

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Icebreaker)	
Windpower Inc., for a Certification to)	
Construct a Wind-Powered Electric)	Case No. 16-1871-EL-BGN
Generation Facility in Cuyahoga County,)	
Ohio)	

**PETITION TO INTERVENE OF CUYAHOGA COUNTY RESIDENTS
VICCI WEEKS, CARYN GOOD SEWARD, AND STEVEN SEWARD**

Pursuant to R.C. 4906.08(A)(3) and O.A.C. 4906-2-12, Cuyahoga County residents Vicci Weeks, Caryn Good Seward and Steven Seward (together, the “Intervenors”) hereby petition the Ohio Power Siting Board for an order granting their intervention as parties in this proceeding.

This Petition to Intervene is supported by the Memorandum In Support set forth below.

Respectfully submitted,

/s/ John F. Stock

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MEMORANDUM IN SUPPORT OF
PETITION TO INTERVENE

A. The Intervenors

Intervenor Vicci Weeks is a lifelong resident of Cuyahoga County. Ms. Weeks owns her home in Parma. Ms. Weeks pays Cuyahoga County real estate taxes: the time and money that Cuyahoga County has invested in Applicant Icebreaker Windpower Incorporated's proposed six (6) turbine Lake Erie wind project (the "Proposed Project") has been funded with her county tax dollars. Ms. Weeks is a consumer of electricity. Ms. Weeks pays federal income taxes: the \$40 million or more of federal grant dollars paid for the Proposed Project have been funded with her federal tax dollars. And Ms. Weeks regularly visits and recreates at Lake Erie – she is an avid birdwatcher. During her life, she has swum in the lake, waterskied, fished, and boated: the wind turbines' killing of birds and bats and blot on the aesthetic beauty of the lake directly affect her. Thus, Ms. Weeks has numerous, direct interests to be protected in this proceeding.

Intervenors Caryn Good Seward and Steven Seward, wife and husband, reside at 6116 Franklin Blvd., Cleveland, Ohio, a 10-minute walk from Lake Erie. Ms. Seward drives along the lake every morning and evening, to and from work. They have been residents of Cuyahoga County for 19 years and 59 years, respectively. The Swards own their home in Cleveland. They pay Cuyahoga County real estate taxes. They are consumers of electricity provided by Cleveland Public Power ("CPP"): the high cost of the Proposed Project's electricity to be delivered to CPP may increase the cost of their electricity. They pay federal income taxes. Also, the Swards regularly visit and recreate at Lake Erie: they walk and run along the waterfront, bicycle, and swim in the lake. Thus, like Ms. Weeks, the Swards have numerous, direct, personal interests to be protected in this proceed. And there are no parties to this proceeding who can represent or

protect their direct personal interests. Ms. Weeks and the Swards are entitled to intervene in this proceeding pursuant to R.C. 4906.08(A)(3) and O.A.C. 4906-2-12.

B. Intervenors' Protected Interests

On February 1, 2017, applicant Icebreaker Windpower Incorporated (“Applicant”) filed an application (together with the accompanying exhibits and submissions, the “Application”) with the Ohio Power Siting Board (the “OPSB”) for a Certificate of Environmental Compatibility & Public Need (a “Siting Certificate”) to construct its Proposed Project, an offshore 6-turbine wind-powered electric generation facility located on approximately 4.2 acres of submerged, leased land in Lake Erie, 8-10 miles off the shore of Cleveland, in Cuyahoga County.

The Proposed Project is the first proposed freshwater offshore wind turbine facility to be located in North America and in the Great Lakes. The Proposed Project is not intended to be a commercially feasible, stand-alone electric generating facility. Tens of millions of dollars (or more) will be invested to construct and operate six (6) wind turbines that, at best, will produce only a miniscule amount of electricity (no more than 20.7MW at theoretically full capacity). This makes absolutely no economic sense of itself. Rather, Applicant fully intends for the Proposed Project to be simply a loss-leader “icebreaker” – the first wind turbine project to be permitted for construction in the Great Lakes. Once the Proposed Project breaks the barrier against privately-owned wind turbine installations in the Great Lakes, Applicant fully intends to seek to obtain (the possibly easier to obtain) OPSB authorization to install an exponentially larger number of wind turbines in the lake, capable of producing enough electricity, albeit expensive electricity, to obtain some meaningful return on its enormous investment.

The ruse that Applicant employs to try to convince the OPSB that it should break the barrier against permitting a private commercial enterprise to install and operate wind turbines in the Great Lakes is that the Proposed Project is a “demonstration” – that it will provide valuable information about the ecological effects of wind turbine projects in the Great Lakes and information about the financial viability of such projects that will assist regulatory agencies in forming sound public policy for “future larger-scale offshore wind farms in Lake Erie and the other Great Lakes.” Application at 3. As set forth in detail below, that assertion is nonsense. Similarly, the construction and operation of the Proposed Project will provide no material information regarding environmental impacts or energy economics that cannot be obtained before construction of the project is authorized.

The pending Application for a Siting Certificate fails to comply with the requirements of R.C. Chapter 4906, OAC Chapter 4906-4, and OAC Rule 4906-17-05. The Application must be denied.

Specifically, the Application is legally deficient for the following reasons.

1. The Application completely fails to establish “[t]he nature of the probable environmental impact” of the Proposed Project, much less that the Proposed Project “represents the minimum adverse environmental impact,” both as required by R.C. 4906.10(A)(2) and (3), respectively.

For example, the bird and bat risk studies and summaries that Applicant cites for the proposition that the Proposed Project presents “low risk” to birds and bats actually do nothing other than confirm that Applicant has absolutely no scientifically-sound basis to know whether the Proposed Project will kill significant numbers of birds and bats. Applicant does not even know the location of nocturnal migratory bird flight paths over Lake Erie, much less the number

of birds that migrate across the lake or the altitude at which they cross the lake, i.e., whether the millions of birds migrating across Lake Erie at night will fly through the turbines' rotor swept zone ("RSZ") – 65 feet (20 meters) to 479 feet (146 meters) above the water surface.¹

Indeed, in a February 28, 2017 letter commenting on Applicant's preconstruction and post-construction monitoring survey protocols to determine the Proposed Project's impact on birds and bats, the U.S. Fish and Wildlife Service (USFWS) concluded that Applicant's already-conducted avian radar studies were inadequate, and suggested new pre-construction radar studies that need to be conducted to provide scientifically-sound assessments of the Project's probable impact on birds and bats:

3. Radar

- a. *Boat based radar is not technologically there yet, nor cost advantageous, and it focuses on waterfowl, but we have other methods to address waterfowl. NEXRAD [weather radar] data² is not useful for assessing bird/bat behavior within rotor swept zone, which is the data we need. Thus, we suggest these approaches should not be considered further.*
- b. Pre-construction
 - i. *We strongly recommend S-band [e.g., MERLIN] radar, see attached protocol.*

¹ However, the U.S. Fish and Wildlife Service's Spring 2012 MERLIN avian radar (not NEXRAD weather radar) study of Lake Erie shows that up to 17,000 birds per hour fly over Lake Erie at night during peak pulses of Spring migration. Great Lakes Avian Radar Technical Report Lake Erie Shoreline: Erie County, Ohio and Erie County Pennsylvania, Spring 2012, Rebecca Horton, et al., at 18. Moreover, FWS's radar study revealed that "*peak density [of birds] was found to occur between 50 – 150m [164 ft. – 492 ft.] above ground level.*" *Id.* at vi (emphasis added). Thus, USFWS found that the greatest density of nocturnally migrating birds are located within the altitude of the Proposed Project's Rotor Swept Zone, 65.62 ft. to 479.03 feet.

² NEXRAD weather radar data was relied upon by Applicant's lead bird and bat consultant, Western EcoSystems Technology, Inc. ("West") in its January 23, 2017 Assessment of Nocturnal Bird Migration Activity from Weather Radar Data for the Proposed Icebreaker Wind Energy Facility, Lake Erie, Ohio, Nations and Gordon. The authors acknowledged that NEXRAD weather radar "cannot distinguish individual targets, nor can it distinguish birds from bats, nor any other target that might move faster than measured wind speed. Furthermore, the velocity filter is a fairly crude tool. For instance, slow-moving targets, such as birds soaring on the wind, will be automatically removed." *Id.* at 23. Moreover, "[g]iven the limitations of NEXRAD resolution, it is not possible to determine the precise flight altitudes of birds within the radar beam." *Id.* at 25.

- ii. *Preferred is radar data from project area – FWS and ODNR have been requesting this information since 2008. We still advocate for a single radar, on it own platform, within project area for spring and fall season of pre-construction monitoring as the preferred option.*
- iii. Our *second choice* is to install one or all turbine bases prior to fall (2017), put a radar on one of the turbine bases for fall 2017-spring 2018, then install turbines after spring 2018.
- iv. Our *third choice* is to install one or all turbine bases prior to fall. Once the first base is installed at the furthest point from shore, place radar unit on it and begin collecting data on fall migration as other bases are being installed. . . . (Assumes data collected for 6-8 weeks over fall migration period, which is key focus). . . . (Emphasis added).

Attachment 4 to Applicant's March 13, 2017 Supplement to Application, at 2.

By a letter dated March 6, 2017, Applicant rejected USFWS's first three preferred methods for conducting valid, site-specific radar studies for determining the Proposed Project's probable environmental impacts to nocturnally migrating bats and birds, primarily because Applicant refused to spend the money required to perform the site-specific studies that USFWS and ODNR had been urging it to perform since 2008:

3. Radar

With respect to pre-construction radar, LEEDCo agrees to deploy a radar unit at the project site, as recommended by the agencies [USFWS and ODNR]. *However, the agencies['] preferred means of deployment cannot be accommodated as discussed below:*

- A. *The agencies['] preferred approach is for a single radar, on its own platform, within the project area for the spring and fall migration seasons. . . .* Deployment of a radar unit on a jack-up barge for a spring and fall migration season is over a \$3 million effort. *This level of effort cannot be supported by the project.*
- B. *The agencies' second choice is to install one or all turbine bases prior to fall, put a radar on one of the bases for fall or spring, and then install turbines after spring.* This "double mobilization" option is also not viable from either an economic or logistic perspective. This "double deployment" option would

be an approximate \$6 million dollar effort, *which level of effort cannot be supported by this project.* . . .

- C. The agencies' *third option* of installing one or all turbine bases prior to fall and using the first base for the radar unit (the single deployment method) has been explored with Fred. Olsen Renewables, the company that will be constructing the project, and *LEEDCo has determined that it is also not a viable option.* . . .
- D. This leaves us with the fourth option: work with the agencies to evaluate other methods of obtaining site specific radar data. LEEDCo continues to believe that it can gather the radar data sought by installing an S or X band radar unit on a large (over 100 foot) 4 point anchor barge at the project site. . . . (Emphasis added).

Applicant has not resolved its disagreement with USFWS and ODNR over the proper pre-construction testing methodologies that must be deployed to obtain scientifically-valid data to determine the Proposed Project's "probable environmental impact" on birds and bats – testing that must be completed during the spring and fall migration seasons before Applicant begins construction (proposed to commence in April 2018). Indeed, in the July 20, 2017 Avian and Bat MOU between Applicant and ODNR and the accompanying July 17, 2017 Icebreaker Wind Avian And Bat Monitoring Plan, Lake Erie, Ohio (the "Monitoring Plan") that Applicant has submitted to the OPSB, Applicant acknowledges that it has not yet reached agreement with ODNR regarding the scientifically-valid pre-construction methodologies that must be used by Applicant to determine the Proposed Project's probable environmental impact on birds and bats:

Due to the unprecedented nature of this demonstration project, *protocols for determining potential impacts to birds and bats in an offshore environment have not previously been established for the Great Lakes.* . . .

* * *

. . . With regard to radar monitoring, [the Monitoring Plan] articulates the [Applicant] project team's *commitment to work with* ODNR, OPSB, and other agencies and stakeholders to retain an objective third party radar expert *to determine the feasibility and precise design of any pre- and post-construction radar monitoring surveys.* (Emphasis added).

Monitoring Plan at 1, 2.

Furthermore, post-construction monitoring for the Proposed Project will not enable Applicant to obtain scientifically-valid data as to the Project's environmental impact (*e.g.*, collision deaths) upon birds and bats. Applicant has repeatedly acknowledged in its filings with the OPSB that it will be impossible to determine turbine-caused bird and bat fatalities for wind turbines that are located in water. Applicant's own avian experts admit that post-construction bird mortality studies for this offshore project will be "*extremely difficult, if not impossible*" to perform. Final Avian Risk Assessment, Kerlinger & Guarnaccia (October 2013), at 11 (emphasis added). Applicant repeats that admission in its Monitoring Plan:

[Applicant] recognizes that the potential for birds and/or bats to collide with Project infrastructure during the Project's operational phase *is of primary importance for the Project and for the Monitoring Plan*. [Applicant] also recognizes that the well-established methods for monitoring such impacts at land-based wind energy facilities cannot be performed at an offshore facility such as the Project. Although several promising technologies are under development, *no proven effective technologies to perform bird/bat collision monitoring at offshore wind energy facilities are currently available*; however, several emerging technologies appear promising. (Emphasis added).

Monitoring Plan at 12. Thus, Applicant admits both that (1) bird and bat collision fatalities are an environmental impact of primary importance for the Project, and (2) its Application fails to identify for the OPSB any specific, scientifically-valid methodology it will employ to accurately assess that primary environmental impact and mitigate it, if possible. In short, Applicant has acknowledged that its Application fails to establish "the nature of the probable environmental impact" (R.C. 4906.10(A)(2)), much less that the Proposed Project "represents the minimum adverse environmental impact" (R.C. 4906.10(A)(3)). R.C. 4906.10(A) provides that "[t]he board *shall not grant a certificate for the construction, operation, and maintenance of a major utility facility . . . unless it finds and determines* all of the following: . . . (2) [t]he nature of the

probable environmental impact; [and] (3) [t]hat the facility represents the minimum adverse environmental impact.” The Application does not even proffer to the OPSB any scientifically-valid means by which the OPSB may make its required findings and determinations as to the environmental impacts of the Proposed Project, and that the Proposed Project represents the minimum adverse environmental impact for birds and bats. The OPSB must deny the Application for these reasons alone.

Intervenors will present the testimony of avian expert Dr. Henry Streby (University of Toledo) at the November 17 hearing on the Application to provide the OPSB with scientifically-valid assessments of the Application’s failure to meet the requirements of R.C. 4906(A)(2) and (A)(3).

2. The Application fails to establish that the Proposed Project will serve the interests of electric system economy and reliably as required by R.C. 4906.10(A)(4). Applicant admits that as a “demonstration” project, the Proposed Project is neither commercially feasible nor economically justified. The Proposed Project has a “nameplate” capacity of only 20.7 MW, and, according to Applicant, is expected to operate at only 41.4% of that modest capacity. Moreover, the Proposed Project is heavily dependent upon substantial public financial subsidies – including more than \$40 million in federal grants, federal investment tax and production tax credits, and state property tax exemptions – with absolutely no showing that the project feasibly can lead to construction of a commercial-scale generation facility that would be efficient and economically competitive. The Proposed Project cannot compete in the wholesale electricity market. The April 2009 Great Lakes Wind Energy Center Final Feasibility Report shows that the Proposed Project would sell small output at roughly three times wholesale electricity prices in the region.

Moreover, PJM Interconnection LLC currently assigns only a 17.6% capacity factor for new, onshore wind-powered generation facilities. This means, for example, that a new, commercial-scale 1000MW wind facility would have to be supported by 824 MW of additional fossil fuel-fired electric generation to power 1000MW of load growth. Under no circumstances will the Proposed Project, or any expansion of the Proposed Project to a commercial-scale size of 1,000 turbines or more, ever supplant PJM base load fossil fuel-fired electricity. The Proposed Project does not serve the interests of electric system economy or stability.

Intervenors will present at the November 17 hearing the testimony of Dr. Richard Brown (Exponent, Inc.), an expert in electric power distribution and economics, to provide the OPSB with testimony confirming the Application's failure to establish that the Proposed Project will serve the interests of electric system economy and reliability pursuant to the requirements of R.C. 4906(A)(4).

3. For the reasons set forth herein, the Application fails to establish that the Proposed Project will serve the public interest, convenience and necessity as required by R.C. 4906.10(A)(6). In sum, the Applicant requests the OPSB to authorize construction of a privately-owned project that will visit currently-unknown, and potentially vast, environmental harms upon Lake Erie for no economic return – the Proposed Project will intermittently, and inefficiently, produce expensive electricity that will never displace fossil fuel-fired base load electricity for the PJM system. Ohio electric ratepayers “lose” with this project. Ohio taxpayers “lose” with this project. Migrating birds and bats, waterfowl, and other Lake Erie wildlife “lose” with this project. People enjoying the use of Lake Erie and its shores “lose” with this project. The only party that “wins” with this project is publicly-subsidized foreign investor Fred. Olsen Renewables USA LLC. The Proposed Project does not serve the public interest of Ohioans.

4. The Application has redacted from it required information concerning capital and intangible costs, operation and maintenance expenses, present worth and annualized expenditures for operating and maintenance costs, and monthly delay costs. *See* OAC Rule 4906-4-06.

5. The Application fails to adequately document total decommissioning costs under O.A.C. 4906-04-06(F)(5), and fails to offer substantive evidence as to enforceable decommissioning commitments or contracts, bonds or surety or other financial assurance.

6. The Application's construction schedule for the Proposed Project is unrealistic. Construction can occur only from mid-April to mid-October, thereby raising the specter of construction delays, adverse financial impacts, and possible risk to public funding grants. As noted above, Applicant has not even identified, much less implemented, any scientifically-valid pre-construction methodologies necessary to determine the probable environmental impacts of the Proposed Project. All of the following conditions must be met before Applicant can even begin construction of the Proposed Project: (a) Applicant must identify scientifically-sound pre- and post-construction methodologies for determining probable environmental effects and submit the methodologies to the OPSB for approval; (b) the OPSB must approve the proffered methodologies; (c) the approved methodologies must be implemented; (d) the resulting scientifically-sound data must be presented the OPSB; (e) the OPSB must review the data; and (f) the OPSB must make findings and determinations as to the environmental impacts of the Proposed Project and that the Proposed Project represents the minimum adverse environmental impact pursuant to R.C. 4906.10(A)(2) and (3). None of these required events has occurred. The proposed construction schedule cannot be met.

7. The Application concedes there is little empirical evidence or knowledge as to how offshore wind turbine noise may impact aquatic wildlife and ecosystems, or how such noise can be mitigated. Applicant has failed to properly address these issues.

8. The Application acknowledges that there are risks to the structures of the Proposed Project from ice cover, ice loads, and the formation of ice ridges in Lake Erie and in the Proposed Project area. However, the Application does not provide sufficient data from which the OPSB can find and determine that the structures can withstand such risks.

C. Intervention Standard

The Intervenors meet all requirements for intervention in these proceedings as set forth in R.C. 4903.08(A) and O.A.C. 4906-2-12(B)(1). The Board may consider the following when determining petitions to intervene:

- (a) The nature and extent of the person's interest;
- (b) The extent to which the person's interest is represented by existing parties;
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

O.A.C. 4906-2-12(B)(1). See also *In the Matter of the Application of Clean Energy Future—Lordstown, LLC*, No. 14-2322-EL-BGN, slip op. at 2, ¶5 (Ohio Power Siting Bd. July 28, 2015) (setting forth factors the Board considers in resolving motions to intervene); *In the Matter of the Application of Columbus Southern Power Co.*, No. 01-2153-EL-BTX, slip op. at 3, ¶8 (Ohio Power Siting Bd. Jan. 29, 2004) (same).

The Ohio Supreme Court has interpreted this rule as providing that “[a]ll interested parties may intervene in [Board] proceedings upon a showing of good cause.” *State, ex rel. Ohio*

Edison Co. v. Parrott, 73 Ohio St.3d 705, 708 (1995) (citation omitted). Accordingly, the Board has granted numerous petitions to intervene filed by property owners whose property would be affected by a proposed project. See *In the Matter of the Application of Buckeye Wind LLC*, No. 13-360-EL-BGA, slip op. at 5-6, ¶¶12-14 (Ohio Power Siting Bd. Nov. 21, 2013) (granting motion of proposed intervenors who claimed that the wind project would have “potential impacts” on “their residences, land, roads, and community”).³

D. The Intervenors Are Entitled To Intervene

1. *The Intervenors Have Real And Substantial Interests In This Proceeding*

The Intervenors are resident of Cuyahoga County. The Intervenors have set forth above important interests they are entitled to protect in this proceeding. Those interests are further delineated as follows:

- **Killing of Birds and Bats.** The wind turbines in the Proposed Project will kill substantial numbers of birds and bats. It is well established that wind farms cause large-scale kills of birds and bats, that risk assessments and post-construction mortality studies by wind industry-paid consultants systematically underestimate such bird and bat kills, and that Lake Erie is in the migratory path for hundreds of millions of birds. Applicant has not performed any scientifically sound studies to assert that the risk to birds and bats is “low.” Furthermore, the Environmental Assessment for the Proposed Project ignores a considerable body of published research on migratory bird ecology from the community scale (*e.g.*, birds cross Lake Erie in far greater numbers than suggested) to the individual bird scale (*e.g.*, birds change altitudes throughout migration, exposing individuals to the RSZ of the wind turbines, even if an individual bird’s average migration height is

³See also *In the Matter of the Application of Champaign Wind, LLC*, No. 12-160-EL-BGN, slip op. 3-6, ¶¶19-23, 25 (Ohio Power Siting Bd. Aug. 2, 2012) (granting motion to intervene of “property owners who own real estate and reside within the footprint of the” wind turbine project and who “have a direct and substantial interest in [the] matter, in light of the potential visual, aesthetic, safety, and nuisance impacts of the wind project on their residences, land, and community”); *In the Matter of the Application of American Transmission Systems, Inc.*, No. 12-1636-EL-BTX, slip op. at 1-2, ¶¶3-6 (Ohio Power Siting Bd. May 21, 2014) (granting motions to intervene of property owner along the possible alternate route of a proposed transmission line).

above the RSZ). An important example of ignored critical research is recent research that establishes that the Kirtland's warbler (a federally-listed and Ohio-listed endangered species) passes over Lake Erie, including through the Proposed Project area, during every spring and fall migration — rebutting the erroneous conclusion of the Environmental Assessment to the contrary. Thus, the Environmental Assessment is inadequate in critical aspects of its analysis. A full Environmental Impact Statement is required for the Proposed Project.

- **Environmental Degradation.** The wind turbines in the Proposed Project will cause an aesthetic blot on the views in and around of Lake Erie.
- **Freshwater Species Habitat:** Lake Erie's shallow depth provides a unique habitat for freshwater species. The Proposed Project will negatively impact that unique habitat. In addition, it is not fully known how noise associated with the Proposed Project will impact aquatic wildlife.
- **Irregular Intermittency.** A fundamental problem with wind power is irregular intermittency — wind turbines do not produce electricity when the wind is not blowing. The problem of irregular intermittency is exacerbated by the fact that wind farms do not have the capability to effectively store the electricity that has been generated so that it can be distributed when the wind is not blowing. For these reasons, wind energy (a) is not sufficiently reliable to meet the cyclical demands of Ohio consumers for electricity; (b) is not economically competitive with other methods of electricity generation; and (c) requires duplicative fossil fuel-fired generation capacity due to the appropriately low (17.6%) capacity ascribed to wind-powered electricity for the PJM grid.
- **Subsidies to Out-of-State Producers.** The 130th Ohio General Assembly's Sub.S.B. 310 eliminated the requirement of former R.C. 4928.64 that electric distribution companies and electric services companies purchase one-half of their renewable energy resources from facilities located in Ohio. With the elimination of that in-state requirement, the cost of electricity from renewable resources paid by Ohio consumers may include costs for the development and operation of such facilities outside the state of Ohio. In short, Ohio consumers would be subsidizing the cost of renewable energy resources in other states. Such subsidies are not in the best interest of Ohio consumers.
- **Interference with Recreation and Enjoyment.** The construction and operation of the Proposed Project will interfere with the Intervenor's enjoyment and use of the Lake Erie and its shoreline, including

recreational fishing and boating, as well as enjoyment of the unobstructed view of the horizon.

- **Damage to Infrastructure.** The construction and operation of the Proposed Project will adversely impact the roads and other regional public infrastructure.
- **Increased Cost of Electricity.** The cost of electricity generated by the Proposed Project will be higher than competitively-bid electricity sold to the PJM system from other generators, notwithstanding the use of taxpayer funds to subsidize construction of the Project. Legislative mandates to requiring the retail distribution of this higher-cost electricity will increase electricity rates for all consumers. This market distortion harms all ratepayers, and is a misuse of taxpayer funds.

2. *The Intervenors' Interests Are Not Already Adequately Represented.*

The Intervenors' interests are not adequately represented by the existing parties in this case. No existing party to this action has a direct interest in comprehensively addressing the effects that the Proposed Project will have for the preservation of affordable, reliable, safe, and secure electricity supplies for Ohio's consumers, as well as the effects on birds and bats, the shallow depth habitat of Lake Erie, and the enjoyment and recreation of residents such as the Intervenors. The Intervenors, as residents of Cuyahoga County, have vital interests in seeking appropriate protection for Ohio's energy resources for themselves and Ohio's consumers. They also have vital interests in protecting the environment and protecting their own use and enjoyment of Lake Erie and its shoreline, currently unobstructed by wind turbines. Absent intervention, the Intervenors will have no effective means to protect their interests with respect to this proceeding.

3. *The Intervenors Will Contribute To A Just And Expeditious Resolution Of Issues*

The Intervenors' intervention will contribute to a just and expeditious resolution of the issues in these proceedings. The Intervenors have unique, independent perspectives on the

implicated environmental and energy issues to offer the Board. Their participation is crucial to an informed, balanced, and fair disposition of the interests of all parties who will be affected by the OPSB's disposition of this proceeding.

4. *The Intervenors' Intervention Will Neither Delay This Proceeding Nor Prejudice Parties*

The Intervenors' intervention will neither unduly delay this proceeding nor unjustly prejudice any existing party. The Intervenors will abide by all OPSB deadlines and present their evidence in a clear and concise manner. This Petition To Intervene is timely and will not unduly prejudice any existing party.

For the foregoing reasons, the Intervenors request the OPSB to grant this Petition To Intervene.

Respectfully submitted,

/s/ John F. Stock

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below via electronic mail this 16th day of October, 2017.

/s/ John F. Stock

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/16/2017 10:39:16 AM

in

Case No(s). 16-1871-EL-BGN

Summary: Petition Petition to Intervene of Cuyahoga County Residents Vicci Weeks, Caryn Good Seward, and Steven Seward electronically filed by John F Stock on behalf of Vicci Weeks and Caryn Good Seward and Steven Seward