor's Press Office, "Governor Shapiro Unveils "Lightning Plan" to Strengthen Commonwealth's Energy Leadership, Create Jobs, and Lower Costs for Consumers," January 30, 2025, https://www.pa.gov/governor/newsroom/2025-press-releases/governor-shapiro-unveils--lightning-plan--to-strengthen-commonwe*

[85] *Julie Grant, "Pa. lawmakers consider new state board to fast-track electricity projects," The Allegheny Front, June 27, 2025, https://www.alleghenyfront.org/pennsylvania-energy-siting-state-board-natural-gas-solar/*

[86] *PJM Inside Lines, "2025 Long-Term Load Forecast Report Predicts Significant Increase in Electricity Demand," January 30, 2025, https://insidelines.pjm.com/2025-long-term-load-forecast-report-predicts-significant-increase-in-electricity-demand/*

West Virginia

Energy project siting in West Virginia is overseen by the Public Service Commission of West Virginia. State law requires that public advertisements about energy project applications be made in each jurisdiction where the project would be located and in a newspaper in the Charleston area. The public has 30 days following the application to make a "substantial protest," typically in the form of a written protest or request to intervene. If nobody raises a substantial protest, the Public Service Commission can choose to waive the public hearing for the project. The Public Service Commission must reach a decision on a project within 300 days of the application being filed or the application is automatically approved.[87],[88]

Solar facilities have special siting regulations and a slightly different approval process than other types of energy generating facilities. According to West Virginia law, a solar facility's generating capacity cannot exceed 50 megawatts unless 85 percent of the facility's annual output is sold or is contracted to be sold to residential, commercial, or industrial customers through a renewable special contract or renewable tariff. Each additional 50 megawatt increment of generating capacity is subject to the same rules, and no single solar facility can have a capacity over 200 megawatts. A few other special conditions for solar facilities also apply. The deadline for the Public Service Commission to issue a decision on solar projects is faster than for other types of energy projects: the commission must reach a decision within 150 days instead of 300 days.[89]

Like many other states in the region, West Virginia is preparing to power large data centers. West Virginia's Power Generation and Consumption Act of 2025 prohibits counties and municipal jurisdictions from regulating data centers and energy microgrid districts.[90] The bill has drawn concern from West Virginian citizens about lack of local oversight and loss of potential local revenue.[91]

[87] West Virginia Legislature, "§24-2-11c. Siting certificates for certain electric generating facilities or material modifications thereof," https://code.wvlegislature.gov/24-2-11c/, Accessed September 6, 2025
[88] Public Service Commission of West Virginia, "At a session of the Public Service Commission of West Virginia in the City of Charleston on the 8th day of April 2025, Case No. 25-0077-E-CS-PW," April 8, 2025, https://www.psc.state.wv.us/scripts/orders/ViewDocument.cfm?CaseActivityID=639551&Source=Docket
[89] West Virginia Legislature, "§24-2-1o. Renewable energy facilities program," https://code.wvlegislature.gov/24-2-1O/, Accessed September 6, 2025
[90] Autumn Shelton, "Gov. Morrisey signs Power Generation and Consumption Act of 2025, says West Virginia is ready to "Win, baby"," Real WV, May 1, 2025, https://therealwv.com/2025/05/01/gov-morrisey-signs-power-generation-and-consumption-act-of-2025-says-west-virginia-is-ready-to-win-baby/
[91] Sarah Elbeshbishi, "West Virginia lawmakers eliminated local authority to regulate data centers and similar projects," Mountain State Spotlight, August 4, 2025, https://apnews.com/article/west-virginia-charleston-data-management-and-storage-legislation-general-news-b33c051439bd3694ee3f2b04981f4555

Virginia

Utility-scale energy facility siting in Virginia is primarily under local authority, but projects may require a certificate of public convenience and necessity from the State Corporation Commission or a permit-by-rule from the Virginia Department of Environmental Quality, depending on the proposed facility's capacity and energy source.[92] A certificate of public convenience and necessity certifies that the project serves the public interest, while a permit-by-rule confirms that the project meets regulatory requirements.[93] Both of these approval processes require opportunities for public comment and a public hearing.[94],[95]

Virginia has recently considered changes to increase state control over the energy permitting process. In 2024, Virginia considered a bill to allow certain energy facilities to receive permits through a state-level process rather than through local processes. The bill would apply to solar energy facilities with a capacity of at least 50 megawatts, wind energy facilities with a capacity of at least 100 megawatts, and any energy storage facility with a nameplate capacity of at least 50 megawatts and an energy discharge capability of at least 200 megawatt hours. Energy project developers could apply for a certificate of approval from the State Corporation Commission, superseding local permitting rules, if any of the following conditions were met:

- "The locality fails to timely approve or deny an application,"
- "The application complies with certain requirements for Commission approval, but a host locality denies the application," or
- "The locality amends its zoning ordinance after it has notified the applicant that its requirements are compatible with the requirements for Commission approval, and the amendment imposes additional requirements that are more restrictive."[96]

The bill did not pass. It was reconsidered in 2025, but again did not pass.

The Virginia Commission on Electric Utility Regulation recommended in their 2024 Annual Report that the state establish an Energy Facility Review Board "to provide opinions to localities on critical interconnection projects, to guide and review regional energy plans, local comprehensive plans and local solar energy and energy storage ordinances."[97] The Virginia legislature considered a bill to establish such a board in 2025, but the bill did not make it out of committee.[98]

There were also many other bills related to energy and data centers in Virginia's 2025 legislative session.[99] Changes to Virginia's energy landscape must shift Virginia's economy toward "clean" energy sources according to regulations established by the Virginia Clean Economy Act of 2020.[100]

[92] *Shawn Enterline and Andrew Valainis, "Laws in Order: An Inventory of State Renewable Energy Siting Policies," Regulatory Assistance Project, June 2024, https://live-lbl-eta-publications.pantheonsite.io/sites/default/files/rap-enterline-valainis-laws-order-inventory-state-renewable-energy-siting-policies-2024-june.pdf*

[93] *Virginia Department of Environmental Quality, "Renewable Energy," https://www.deq.virginia.gov/permits/renewable-energy, Accessed September 20, 2025*

[94] *State Corporation Commission, "SCC Approval of Electric Generation Facilities," https://www.scc.virginia.gov/media/sccvirginiagov-home/regulated-industries/utility-regulation/energy-regulation/electfac.pdf, Accessed September 7, 2025*

[95] *Virginia Department of Environmental Quality, "Renewable Energy," https://www.deq.virginia.gov/laws-regulations/renewable-energy, Accessed September 7, 2025*

[96] *Virginia General Assembly, "HB 636 Siting of energy facilities; approval by the State Corporation Commission," https://legacylis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB636, Accessed September 7, 2025.*

[97] *Commission on Electric Utility Regulation, "2024 Annual Report to the Governor and the General Assembly of Virginia," 2025, https://rga.lis.virginia.gov/Published/2025/RD53/PDF*

[98] *Virginia General Assembly, "HB2126, Va. Energy Facility Review Board & Virginia Clean Energy Technical Assistance Center; established," https://lis.virginia.gov/bill-details/20251/HB2126, Accessed September 7, 2025.*

[99] *Virginia Solar Summit, "Solar, Siting and Data Center Bills Lead 2025 Legislative Session," January 16, 2025, https://virginiasolarsummit.com/blog/f/solar-siting-and-data-center-bills-lead-2025-legislative-session*

[100] *Virginia General Assembly, "HB 1526 Electric utility regulation; environmental goals," https://legacylis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1526, Accessed September 7, 2025*

North Carolina

In North Carolina, electric generating facilities with a generating capacity greater than two megawatts are required to obtain a Certificate of Convenience and Necessity from the North Carolina Utilities Commission prior to construction. Each application undergoes a public hearing, among other steps. Part of the North Carolina Utilities Commission's job when reviewing an application is to determine whether the project is "part of the least cost path" to compliance with the state's official carbon reduction goals.[101],[102]

In addition to reviewing individual applications, the North Carolina Utilities Commission is also responsible for tracking and publicizing the state's long-term needs for energy expansion and for creating a biennial plan to meet those needs, with opportunity for public input on the plan through a biennial public hearing.[103]

Special regulations apply to wind and solar facilities. First, wind facilities with a capacity of at least one megawatt require a certificate of site compatibility from North Carolina's Department of Environmental Quality. The process for receiving a certificate of site compatibility for such wind facilities includes a public hearing within 75 days of the time the application is filed.[104] Second, North Carolina's Utility-Scale Solar Project Decommissioning Program came into effect in April 2025. This program sets forth requirements for utility-scale solar facilities with a generating capacity of two megawatts or greater.[105]

[101] *North Carolina Legislature, "Article 6. The Utility Franchise. § 62-110. Certificate of convenience and necessity," https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_62/Article_6.pdf, Accessed September 7, 2025*
[102] *North Carolina Utilities Commission, "Constructing an Electric Generating Facility," https://publicstaff.nc.gov/media/220/open, Accessed September 7, 2025*
[103] *North Carolina Legislature, "Article 6. The Utility Franchise. § 62-110. Certificate of convenience and necessity," https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_62/Article_6.pdf, Accessed September 7, 2025*
[104] *Shawn Enterline and Andrew Valainis, "Laws in Order: An Inventory of State Renewable Energy Siting Policies," Regulatory Assistance Project, June 2024, https://live-lbl-eta-publications.pantheonsite.io/sites/default/files/rap-enterline-valainis-laws-order-inventory-state-renewable-energy-siting-policies-2024-june.pdf*
[105] *North Carolina Department of Environmental Quality, "Utility-Scale Solar Project Decommissioning Program," https://www.deq.nc.gov/about/divisions/waste-management/utility-scale-solar-project-decommissioning-program#RegulatoryRequirements-19334, Accessed September 7, 2025*

Energy is a necessary component of economic activity throughout the state of Ohio: it literally keeps the lights on. In this section, we analyze the impacts of the energy permitting process on Ohio's economy.

Permitting Timelines in Practice

To assess how long the steps of the Power Siting Board's permitting process take in practice, we analyzed the case records for every energy project that began in the year 2023. We chose to limit our analysis to projects that began in 2023 in order to ensure that every project we looked at had been in the system long enough in order for the Power Siting Board to reach a final decision. Additionally, 2023 is similar to other past years in terms of the number of new energy generation cases put before the Siting Board. Aside from 2020 and 2021 which had an unusually large number of new energy generation projects, the rest of the past 10 years look very similar to 2023.

In 2023, seven electric generation projects submitted non-accelerated applications to the Power Siting Board for consideration. Among these were six solar projects and one energy storage project. Because these were new electric generation projects, they represented the largest potential contributors to Ohio's energy sector and subsequently took the most time to process.

Of these projects, four eventually received certificates from the Power Siting Board, while the Stark Solar[106] and Richwood Solar[107] projects were denied. Among all projects, the average number of days between the official submission of the pre-application letter and the final decision being handed down by the Power Siting Board was 550 days. This total time was less for the two projects that were denied, with the average time being only 484 days. The biggest difference between projects that get approved and those that get denied is in the time between the end of the hearings and when the Power Siting Board makes their final decision. This suggests that the decision to reject a project is easier to reach than the decision to approve, though it should be noted we are looking at a small sample of projects.

The longest it took for a project to get from its initial pre-application letter to the final decision by the Power Siting Board was for the Clear Mountain Energy Center, which took 700 days. No other project took two years.[108] The shortest timeline belongs to Richwood Solar, which was rejected after only 447 days. The shortest project to be approved was the Prairie Flyer Energy Storage which was approved after only 450 days.[109]

Among all projects, the two longest parts of the application process are the time between the initial pre-application letter being filed and official application submission, and the time between the end of the hearings and when the Power Siting Board makes their final decision. These take 142 and 143 days on average respectively.

The time between the pre-application letter being filed and the official application being submitted is defined by the public information meetings that developers are required to hold. The longest a project took on this step was the Clear Mountain Energy Center, which took 326 days to submit their official application after their pre-application letter. This was largely due to the fact that their second public information meeting was seven months after their first, while most projects only take a few weeks between meetings.

If we exclude this outlier, then the average time to complete this step only 111 days, with the longest time belonging to the Scioto Ridge Solar project[110] which took 168 days. The fastest a project was able to submit their official application after the pre-application letter was only 62 days by the Frasier Solar project.

[106] *Ohio Power Siting Board. "23-0931-EL-BGN: Stark Solar." https://opsb.ohio.gov/cases/23-0931-el-bgn*
[107] *Ohio Power Siting Board. "23-0930-EL-BGN: Richwood Solar." https://opsb.ohio.gov/cases/23-0930-el-bgn*
[108] *Ohio Power Siting Board. "23-0045-EL-BGN: Clear Mountain Energy Center." https://opsb.ohio.gov/cases/23-0045-el-bgn*
[109] *Ohio Power Siting Board. "23-0145-EL-BGN: Prairie Flyer Energy Storage." https://opsb.ohio.gov/cases/23-0145-el-bgn*
[110] *Ohio Power Siting Board. "23-0146-EL-BGN: Scioto Ridge Solar." https://opsb.ohio.gov/cases/23-0146-el-bgn*

We determined the time between the end of the hearings and when the Power Siting Board makes their final decision by comparing the date of the official decision to the date of the prior filed entry in the case. This is either a transcript of a hearing or a written response submitted by an interested party. According to the Ohio Revised Code, this final decision is required to be made within a "reasonable time" of the final hearing. The longest this process took was for the Frasier Solar project,[111] where there were 262 days between the final record in the case file and the eventual approval by the Power Siting Board.

The shortest and most consistent part of this process is the time between the official submission of the application and the acceptance of the application by the Power Siting Board. The Power Siting Board has 60 days to review each application by law, and of the seven projects that began in 2023 they took between 58 and 60 days each time.

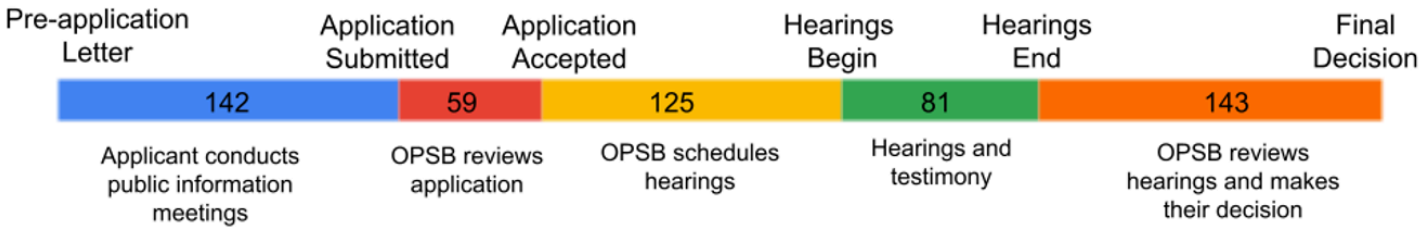


Figure 2: Average project timeline

[111] *https://opsb.ohio.gov/cases/23-0796-el-bgn*

The following are examples of Ohio energy projects and their journeys through the regulatory system: Project Icebreaker, Frasier Solar, and the Columbia Gas Northern Loop Pipeline. We chose these projects for case studies because they were particularly contentious. All three of these projects faced legal delays even after they received approval from the Ohio Power Siting Board. Project Icebreaker had a year and a half delay due to an appeal to the Ohio Supreme Court, the Frasier Solar project had a one month delay due to opponents' applications for rehearing, and the Columbia Gas Northern Loop Pipeline project spent over two years on eminent domain cases. These examples illustrate how legal safeguards can extend project timelines, demonstrating the trade-off between important safeguards that ensure accountability and public input versus the speed of the permitting process.

Icebreaker Wind Project

The Lake Erie Energy Development Corporation was established in 2009 with the goal of building the first freshwater wind farm in North America. Their "Project Icebreaker," which would place offshore wind turbines on Lake Erie near Cleveland, has become one of the most high-profile energy projects in the region in the last twenty years.

The permitting process for Project Icebreaker has persisted for over a decade. The Lake Erie Energy Development Corporation initially filed a pre-application with the Ohio Power Siting Board and held its first public information meeting in November 2013. In February 2014, they obtained a 50-year submerged lands lease for the intended project site from the State of Ohio and submitted an application to the Ohio Power Siting Board.[112],[113] The Ohio Power Siting Board deemed the application insufficient to meet Ohio legal code in April 2014. The case then sat dormant for nearly a year and a half in the Ohio Power Siting Board's records, with the exception of about two dozen public comments that gradually trickled in, mostly in opposition.[114] During this time, Norwegian company Fred. Olsen Renewables purchased the project and established a new company, Icebreaker Windpower, Inc.[115] In September 2016, the Lake Erie Energy Development Corporation withdrew its initial application, and Icebreaker Windpower, Inc. submitted a preapplication to the Ohio Power Siting Board under a new case number.[116] They submitted an application five months later, in February 2017.

Project Icebreaker experienced extended delays due to opposition from a wide range of stakeholders. Interested parties raised concerns that the wind farm could have negative environmental impacts on Lake Erie, particularly on migratory birds that travel through the area. The case received over 800 public comments, some from individual citizens and others from organized groups. Groups opposed to the project included the North American Platform Against Wind Power, Great Lakes Wind Truth, Lake Erie Foundation, and several avian-focused organizations such as the Hawk Migration Association, American Bird Conservancy, and Black Swamp Bird Observatory. A group of 15 state representatives wrote a joint letter in opposition to the project. The project also received comments in support, mainly touting the importance of clean energy and the economic benefits the project would bring to the region. State and local leaders who submitted comments in support of the project included Cuyahoga County Executive Armond Budish and State Representatives Jamie Callender and Thomas Patton. Local companies and professional organizations that would benefit from the additional jobs also submitted public comments in support.[117]

In addition to the hundreds of public comments, several organizations submitted petitions to intervene in the project.[118] Ohio regulation allows "affected entit[ies] or individual[s]" who demonstrate "good cause" to formally participate in Ohio Power Siting Board proceedings as intervenors.[119] Some of these interventions eventually led to revised project plans, such as a settlement with the Ohio Environmental Council and Sierra Club in May 2019 that increased wildlife protections.[120]

Notably, coal company Murray Energy financed lawyers and consultants for some of the opponents to the project. This behind-the-scenes activity was revealed in August 2018 when Icebreaker Windpower, Inc. reported it to the Ohio Power Siting Board. A representative for Icebreaker Windpower, Inc. called Murray Energy's actions "deceptive, but not unlawful."[121]

[112] *Ohio Power Siting Board, "Staff Report of Investigation: Icebreaker Wind Facility, Icebreaker Windpower, Inc," July 2018, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A18G03B43530D00369, Accessed August 15, 2025.*
[113] *Ohio Power Siting Board, "Case Record For: 13-2033-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=13-2033&link=DIVA, Accessed August 15, 2025.*
[114] *Ohio Power Siting Board, "Case Record For: 13-2033-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=13-2033&link=DIVA, Accessed August 15, 2025.*
[115] *Ohio Power Siting Board, "Staff Report of Investigation: Icebreaker Wind Facility, Icebreaker Windpower, Inc," July 2018, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A18G03B43530D00369, Accessed August 15, 2025.*
[116] *Ohio Power Siting Board, "Case Record For: 16-1871-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-1871&link=DIVA, Accessed August 15, 2025.*
[117] *Ohio Power Siting Board, "Case Record For: 16-1871-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-1871&link=DIVA, Accessed August 15, 2025.*
[118] *Ohio Power Siting Board, "Case Record For: 16-1871-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=16-1871&link=DIVA, Accessed August 15, 2025.*
[119] *Ohio Power Siting Board, "Standard application process," https://opsb.ohio.gov/processes/standard-process, Accessed August 18, 2025.*
[120] *Ohio Environmental Council, "OEC and Sierra Club Statement on the Revised Settlement in Project Icebreaker," May 15, 2019, https://theoec.org/news-and-information/statement-from-the-ohio-environmental-council-and-sierra-club-on-the-revised-settlement-in-project-icebreaker/*
[121] *James F. McCarty, "Big Coal joins fight against Lake Erie green energy wind turbines," Cleveland.com, August 5, 2018, https://www.cleveland.com/metro/2018/08/big_coal_joins_fight_against_l.html*

The Ohio Power Siting Board approved Project Icebreaker in May 2020. However, in an unexpected last-minute change, the approved version contained a so-called "poison pill:" a new provision that made the project economically infeasible. Under this provision, the turbines would be required to be turned off every night from March 1 to November 1 to reduce impacts on wildlife.[122] State Representative Jeffrey Crossman and State Senator Sandra Williams, who served as non-voting members of the Ohio Power Siting Board, reported that they did not know about the addition of the provision, and Senator Williams said she and her staff did not receive the updated documents until hours before the meeting.[123] The Ohio Power Siting Board received pushback against the "poison pill," including a letter from 32 state representatives and senators from the region that called the provision unlawful.[124] In September 2020, the Ohio Power Siting Board removed the provision.[125] Around this time, the chair of the Ohio Power Siting Board was involved in a separate scandal with competing industry interests and abruptly resigned in November 2020.[126] There is no known connection between matters that forced the Chairman to resign and the "poison pill," but the concurrence of these events underscores broader concerns about transparency and industry politics in the permitting process at that time.

Following the approval from the Ohio Power Siting Board, opponents of Project Icebreaker filed an appeal to the Ohio Supreme Court in February 2021, arguing that the state had not received enough data on the risk of harm to birds and bats. This appeal delayed the project approximately another year and a half. However, the Ohio Supreme Court eventually approved the project in a 6-1 decision in August 2022.[127]

Although Project Icebreaker received approval from the Ohio Power Siting Board and Ohio Supreme Court, the years of permitting delays created several financial obstacles for its developers. These obstacles included legal costs, higher interest rates, and increased capital costs.[128] The prolonged delays led the U.S. Department of Energy to revoke the remainder of a $50 million grant in December 2023, citing the project's failure to meet performance milestones.[129] As a result, the project was put on hold indefinitely. In February 2025, a Maryland-based company called Mighty Waves Energy had acquired Icebreaker Windpower, Inc. The CEO of Mighty Waves Energy, Mark Hessels, told reporters, "[W]e are currently engaged in discussions regarding the Icebreaker Wind Demonstration project, and while it is too soon to determine its future, we see this as a promising opportunity."[130]

A key takeaway from the Project Icebreaker case study is that the current regulatory framework gives opponents of a project ample opportunity to file legal challenges, which can lead to substantial delays. In the case of Project Icebreaker, even though the Ohio Power Siting Board granted approval and the Ohio Supreme Court ruled in favor of the project, repeated delays prevented the project from ever launching.

[122] Julie Grant, "Great Lakes Offshore Wind Project Calls Ohio Approval a 'Poison Pill,'" The Allegheny Front, May 29, 2020. https://www.alleghenyfront.org/great-lakes-offshore-wind-farm-calls-ohio-approval-a-poison-pill/

[123] John Funk, "Ohio lawmakers challenge siting board over 'poison pill' for offshore wind," Canary Media, August 31, 2020, https://www.canarymedia.com/articles/enn/ohio-lawmakers-challenge-siting-board-over-poison-pill-for-offshore-wind

[124] Ohio General Assembly Members from Northeast Ohio to Chairman Sam Randazzo, Ohio Power Siting Board, July 29, 2020, "Re: Icebreaker – OPSB Case No. 16-1871-EL-BGN," Public Utilities Commission of Ohio Docketing Information System, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A20G29B40948I03442.

[125] Ohio Power Siting Board, "OPSB Rules on Applications for Rehearing in Lake Erie Wind-Farm Case; Removes Modified Turbine Feathering Requirement," press release, October 8, 2020, https://opsb.ohio.gov/news/opsb-rules-on-applications-for-rehearing-in-lake-erie-wind-farm-case-removes-modified-turbine-feathering-requirement.

[126] United States Attorney's Office, Southern District of Ohio, "Grand jury indicts former state public utilities chairman for federal bribery, embezzlement crimes," December 4, 2023, https://www.justice.gov/usao-sdoh/pr/grand-jury-indicts-former-state-public-utilities-chairman-federal-bribery-embezzlement

[127] Dan Trevas, "Court Approves Lake Erie Offshore Wind Farm Permit," Court News Ohio, August 10, 2022, https://www.courtnewsohio.gov/cases/2022/SCO/0810/210153.asp

[128] Port Cleveland, "Citing considerable challenges and increased costs…," December 8, 2023, https://www.portofcleveland.com/challenges-delays-lead-to-pause-on-lake-erie-wind-turbine-project/

[129] Nicole Pollack, "Only Permitted Great Lakes Offshore Wind Farm Put on Hold," Inside Climate News, December 8, 2023, https://insideclimatenews.org/news/08122023/icebreaker-offshore-wind-halted-ohio/

[130] Peter Krouse, "Is the halted effort to put wind turbines in Lake Erie being revived?," Cleveland.com, February 27, 2025, https://www.cleveland.com/news/2025/02/is-the-halted-effort-to-put-wind-turbines-in-lake-erie-being-revived.html

Frasier Solar

Frasier Solar is a proposed project to install solar panels across multiple discontiguous farms in Knox County. The solar panels would jointly produce 120 megawatts under ideal sunny conditions and would occupy up to 840 acres. The land where the solar panels would be installed would also be grazed by sheep to maintain the vegetation.[131]

Open Road Renewables submitted a pre-application to the Ohio Power Siting Board in August 2023, followed shortly thereafter by an application in October 2023.[132] Like Project Icebreaker, the Frasier Solar proposal received extensive public comments. Due to the overwhelming number of public comments, the Ohio Power Siting Board scheduled two additional public hearings.[133] Frasier Solar also received several petitions to intervene. In April 2024, the Ohio Power Siting Board granted intervenor status to the following groups: Preserve Knox County Ohio, LLC and 18 named landowners; Knox Smart Development and Jared Yost; the Ohio Environmental Council; Ethan Robertson; the Ohio Farm Bureau Federation; the Ohio Chamber of Commerce; the International Brotherhood of Electric Workers, Local Union 688; and Gary Keesee, Brenda and Rick McCament, and Keith and Patricia Straight.[134] Concerns from opposition included farmland loss, visual impacts, drainage issues, and property values. Opposition to Frasier Solar was also supported by groups with ties to other energy sectors, illustrating how broader industry dynamics can shape local permitting debates.[135]

Despite opposition, the Ohio Power Siting Board approved the Frasier Solar project in June 2025, stating it met public interest requirements and environmental standards. The case was helped by the fact that the Knox County Commissioners and Clinton Township Trustees took an officially neutral stance toward the project, rather than opposing it.[136] In the decision, the Power Siting Board required Frasier Solar to meet several new conditions in order to ensure the project met the standards on which they had been challenged.[137]

However, opposition did not end with the Board's approval. In July 2025, Preserve Knox County Ohio filed an application for rehearing, arguing that the siting board had failed to properly weigh local opposition and environmental concerns. Three days later, Knox Smart Development also filed an application for rehearing. These legal actions echo similar patterns in other controversial projects, where appeals or applications for rehearing are used to stall or overturn regulatory approvals. In early August 2025, memorandums against the applications for rehearing were filed by Frasier Solar, the Ohio Environmental Council, and Ethan Robertson.[138] The Ohio Power Siting Board denied the applications for rehearing in late August 2025, stating that the content of the applications for rehearing was a repetition of arguments raised in previous briefs.[139]

Like Project Icebreaker, Frasier Solar has become a case study in how Ohio's regulatory framework can create long delays and uncertainty, even for projects that follow all legal and procedural steps. While community voices and environmental oversight are critical, the current process gives project opponents multiple pathways to delay implementation even after extensive community input and environmental protections have taken place. Fully permitted energy projects can be slowed or stopped by prolonged administrative and legal battles, sometimes funded by deep-pocketed competitors.

The legal landscape for future solar and wind projects in Ohio will face an additional hurdle that did not apply to the Frasier Solar case because it was grandfathered in. In 2021, the Ohio legislature passed Senate Bill 52, which allows county commissioners to prohibit the construction of wind and solar facilities before the projects reach the Ohio Power Siting Board.[140]

[131] *Frasier Solar, "Clean, Low-Cost Power and Sustainable Revenue for Knox County," https://www.frasiersolar.com/about, Accessed August 20, 2025*
[132] *Ohio Power Siting Board, "Case Record For: 23-0796-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=23-0796&link=DIVA, Accessed August 20, 2025.*
[133] *Ohio Power Siting Board, "OPSB adds two local hearings for proposed Knox County solar project," April 19, 2024, https://opsb.ohio.gov/news/opsb-adds-two-local-hearings-for-proposed-knox-county-solar-project*
[134] *Ohio Power Siting Board, "In the Matter of the Application of Frasier Solar, LLC…," April 3, 2024, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A24D03B54324I00728*
[135] *Miranda Green, Jennifer Smith Richards, and Priyanjana Bengani, "Fossil Fuel Interests Are Working to Kill Solar in One Ohio County. The Hometown Newspaper Is Helping," Propublica, October 8, 2024, https://www.propublica.org/article/ohio-mount-vernon-frasier-solar-fossil-fuel-metric-media*
[136] *Kathiann M. Kowalski, "An Ohio solar project overcomes local opposition and misinformation," July 14, 2025, https://www.canarymedia.com/articles/solar/ohio-frasier-approved-local-opposition*
[137] *Cheryl Splain, "Ohio Power Siting Board approves Frasier Solar project in Knox County," June 26, 2025, https://www.knoxpages.com/2025/06/26/ohio-power-siting-board-approves-frasier-solar-project-in-knox-county/*
[138] *Ohio Power Siting Board, "Case Record For: 23-0796-EL-BGN," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=23-0796&link=DIVA, Accessed August 20, 2025.*
[139] *Ohio Power Siting Board, "In the Matter of the Application of Frasier Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility," August 21, 2025, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A25H21B41549B02797*
[140] *Ohio Power Siting Board, "Senate Bill 52 summary," https://opsb.ohio.gov/news/sb52, Accessed August 20, 2025.*

Columbia Gas Northern Loop Pipeline

The Columbia Gas Northern Loop Pipeline is a 16-mile high-pressure natural gas pipeline developed by Columbia Gas of Ohio around Columbus. The project extends through Delaware and Union Counties, intersecting more than 100 parcels of land.[141] Announced in late 2019 as part of a $135 million system expansion, the project was designed to improve gas delivery and system redundancy in the Columbus region by bringing gas from the East side of Columbus to areas to the North and West of the city.[142],[143] The project required easements from over 40 property owners, which soon sparked concern among local landowners.

Columbia Gas submitted a pre-application to the Ohio Power Siting Board in July 2020, followed four months later by an application in November 2020. The project received only eleven written public comments, eight of which came from landowners who opposed the project due to its effect on their property, among other reasons. Locals also spoke at the project's hearings. The project received a few petitions to intervene, mostly from local governing bodies. In April 2021, the Ohio Power Siting Board granted "intervenor" status to the Delaware County Board of Commissioners, Board of County Commissioners of Union County, Board of Township Trustees of Millcreek Township, Jerome Township, and Suburban Natural Gas Company, allowing these entities to formally participate in the permitting process.[144] One point of contention from the intervenors was that the Delaware County Board of Commissioners and Suburban Natural Gas Company argued the project focused too much on Union County, failing to meet the need for increased gas supply for Delaware County.[145] In September 2021, the Board determined the project met legal, environmental, and public safety standards and granted approval with conditions, allowing the pipeline to proceed.[146]

However, some landowners refused to grant easements, prompting Columbia Gas to file legal actions for eminent domain in Union County courts. In a case between Columbia Gas and the Bailey family of Union County, the trial court denied Columbia Gas's eminent domain petition due to inconsistent language in the easement descriptions, and 3rd District Court of Appeals upheld the ruling, meaning Columbia Gas could not utilize that property.[147],[148],[149] However, in a case between Columbia Gas and the Holloway family of Union County, the courts ruled in favor of Columbia Gas.[150]

The Northern Loop Pipeline case centered on property rights and local impacts. Unlike the projects in our first two case studies, the Columbia Gas pipeline was able to proceed with construction despite legal challenges. Court cases slowed the project so that Columbia Gas could not reach their goal of completing construction by 2022. While the project did not generate the same level of statewide controversy as others, it highlighted how utility infrastructure can face legal and logistical hurdles even when it meets regulatory standards.

[141] *Columbia Gas of Ohio, "In the Matter of Columbia Gas of Ohio, Inc.'s for a Certificate of Environmental Compatibility and Public Need for the Construction of the Northern Columbus Loop – Phase VII," November 12, 2020, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A20K12B12306J01255*

[142] *Teamsters National Pipeline, "Columbia Gas Planning $135 Million Pipeline Project For Central Ohio," December 23, 2019, https://www.teamsterspipeline.com/columbia-gas-planning-135-million-pipeline-project-for-central-ohio/*

[143] *Columbia Gas of Ohio, "What is the Columbia Gas Northern Loop Project," available online: https://www.columbiagasohio.com/services/work-in-your-neighborhood/northern-loop-project*

[144] *Ohio Power Siting Board, "Case Record For: 20-1236-GA-BTX," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=20-1236&link=DIVA, Accessed August 22, 2025.*

[145] *Ohio Power Siting Board, "In the Matter of the Application of Columbia Gas of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for the Construction of the Northern Columbus Loop – Phase VII," September 16, 2021, https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A21I16B55253C03007*

[146] *Ohio Power Siting Board, "Case Record For: 20-1236-GA-BTX," https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=20-1236&link=DIVA, Accessed August 22, 2025.*

[147] *Gail Keck, "Ohio family continues to fight pipeline construction on their farmland," December 2, 2022, https://www.farmanddairy.com/news/ohio-family-continues-to-fight-pipeline-construction-on-their-farmland/748080.html*

[148] *Ty Higgins, "Court favors landowners in prominent Ohio eminent domain case," April 21, 2023, https://ofbf.org/2023/04/21/court-favors-landowners-prominent-ohio-eminent-domain-case/*

[149] *Kendall Crawford, "One Ohio family's fight could shape future farmland preservation efforts," June 26, 2023, https://www.statenews.org/news/2023-06-26/one-ohio-familys-fight-could-shape-future-farmland-preservation-efforts*

[150] *Columbia Gas of Ohio, Inc. v. Holloway, 2023-Ohio-4257, https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2023/2023-Ohio-4257.pdf*

Regional Differences Across Ohio

For our cross-sectional analysis of energy permitting processes across Ohio, we divide Ohio into four energy-based regions based on different predominant energy types across the state. A map from The Ohio Power Siting Board shows that wind farms are concentrated in northwest Ohio.[151] A map from the Ohio Department of Natural Resources shows that oil and natural gas are heavily concentrated in eastern Ohio, with some natural gas facilities extending into central Ohio as well.[152] Lastly, a study from Colorado State University shows that the majority of solar energy production takes place in southwest Ohio.[153] The U.S. Energy Information Administration corroborates this with a map that shows most solar facilities in Ohio are in southwest Ohio, with some facilities creeping up into the northwest and central regions.[154] A summary of the classifications of energy regions can be found in Figure 3.

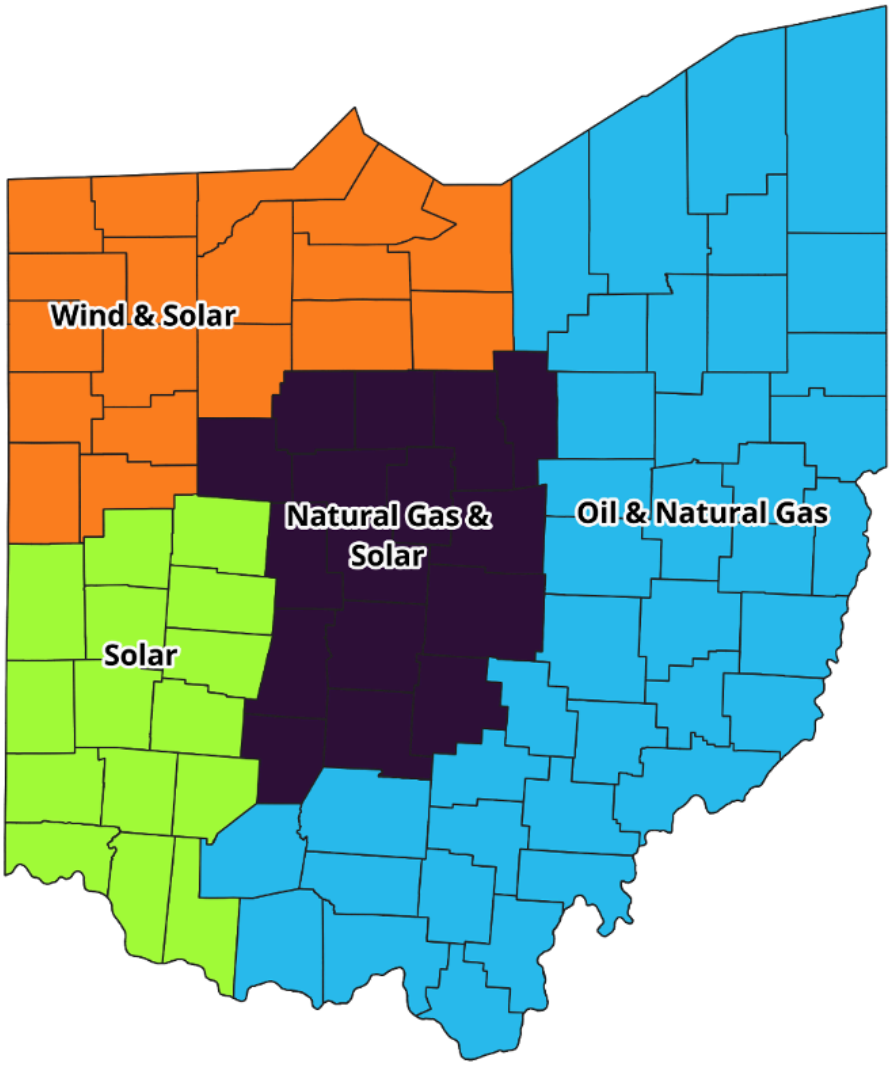


Figure 3: Ohio Energy Regions

[151] *Ohio Power Siting Board, "Wind Case Status", August 21, 2025, https://dam.assets.ohio.gov/image/upload/puco.ohio.gov/empliibrary/files/OPA/Mapping/OPSB/Solar%20Facilities%20Map/Wind_Map_and_Stats.pdf*
[152] *Ohio Department of Natural Resources, "Oil and Gas Fields Map of Ohio", 2014, https://ohiodnr.gov/wps/wcm/connect/gov/7bbcb8d0-56e1-434c-a0f0-1683010791cd/pg01.pdf?MOD=AJPERES*
[153] *Colorado State University, "State Brief: Ohio", 2022, https://cnee.colostate.edu/wp-content/uploads/2022/08/State-Brief_OH_July_2022.pdf*
[154] *U.S. Energy Information Administration, "Ohio State Energy Profile", October 17, 2024, https://www.eia.gov/state/print.php?sid=OH*

While the process of obtaining an energy permit is the same across these regions, the length of the permitting process varies between regions. To conduct our analysis, we looked at all permit applications that were seen to fruition for new electric generation facilities, electric transmission lines, and gas pipelines from 2021 to 2023. Of the four energy regions, the predominantly solar region of southwest Ohio had the longest average application timeline at about 656 days, while the predominantly wind and solar region of northwest Ohio had the shortest average application timeline at about 513 days. At least 24 Ohio counties have banned solar and wind energy facilities through an Ohio law that permits county commissioners to ban wind and solar energy facility construction within their jurisdictions.[155] This may explain the high average for the predominantly solar region in the southwest and the low average for the predominantly wind & solar region in the northwest.[156],[157] Table 2 shows the average application timeline for each region, with the number of accepted and rejected applications for each region shown as well.

Geographic Region	Energy Region	Total Time	Applications Accepted	Applications Rejected
Northwest	Wind & Solar	513 days	9	1
Southwest	Solar	655 days	5	1
Central	Natural Gas & Solar	516 days	11	2
Northeast & Southeast	Oil & Natural Gas	612 days	5	1

Table 2: Average Application Timeline by Energy Region[158]

The majority of the energy certificate applications analyzed are for solar projects. If we exclude transmission lines and gas pipelines, 22 out of 24 energy certificate applications are for solar projects. Outcomes for just solar projects are shown in Table 3.

Geographic Region	Energy Region	Total Time	Applications Accepted	Applications Rejected
Northwest	Wind & Solar	558 days	4	1
Southwest	Solar	780 days	2	1
Central	Natural Gas & Solar	531 days	8	2
Northeast & Southeast	Oil & Natural Gas	654 days	3	1

Table 3: Average Application Timeline by Energy Region, Only Solar Projects

The average application timeline for the predominantly solar region increases to 780 days when looking at only solar projects, while the average application timelines for the wind & solar and natural gas & solar regions remain low. It is possible that community opposition to solar projects grows in regions with many solar facilities already built as they become more visible and apparent, while regions with an even mix of solar facilities and other energy types are more accepting of new solar facilities.

[155] *Bricker Graydon LLP. "Ohio Utility-Scale Solar: A Recap of 2023 and Looking Ahead to 2024." January 24, 2024. https://www.brickergraydon.com/insights/publications/ohio-utility-scale-solar-a-recap-of-2023-and-looking-ahead-to-2024 Accessed October 15, 2025.*
[156] *Bricker Graydon LLP. "Ohio Utility-Scale Solar: A Recap of 2023 and Looking Ahead to 2024." January 24, 2024. https://www.brickergraydon.com/insights/publications/ohio-utility-scale-solar-a-recap-of-2023-and-looking-ahead-to-2024 Accessed October 15, 2025.*
[157] *The Ohio Legislature, "Senate Bill 52", October 11, 2021, https://www.legislature.ohio.gov/legislation/134/sb52*
[158] *Public Utilities Commission, "Docketing Information System", https://dis.puc.state.oh.us/*

As described above, the permitting process for energy projects in Ohio involves multiple stages, each with its own timeline and procedural requirements. These steps are designed to allow for thorough regulatory review and multiple opportunities for public input. However, as Ohio's energy needs grow and as the world transitions to greater reliance on renewable energy sources, Ohio's leaders may want to accelerate some stages of the process to ensure the state can keep up with demand, while still preserving sufficient oversight of projects and opportunities for public participation. Whether the energy permitting process should be accelerated depends on normative judgments—such as the appropriate amount of time to allow for public input—as well as practical considerations related to the Ohio Power Siting Board's staffing capacity to review applications more quickly. We describe possible strategies for accelerating the permitting process below.

Process Bottlenecks and Potential Efficiency Improvements

Based on our review of Ohio's energy permitting regulations, the timelines we observed in the "Permitting Timelines in Practice" section, our case studies, and our cross-sectional analysis of differences between regions of Ohio, we identified three ways the permitting process could potentially be improved to better balance efficiency of the process and due time for quality community input.

The time from the end of the hearings to when the Power Siting Board makes their final decision is the longest phase of the permitting process, and it may be possible to shorten this phase. As stated above, among the projects we reviewed in the "Permitting Timelines in Practice" section, this step took an average of 143 days, and for one project (Frasier Solar) it took 262 days. During this phase, the Ohio Power Siting Board is required to reach a decision within a "reasonable" timeframe.[159] There was originally no specific timeframe defined for "reasonable," but a 2025 update to the legal code specified an upper limit of 150 days for the Ohio Power Siting Board to reach a decision.[160] This new limit might help shorten this phase for some projects. However, if the State of Ohio desires to speed up the permitting process further, the 150-day deadline for the Ohio Power Siting Board to reach a decision could potentially be shortened. This might require additional staffing for the Ohio Power Siting Board in order to ensure that the board can still review each case thoroughly within the abbreviated timeframe. Increased fees to pay for more staff could be worth a reduced processing time if it increases the speed of approval.

The appeals process can add substantial delays to project permitting. As described above, there are two avenues for appeals: an application for rehearing or an Ohio Supreme Court appeal. In one of our case studies, Project Icebreaker, appeals delayed the project for a year and a half before the Ohio Supreme Court voted in favor of the project, and the overall delays in the permitting and appeals process made the project no longer financially viable. Project Icebreaker is an outlier in terms of extreme delays, but it shows the potential for appeals to create prolonged uncertainty and financial risk for new energy projects. In another of our case studies, Frasier Solar, applications for rehearing added just one extra month to the permitting process, since the Ohio Power Siting Board denied the applications for rehearing. Changes to the appeals process or the regulations about applications for rehearing could potentially speed up the permitting timeline.

The permitting process for certain types of projects is already much faster due to "accelerated" and "expedited accelerated" process timelines. We summarize key differences between the standard process and the "accelerated" process above in the "Accelerated Application Process" section. Making more projects eligible to follow the "accelerated" or "expedited accelerated" processes would be one way to improve the energy permitting process. Under the standard process, if the applicant completes every step as quickly as possible and the Power Siting Board completes every step as slowly as possible, the time from pre-application to construction commencing is 321 days. For an accelerated application process under the same conditions, the time from pre-application to construction commencing is 90 days. For an expedited accelerated application under the same conditions, the time from pre-application to construction commencing is either 28 or 35 days, depending on if the application is a letter of notification or a construction notice application. We look at maximum timelines for the Power Siting Board and minimum timelines for the applicant because there is typically a lower bound of days legislated for applicant requirements and an upper bound of days legislated for board requirements. One of the biggest reasons for the longer permitting process for the standard versus accelerated certificate applications is the amount of time designated for public input. For example, of the 321 day timeline mentioned above for a standard application, 111 days are allocated to community input via the public information meeting process. Choosing what types of projects should be standard versus accelerated is a normative question as it depends on how the state wants to prioritize public input versus speed of approval.

[159] *Legislative Service Commission, "Rule 4906-2-30 | Decision by the board.", December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-30*
[160] *Legislative Service Commission, "Section 4906.10 | Basis for decision granting or denying certificate.", August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.10*

Delays in the permitting process can slow or even altogether prevent Ohio's energy sector from growing and keeping pace with increasing energy demand. Failure to keep up with demand creates a drag on the economy that slows investment, job growth, and many other desirable qualities of a healthy economy. In this section, we detail some of the opportunity costs associated with permitting delays in Ohio.

Delayed or lost investment
To calculate the amount that energy permitting delays have cost Ohio, we rely on a dataset from Lawrence Berkeley Lab on interconnection queues, which contains data on energy generation projects across the country.[161] This data gives us a comprehensive picture of how many projects entered the queue in Ohio and how much energy they would have generated if seen to completion. We combine this with data from the National Renewable Energy Laboratory about what average construction costs are for different types of energy projects based on the amount of energy they are expected to generate.[162]

Since 2016, an average of 9,000 megawatts worth of electricity generation has been withdrawn from the queue each year (including projects that get withdrawn in the initial feasibility stage, before they reach the Power Siting Board). Among projects that get withdrawn after officially applying in Ohio, the most common time for projects to get withdrawn is during the public hearings, suggesting developments during this phase may be contributing to project withdrawal decisions. Based on the National Renewable Energy Laboratory, under the most conservative assumptions this would result in $440 million of lost investment in Ohio each year.

Lost job creation
To calculate how this lost investment translates into lost job creation, we apply multipliers from the RIMS II model from the Bureau of Economic Analysis. This model estimates how much revenue in one sector translates to economic activity in other sectors using historical patterns of economic development.

Using the RIMS II model, we estimate that the $440 million of lost investment would result in as many as 5,400 lost jobs in Ohio per year. The majority of these jobs, nearly 2,600, would be in the construction industry.

Because the RIMS II model relies on local economic data to estimate the jobs impact, where in the state the energy generation is taking place is an important consideration. Because of this, we test alternative multipliers from different regions across Ohio to better understand what the range of possible outcomes might be. Based on these different multipliers, we find that the range of lost jobs could be between 4,400 and 5,800.

Lost tax revenue
Fewer jobs in Ohio means less income which in turn means less income tax revenue for the state. The RIMS II model estimates that these 5,400 lost jobs in Ohio would generate almost $300 million of income for those employees. Based on Ohio's current income tax rates, we estimate that this lost income would lead to about $4 million of lost tax revenue for the state per year.[163] When we look at the range of possible outcomes from applying different RIMS II multipliers, we see that the lost tax revenue could be between $3.2 and $4.3 million.

Energy costs
To estimate the additional energy costs of these withdrawn generation projects, we rely on a study from Resources for the Future on the costs and benefits that result from energy permitting delays.[164] Using these results, we estimate that each megawatt of delayed energy generation leads to an increased energy cost for Ohio ratepayers of about $63,000. Multiplying this figure by the amount of energy withdrawn from the queue each year on average, we find that the average energy cost per year of delays in Ohio is almost $555 million in additional energy spending.

Household impact
When energy prices go up, those costs are almost entirely passed through to consumers.[165] Because of this, we assume that the $555 million of energy costs will be passed through to households. If each household in Ohio bears this burden equally, that will mean annual energy spending increasing by about $113 per year per household.

[161] Rand, Joseph, Nick Manderlink, Will Gorman, Ryan H. Wiser, Joachim Seel, Julie Mulvaney Kemp, Seongeun Jeong, and Fredrich Kahrl. "Queued Up: 2024 Edition, Characteristics of Power Plants Seeking Transmission Interconnection As of the End of 2023." (2024).
[162] NREL (National Renewable Energy Laboratory). 2024. "2024 Annual Technology Baseline." Golden, CO: National Renewable Energy Laboratory. https://atb.nrel.gov/.
[163] Ohio Department of Taxation, "Annual Tax Rates." Available online: https://tax.ohio.gov/individual/resources/annual-tax-rates
[164] Shawhan, Daniel, McKenna Peplinski, Sally Robson, Ethan Russell, Ethan Ziegler, Karen Palmer, and Maya Domeshek. Clean Power Delayed: Effects of Infrastructure Delays on Health, Environment, and US Households. No. 25-15. Resources for the Future, 2025.
[165] Albert Lin and Joe Daniel, "Electricity Customers Are Getting Burnt by Soaring Fossil Fuel Prices," Rocky Mountain Institute. Available online: https://rmi.org/electricity-customers-are-getting-burnt-by-soaring-fossil-fuel-prices/

Environmental impact

Delays in energy permitting in Ohio could force consumers to rely on carbon-intensive energy alternatives by limiting the ability of developers to create new low-carbon energy generation. Almost all of the new energy generation projects that file applications with the Power Siting Board are low-carbon, with the only exceptions in the past five years being four natural gas plants who specifically mention in their pre-application letters that they are being built to power large data centers.

To calculate the opportunity cost of delays in the energy permitting process, we use the Environmental Protection Agency's Greenhouse Gas Equivalencies Calculator to estimate the amount of additional CO_2 that would be emitted in Ohio to make up for losses in low-carbon energy generation.[166] We input into the calculator the total amount of energy generation that was suspended per year according to the Lawrence Berkeley Lab to see how much a year's worth of new clean energy projects impacts the environment.

We find that by not building and consuming the energy from one year's worth of low-carbon energy generation projects, Ohio emits over 4,200 additional metric tons of CO_2 per year. Based on the Environmental Protection Agency's estimate for the social cost of carbon, the sum total of these emissions have a net present value of almost $900,000 per year.[167]

[166] Environmental Protection Agency, "Greenhouse Gas Equivalencies Calculator," accessed September 19, 2025. Available online: https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

[167] United States Environmental Protection Agency. "Standards of performance for new, reconstructed, and modified sources and emissions guidelines for existing sources: Oil and natural gas sector climate review." (2022).

A key element of the energy permitting process is community input, the solicitation of information from community members about the potential impact a project could have on their residences and businesses.

Legislation and Community Input
The energy permitting process in Ohio is largely guided by community needs and preferences. As legislated in the Ohio Administrative Code and Ohio Revised Code, there are two key stages of the energy permitting process that are longer than the other stages to allow for community input: the public information meeting(s) and local hearings.

In projects that have intervenors against them, we see that most people raise very similar complaints. Because most intervenors testify on behalf of some grassroots community organization, it is not surprising that complaints are very similar within projects. However, we find that in the public testimony records there are very similar complaints across different projects as well.

Below are three randomly selected examples of intervenor testimony given for three different solar projects:

Preserve Knox County intervenor: “Some of my biggest concerns about the Project are the following: (1) the unsightly views of solar arrays on all sides of my property and from the public roads I travel to and from my home; (2) noise from construction and operation of the Project; (3) dust from Project construction; (4) drainage of runoff from the Project Area onto my property; (5) whether the Project will have negative impacts on the wildlife in my yard, including the bald eagles that often visit; (6) whether the presence of solar facilities all around our property will impact its value; (7) the conversion of farm land into industrial solar facilities for decades; and (8) the potential for fires in the solar arrays.”

Citizens Against Richwood Solar intervenor: “Some of my primary concerns are the following: (1) the terrible views that my family and I will have of the solar arrays that would surround our yard and house; (2) the unsightly views of solar facilities from the public roads as we drive to and from our house, including solar arrays on both sides of Sandusky Road near our property; (3) the noise from Project construction; (4) dust from Project construction; (5) glare from the solar panels; (6) whether smoke from burning lithium batteries in the battery energy storage system could reach our property if the batteries catch on fire; (6) whether the nearby presence of the Project surrounding our house and yard will reduce the value of my property; (7) whether damage done to solar panels from such events as large hail could release contaminants into the aquifer used by our drinking water well; (8) the loss of farmland while it is replaced by solar facilities for decades; and (9) the runoff of water from the Project onto our property.”

Solar Free Stark intervenor: Some of my biggest concerns about the Project are the following: (1) the unsightly views of solar arrays along the Property and from the public roads I travel to and from my home; (2) noise from construction of the Project; (3) dust from Project construction; (4) drainage of runoff from the Project Area onto the Property; (5) whether the Project will have negative impacts on wildlife on the Property and in the area, especially from the restriction of their movement by the Project’s fences; (6) glare from solar panels; (7) whether the presence of solar facilities all around the Property will impact its value; (8) the conversion of farm land into industrial solar facilities for decades; (9) we fear that the noise from inverters to the south of the Property may diminish our peace and quiet; and (10) the problems that could be caused by the installation of solar array fences along the sides of our driveway.

Public Information Meetings
Before the certificate application is submitted, the applicant is required to hold two public information meetings. However, in our analysis, most applications only include one public information meeting. This is because prior to 2024, only one public information meeting was required, and our analysis focuses on applications that began in 2023 or earlier to ensure they have already received a decision.[168] The purpose of the public information meetings is to present a map of the project location, provide a summary of the certificate application, and solicit written comments from attendees, which are then summarized and submitted to the Ohio Power Siting Board as part of the application. If any changes are made to the proposed project after the last public information meeting, the Ohio Power Siting Board can require another public information meeting.

We analyze the length of the public information meeting process by looking at the key points in the application process that occur immediately before and after the public information meetings. At least 21 days prior to the first public information meeting, the applicant must send a pre-application notification letter to the Ohio Power Siting Board. The first public information meeting must be held between 90 to 300 days prior to the certificate application being submitted, and the last public information meeting must be held at most 90 days prior to the certificate application being submitted.

Prior to holding the public information meeting, the applicant must complete four requirements to announce the meeting. At least 21 days prior to each public information meeting, the applicant must send a letter to each affected property owner and tenant that describes the certification process, information on how to participate in the meeting, and instructions on how to request notification of the local public hearing. Between 7 to 21 days before each public information meeting, public notice of the meeting must be published in a locally circulated newspaper that addresses project needs, schedule, design, and other pertinent information. At least 14 days prior to each public information meeting, the applicant must provide written notice of the meeting to each county board of commissioners and each township board of trustees within the project area. Lastly, the applicant must display all of the information contained in the public notice and letters to affected tenants in a prominent location on the applicant's website.[169]

In total, if the public information meeting is held as quickly as possible, there are 111 days of time legislated to the public information meeting process within the certificate application process. However, in practice, this stage of the process often takes much longer. Table 4 shows the median length of each stage in the public information meeting process among all completed permit applications for new electric generation facilities, electric transmission lines, and gas pipelines from 2021 to 2023.[170]

Energy Facility	Time between Pre-Application Letter and Meeting 1	Time between Last Meeting and Official Submission	Total Time Between Pre-Application Letter and Official Submission
Energy Storage	30 days	67 days	96 days
Gas Pipeline	29 days	86 days	115 days
Solar	15 days	54 days	81 days
Transmission Line	17 days	86 days	106 days
Total	16 days	76 days	95 days

Table 4: Median Public Information Meeting Timeline by Facility Type

[168] *The Register of Ohio, "Public information program.", November 30, 2015, https://www.registerofohio.state.oh.us/pdfs/4906/0/3/4906-3-03_FF_N_RU_20151130_0948.pdf*
[169] *Legislative Service Commission, "Rule 4906-3-03 | Public notification requirements.", May 30, 2024, https://codes.ohio.gov/ohio-administrative-code/rule-4906-3-03*
[170] *Public Utilities Commission, "Docketing Information System", https://dis.puc.state.oh.us/*

In total, the time between the pre-application letter and official submission of the application ranges between 25 and 433 days, with a median of 95 days dedicated to this stage. Since the Ohio Power Siting Board began requiring two public information meetings instead of one in 2024, the timeline of the public information meeting stage is likely longer than reflected in our analysis above.

Local Hearings

After the certificate application has been submitted and deemed complete, the application undergoes an investigation and reporting stage led by the Ohio Power Siting Board. As part of the investigation stage, two local hearings are held: the public hearing and the adjudicatory hearing. The dates for the local hearings are scheduled by the administrative law judge between 45 to 60 days after receipt of a complete application, and the local hearings are instructed to proceed "as expeditiously as practicable".

The public hearing is held by the Ohio Power Siting Board in an area near the project location. An administrative law judge regulates the course of the hearing, receiving sworn testimony from members of the public for the Ohio Power Siting Board to consider. The adjudicatory hearing is held at Ohio Power Siting Board offices in Columbus. During the adjudicatory hearing, parties may present expert witnesses to support their position and may cross-examine witnesses under oath. The administrative law judge can issue subpoenas, examine witnesses, and require expert or factual testimony to be offered. At the conclusion of the hearing, the administrative law judge will set deadlines for briefs and reply briefs, which serve as the final arguments in the case.[171] [172]

The length of the local hearings process is largely dependent on how quickly the local hearings are scheduled and how far out they are scheduled for. Table 5 shows the median length of each stage in the local hearings process among all completed permit applications for new electric generation facilities, electric transmission lines, and gas pipelines from 2021 to 2023.[173]

Energy Facility	Time between Acceptance and Hearings Scheduled	Time between Hearings Scheduled and Public Hearing	Time between Public and Adjudicatory Hearing	Total Time between Acceptance and Adjudicatory Hearing
Energy Storage	63 days	89 days	25 days	177 days
Gas Pipeline	50 days	72 days	12 days	134 days
Solar	41 days	81 days	26 days	146 days
Transmission Line	93 days	72 days	34 days	195 days
Total	54 days	78 days	29 days	158 days

Table 5: Median Local Hearings Timeline by Facility Type

[171] *Legislative Service Commission, "Section 4906.07 | Public hearing on application.", August 14, 2025, https://codes.ohio.gov/ohio-revised-code/section-4906.07*
[172] *Legislative Service Commission, "Rule 4906-2-09 | Hearings.", December 11, 2015, https://codes.ohio.gov/ohio-administrative-code/rule-4906-2-09*
[173] *Public Utilities Commission, "Docketing Information System", https://dis.puc.state.oh.us/*

In total, the time between the official acceptance and the adjudicatory hearing ranges between 105 and 398 days, with a median of 158 days. The timelines between the acceptance and hearings scheduled exceed the 45-60 day range for numerous applications. This is because prior to 2025, the legislated window to schedule hearings was 60-90 days after the application was accepted, and all of the applications in our analysis were submitted prior to 2025.[174] While this change in legislation explains the timeline discrepancy for some applications, 27 of the 35 applications we analyzed still fell outside of the 60-90 day legislated window. Of these 27 applications, administrative law judges used fewer than 60 days to schedule the hearings in 19 cases and more than 90 days to schedule the hearings in 8 cases. If all applications that were not scheduled within the legislated window were moved to the closest legal option for scheduling (i.e. moved to 90 days if it took 100 days, or moved to 60 days if it took 50 days), there would have been a total of 46 more days spent scheduling local hearings. In this case, it would have been more efficient in terms of timeline for law judges to not follow the revised code. However, it is important to note that administrative law judges were extending dates beyond the legal criteria originally, so under the new legislation, it could continue to happen.

As discussed earlier, the local hearings are required to be scheduled “as expeditiously as practicable”. In general, the median time between the hearings being scheduled and the public hearing occurring is between 70 to 90 days across different project types, and the median time between the public hearing and the adjudicatory hearing is around 10 to 35 days. According to the legislative language, it is unclear if these timelines are necessary or if they could be shortened. For example, if for each project, the 25th percentile was set as the maximum length for the time between the hearings being scheduled and the public hearing occurring and the time between the public hearing occurring and the adjudicatory hearing occurring, each project timeline could be reduced by, on average, 16 days.

[174] Legislative Service Commission, “Section 4906.7 | Public hearing on application.”, September 10, 2012, https://codes.ohio.gov/ohio-revised-code/section-4906.07/9-10-2012

Following best practices in gathering community input helps foster goodwill with community members and is a valuable tool for developers to minimize risk of delays with large-scale energy projects. While there is no commonly-agreed-upon set of best practices around community input, many groups have explored this in the past and there are some common trends among them.[175],[176],[177]

Achieving a balance between a reasonable development timeline and strong community engagement can be a challenge for energy developers. Dedicating time to a high-quality engagement process is an effective strategy for preventing costly, long-term delays and ensuring a project's success. As demonstrated by Ohio Public Utility Commission data, projects that were approved in Ohio spent an average of 50 additional days conducting the initial public information meetings. The key to balancing speed with engagement lies in reframing the process as an early, strategic investment that smooths the path to adoption and builds momentum for the project.

Front-Load the "Homework" to Accelerate Later Stages
Thorough preparation before direct community interaction allows developers to be more efficient and effective once engagement begins. Conduct initial research on the community's history, culture, and existing plans (e.g., sustainability or comprehensive plans). This allows the project to align with established community goals from the start, reducing friction and the need for major revisions later. This proactive approach de-risks the investment by identifying potential conflicts early. Understanding the political landscape and key community concerns allows for a more streamlined process that anticipates challenges rather than reacting to them, which saves significant time and resources.

Engage Early and Set a Clear, Realistic Timeline
Starting engagement early, before key decisions are made, is crucial for building trust and preventing the need for time-consuming course corrections. At the kickoff meeting, successful developers present a clear timeline for the engagement process itself. Outlining the number and frequency of meetings gives stakeholders a predictable schedule and shows respect for their time, which can keep the process on track from the beginning. While preparation for this phase seems like it can take a long time, it is often much shorter than the delays caused by late-stage opposition. Early and consistent engagement secures a "social license to operate." By bringing stakeholders into the process early, developers can co-develop solutions, which generates buy-in and turns potential opponents into supporters who can champion the project during the formal approval process. This provides "political cover" for elected officials, making the ordinance adoption process much smoother and faster.

Use a Hybrid Meeting Structure and a Facilitator for Efficiency
The structure of community engagement meetings directly impacts efficiency. An open-ended process can get bogged down, while a completely closed one risks missing key feedback that causes delays later. Employ a hybrid meeting structure. Use an invite-only "task force" of key stakeholders to efficiently tackle technical policy details, while still holding open public meetings to ensure broader community feedback is heard. Hiring a neutral, third-party facilitator is highly recommended to keep meetings focused, on-topic, and moving forward, especially when contentious issues are expected. This approach improves project design and reduces the risk of late-stage revisions. A facilitator ensures meetings are productive and not derailed by divergent topics, while the hybrid structure allows for both expert input and broad community validation. This leads to a better, more resilient policy that is less likely to face legal or political challenges after adoption.

Be Transparent to Avoid Trust-Destroying Reversals
Honesty about the project's scope and how input will be used prevents mismatched expectations, a primary cause of broken trust and subsequent delays. Successful developers are transparent from the start about what they can and cannot do and how stakeholder input will influence decisions. Avoid overpromising. This prevents the need to walk back commitments later, a process that can completely derail a project's timeline and momentum. Authenticity builds lasting relationships and a positive reputation. When a developer is seen as a trustworthy partner, it smoothes the path for the current project and makes it significantly easier to get buy-in for future projects, saving time and effort in the long run.

[175] Ross, Liz, and Megan Day. Community Energy Planning: Best Practices and Lessons Learned in NREL's Work with Communities. No. NREL/TP-6A50-82937. National Renewable Energy Lab.(NREL), Golden, CO (United States), 2022.
[176] Sanna Markkanen, Anum Yousaf Sheikh, and Edmund Dickens, "Good practices for engaging stakeholders, fostering collaboration, and promoting socioeconomic benefits," The Nature Conservancy. Available online: https://www.nature.org/content/dam/tnc/nature/en/documents/Enabling_a_Community-Powered_Energy_Transition.pdf
[177] City Energy, "Engaging the Community in Policy Development," Available online: https://imt.org/wp-content/uploads/2025/01/City_Energy_Project_Resource_Library_Engaging_The_Community_In_Policy_Development.pdf

Maintain Momentum with Consistent Follow-Up
A common mistake is to let momentum die after the formal engagement process concludes, often during the lengthy internal legal review before an ordinance is introduced. Successful developers provide regular (e.g., monthly) updates to stakeholders even after the meetings end. This keeps them engaged and informed, ensuring they know their contributions were valued. When the policy is finally introduced, this group is already primed to act as a community of advocates, speeding up the public comment and adoption phases. This creates a mobilized group of supporters who can provide positive testimony and peer encouragement, laying the groundwork for a successful implementation and high compliance rates after passage. This sustained support is crucial for navigating the final, often political, stages of project approval without delay.

By following these steps, developers can see that investing in a thoughtful community engagement process has benefits to the community and the developer. When conducted well, community engagement can mitigate the risk of much longer, project-threatening delays from community opposition and ultimately leads to better, more successful, and more rapidly-implementable energy projects.

Case Study: Ambition Community Energy Severn Road Wind Turbine, England

The Ambition Community Energy Severn Road wind turbine in Lawrence Weston, England, provides a powerful case study for how strong, early community engagement can lead to a successful energy project.[178] This onshore wind project was only one to receive planning permission in England between 2016 and 2021. Its success demonstrates that a front-loaded, thoughtful approach to engagement can de-risk a project and accelerate its timeline by turning potential opposition into active support.

This project illustrates several key best practices in action. Developers began their engagement efforts in 2012, long before the project was formally proposed, to understand the community's top priorities. This early research revealed that residents were most concerned with local economic regeneration, not renewable energy. This insight allowed the developers to reframe the wind project not just as a climate initiative but as a financial engine that could deliver on the community's primary goal.

To democratize participation, the project leaders hired and trained local interns to lead the engagement efforts. These interns went door-to-door and hosted stalls at community events, not only discussing the turbine but also offering practical advice on energy efficiency. This authentic, grassroots approach, led by trusted local faces, ensured broad participation and demonstrated a genuine commitment to the community's well-being. By following these steps, Ambition Community Energy not only secured project approval but also built a positive reputation and a foundation for lasting community partnerships, proving that an upfront investment in engagement ultimately smooths the path to success.

[178] Centre for Sustainable Energy, “Community Engagement and Benefits for Onshore Wind in England.” Available online: https://centreforsustainableenergy.ams3.digitaloceanspaces.com/wp-content/uploads/2023/02/18215655/community-engagement-and-benefits-for-onshore-wind-in-england-dec-2021.pdf

In this section, we offer process improvements, state and local coordination strategies, technology solutions, legislative and regulatory changes, community input process adjustments, and implementation strategies to improve the balance between approval efficiency and community input in the energy permitting process.

Process Improvements

We identified key areas in the Ohio energy permitting process where process improvements could be made to increase the efficiency of the permitting process. To improve the energy permitting process in Ohio, we recommend creating maximum timeframes for all Power Siting Board actions and expanding automatic approval dates for more Power Siting Board actions in the permitting process.

Create maximum timeframes for all Power Siting Board actions

In the permitting process, there are some intermediate requirements for the Power Siting Board that do not have regulated maximum timelines. For example, there is a 150-day maximum timeframe between the certificate application being marked complete and the board decision being released, but there is no maximum timeframe between the final hearing (the final stage before the board decision) and the board decision being released. Additionally, there is a 45- to 60-day timeframe of scheduling the local hearings after the application is complete, but there is no timeframe in place for when those hearings must occur. We recommend that all Power Siting Board actions are assigned a maximum timeframe in the permitting process to ensure the Power Siting Board is held accountable to review applications efficiently and to prevent the application from stalling unnecessarily at various stages in the process.

Expand automatic approval dates for Power Siting Board actions

Multiple stages in the energy permitting process have automatic approval dates built into their timeframe. That is, if the Power Siting Board does not complete an action or provide a decision by a certain date, the stage is automatically approved or moved to the next step. An example of an automatic approval date that already exists is in the legal compliance stage: if the Power Siting Board does not determine legal compliance of the certificate application within 45 days of it being submitted, it is automatically considered compliant with the law. We recommend automatic approval dates are expanded to more stages in the energy permitting process. Specifically, we recommend that automatic approval dates are added to the application completeness stage. In this stage, the Power Siting Board must determine if the certificate application is considered complete within 60 days of submission. Under our recommendation, if the Power Siting Board does not provide a completeness determination within 60 days, the application would be automatically considered complete.

State and Local Coordination

By improving coordination between the state government and local governments, the permitting process can be made more efficient and effective at developing Ohio's energy supply while minimizing local impacts. We recommend the Ohio Chamber of Commerce Research Foundation promote conversations around reconsidering the role of state priority in reporting guidelines and implementing a regional liaison system to improve the energy permitting process.

Incorporate state priorities into investigation phase

The current criteria the Ohio Power Siting Board focus on during the investigation phase of the energy permitting process are focused on environmental impact, local needs, and technical viability of the project. Encouraging the Ohio Power Siting Board to factor in state priorities such as economic development, management of energy prices and their burden on businesses and households, and statewide energy portfolio goals will allow state priorities to be explicitly balanced against local needs.

Implement regional liaison system

A regional liaison system with representatives of the power siting board coordinating with local governments across the state could help ease the tension between state interests and local interests. Regional liaisons could help demystify the permitting process for local leaders by walking them through the steps of the process. They could also provide education and information for local leaders and the public on the benefits of energy supply to energy costs, sustainability, and state economic development. A liaison system could also make it easier to establish early and continuous coordination between the state power siting board and local governments.

Technology

Modernizing steps of the energy permitting process could increase overall efficiency at very little cost. The current process is not very transparent, and still relies on outdated methods of communication.

Modernize public notification requirements

One of the longest steps in the current permitting process is the time it takes for developers to conduct their initial public information meeting before submitting their official proposals. As people rely less on local news sources, the notification requirements should better meet people where they are via sources like social media and online advertisements.[179] This will get better engagement at the outset, which should lead to better outcomes for both parties.

Improve the dashboard and online guidance

Currently, the Power Siting Board's website has a database of all the projects that it discusses, but it has very little information about what factors influenced their decision. More information is available on the Public Utility Commission website, but it is not easily digestible. Improving access to basic summary information such as how many projects get reviewed in a year, how long certain parts of the permitting process take, and recordings of public hearings would increase overall transparency in the process. This would have dual benefits of better preparing developers for potential roadblocks, as well as increasing trust among community members.

Legislative and Regulatory

By analyzing the Ohio Administrative Code and Ohio Revised Code, we found two key areas where legislation and regulation can be improved to increase efficiency and equity in the energy permitting process in Ohio. We recommend clarifying statutory timelines and equalizing the application process by energy type.

Clarify statutory timelines

To increase efficiency in the energy permitting process in Ohio, we recommend that some statutory timelines are clarified. In some stages of the permitting process, legislated timelines are convoluted, unclear, and lengthy. We recommend that the timeline for the Power Siting Board providing a final board decision is clarified and the investigation and reporting timeline is tightened. In current legislation, the Power Siting Board is instructed to provide a final board decision within "a reasonable time" of the final hearing. A more specific timeline could replace the current language to provide clearer guidelines for the final board decision. Under the current investigation and reporting timeline, a written report that includes the findings of the investigation must be completed within 15 days of the public hearing. However, the date of the public hearing is not consistent across different applications, and basing the reporting timeframe on the public hearing date may inadvertently result in hearings being scheduled later. We recommend that a standard timeframe for investigation is created, starting from when the application is deemed complete.

[179] *Elisa Shearer, Katerina Eva Matsa ,Michael Lipka ,Kirsten Eddy and Naomi Forman-Katz, "Americans' Changing Relationship With Local News," Pew Research, May 2024. Available online: https://www.pewresearch.org/journalism/2024/05/07/americans-changing-relationship-with-local-news/*

Equalize application process by energy type
Our analysis of certificate application timelines by energy and project type showed that approval timelines and outcomes can differ greatly between different energy and project types. Some of these differences may lie in community input and preferences, but some of these differences exist in how the application process is legislated for different energy and project types. Namely, all certificate applications are subject to the standard application process with a few exceptions that are eligible for accelerated review: small electric transmission lines, small gas pipelines, and electric generation facilities that use waste or natural gas that are planned within the boundary of an existing electric generation or industrial facility. To equalize the certificate application process by energy type, we recommend that all electric generation facilities that are planned within the boundary of an existing electric generation or industrial facility are eligible for accelerated review, regardless of the type of energy they use.

Additionally, since the State of Ohio passed Senate Bill 52 in 2021, local authorities have the ability to prohibit certain wind and solar facilities before developers submit an application to the Ohio Power Siting Board, but the same rules do not apply to other types of energy projects.[1],[2] In the same year, the State of Ohio passed House Bill 201, which forbids local authorities from limiting the use of natural gas, giving natural gas a regulatory advantage over other energy types.[3],[4] These rules around energy development could limit Ohio's ability to compete on energy supply and could open the state to litigation seeking compensation under the Ohio Constitution's eminent domain provision.[5] The Frasier Solar project shows how relying too heavily on local approval can delay a project for years. We recommend amending Senate Bill 52 to ensure evaluation of energy projects is technology-neutral.

Community Input
Community input is one of the most important components of the energy permitting process. Ensuring that impacted individuals have a say in what kind of development happens in their communities can build trust with developers, and make the process faster and more efficient.

Streamline Appeals and Rehearings
The appeal process is essential in order to ensure that the Power Siting Board does not incorrectly grant a permit. However, long delays can make projects that would otherwise benefit communities and the state financially unviable if a well funded party has the resources to keep appealing the process. The Icebreaker wind project is an example of how this dynamic can delay a project for years or even be so onerous that the project is eventually withdrawn. Stricter rules about when appeals can be brought would still ensure proper oversight of the Power Siting Board, while not preventing properly decided upon projects from getting underway.

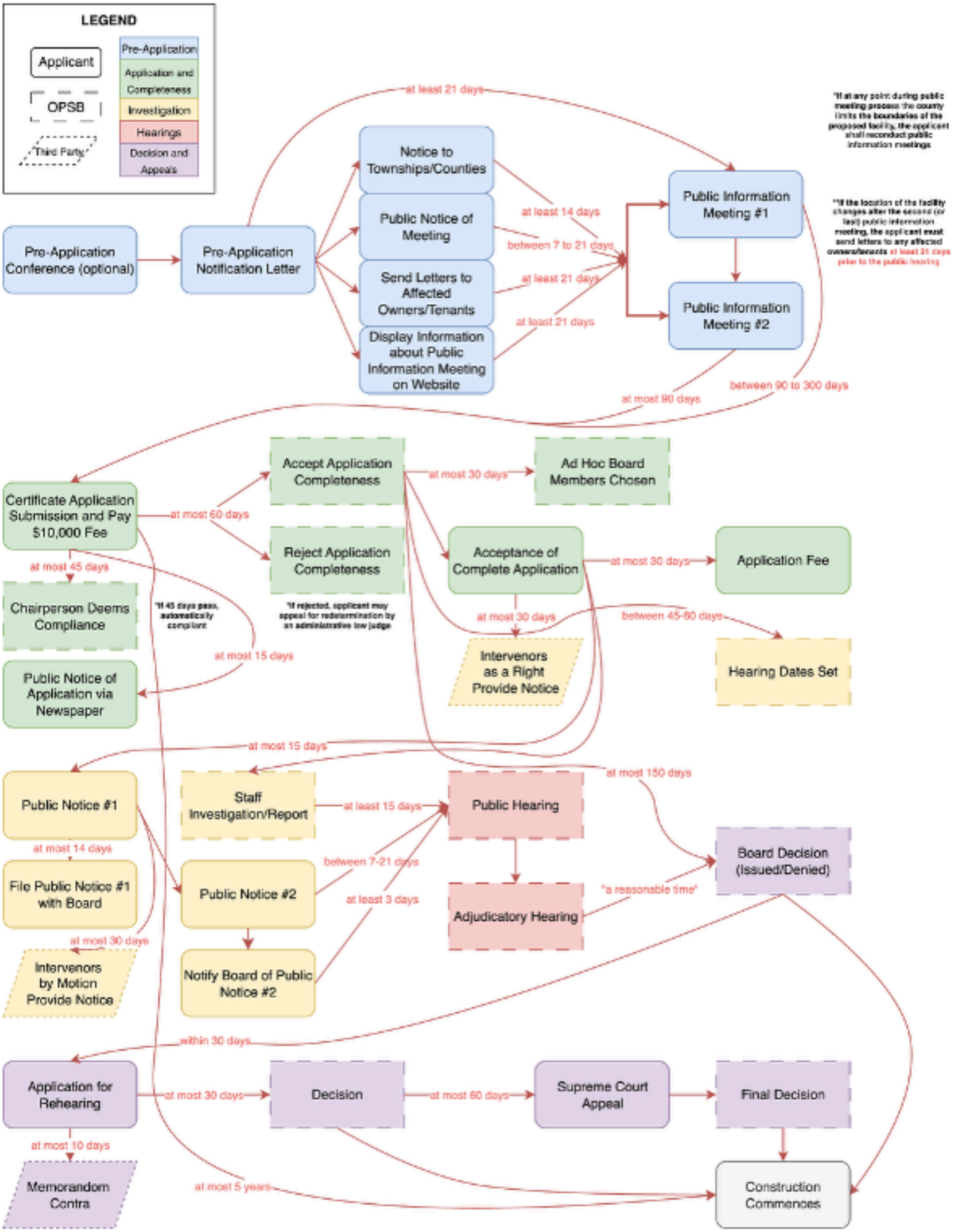
Improve timelines for public information sessions
One of the longest parts of the current process is the time it takes to hold initial public information sessions. Requiring these initial meetings to happen in a shorter period of time will encourage developers to be better prepared ahead of time and engage with the community more honestly. Additionally, if too much time passes between meetings then the public may forget about these projects. Keeping them front of mind can increase engagement and lead to better outcomes.

Implementation of Reforms
Certain steps can be taken with reforms to evaluate their effectiveness. To ensure fidelity of reforms, we recommend measuring and reporting key statistics in an annual report and piloting reforms with a small number of projects.

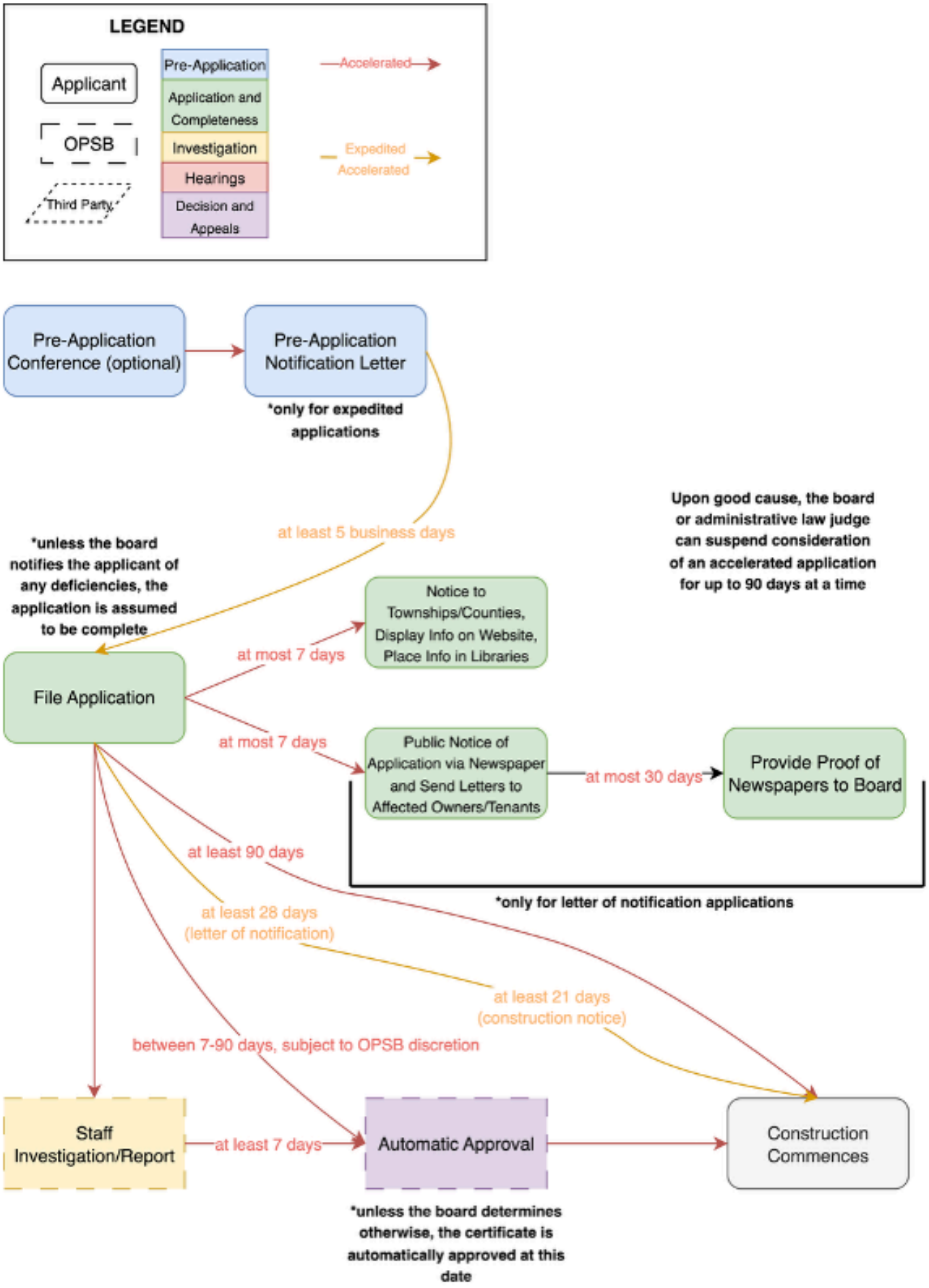
Measure and report key statistics in an annual report
The Ohio Power Siting Board keeps meticulous notes on the energy permitting process including all the dates projects reach certain milestones. Reporting statistics in an annual report to the public would help developers, community members, and especially policymakers evaluate the efficiency of the current process and assess reforms to it. This report should include average permitting timelines, costs associated with permitting, numbers of days per stage, number of legal appeals filed and resolved, community participation rates, and project approval and denial rates by region and technology.

Pilot reforms with a small number of projects
Process improvements such as expanded fast-track or equalization of processes between different energy types can be piloted to assess their impact on the efficiency and effectiveness of the permitting process. This can be carried out by randomly assigning new projects to a traditional track or a reform track and assessing the impacts on the approval process as it proceeds.

[1] Ohio Power Siting Board, "Senate Bill 52 summary," https://opsb.ohio.gov/news/sb52, Accessed September 30, 2025.
[2] David J. Hess, Hayoung Seo, and Kaelee Belletto, "Strengthening local siting authority for utility-scale solar: effects on regulatory decisions and public opposition," Climatic Change 178, no. 3 (2025): 38, https://link.springer.com/article/10.1007/s10584-025-03885-9
[3] "House Bill 201: Prevent local governments from limiting use of natural gas," https://www.legislature.ohio.gov/legislation/134/hb201, Accessed September 30, 2025.
[4] Thomas Kemmet, "Ohio's Powerful Blow to Clean Energy: The Paradoxical Legislation Between Fossil Fuels and Wind and Solar Resources," UCLA Law Review, December 2022, https://uclawreview.org/2022/12/15/ohios-powerful-blow-to-clean-energy/
[5] Ohio Laws & Administrative Rules. "Article I, Section 19 | Eminent domain." September 1, 1851. https://codes.ohio.gov/ohio-constitution/section-1.19 Accessed October 15, 2025.


LEGEND
Applicant
OPSB
Third Party
Pre-Application
Application and Completeness
Investigation
Hearings
Decision and Appeals
Pre-Application Conference (optional)
Pre-Application Notification Letter
Notice to Townships/Counties
Public Notice of Meeting
Send Letters to Affected Owners/Tenants
Display Information about Public Information Meeting on Website
at least 21 days
at least 14 days
between 7 to 21 days
at least 21 days
at least 21 days
Public Information Meeting #1
Public Information Meeting #2
*If at any point during public meeting process the county limits the boundaries of the proposed facility, the applicant shall reconduct public information meetings
**If the location of the facility changes after the second (or last) public information meeting, the applicant must send letters to any affected owners/tenants at least 21 days prior to the public hearing
at most 90 days
between 90 to 300 days
Certificate Application Submission and Pay $10,000 Fee
at most 60 days
Accept Application Completeness
Reject Application Completeness
at most 30 days
Ad Hoc Board Members Chosen
*If rejected, applicant may appeal for redetermination by an administrative law judge
at most 45 days
Chairperson Deems Compliance
*If 45 days pass, automatically compliant
at most 15 days
Public Notice of Application via Newspaper
Acceptance of Complete Application
at most 30 days
Application Fee
at most 30 days
between 45-60 days
Intervenors as a Right Provide Notice
Hearing Dates Set
at most 15 days
at most 150 days
Public Notice #1
at most 14 days
File Public Notice #1 with Board
at most 30 days
Intervenors by Motion Provide Notice
Staff Investigation/Report
at least 15 days
Public Notice #2
between 7-21 days
at least 3 days
Notify Board of Public Notice #2
Public Hearing
Adjudicatory Hearing
"a reasonable time"
Board Decision (Issued/Denied)
within 30 days
Application for Rehearing
at most 30 days
Decision
at most 60 days
Supreme Court Appeal
Final Decision
at most 10 days
Memorandom Contra
at most 5 years
Construction Commences

Appendix B: Accelerated Application Flow Chart



Disclosure

The executive summary of this report was drafted using large language model tools and edited by all members of the research team.

OHIO CHAMBER OF COMMERCE
RESEARCH FOUNDATION