

**BEFORE THE
OHIO POWER SITING BOARD**

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

**PETITION TO INTERVENE OF
INDIANA/KENTUCKY/OHIO REGIONAL COUNCIL OF CARPENTERS**

Pursuant to Ohio Revised Code (“RC”) Sections 4906.12 and 4903.221, and Ohio Administrative Code (“OAC”) Rule 4906-2-12, the Indiana/Kentucky/Ohio Regional Council of Carpenters (“IKORCC”) respectfully moves for leave to intervene in the above-captioned proceeding. The Ohio Power Siting Board (“Board”) should grant this Petition to Intervene because the IKORCC has a real and substantial interest in this proceeding, and the Board’s disposition of this proceeding may impair or impede the IKORCC’s ability to protect that interest. The IKORCC believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the issues in this proceeding. Additionally, the IKORCC’s interests will not be adequately represented by other parties in this proceeding.

Accordingly, for these reasons and for the reasons set forth in the Memorandum in Support attached hereto and incorporated herein, the IKORCC respectfully requests that the Board grant this Petition to Intervene.

Respectfully Submitted,

/s/ Paul T. Berkowitz

Paul T. Berkowitz (0089957)

Paul T. Berkowitz & Associates, Ltd.

1909 Arlingate Lane

Columbus, Ohio 43228

(614)236-2881

and

123 West Madison St., Ste. 600

Chicago, Illinois 60602

(312)419-0001

***Attorneys for the Indiana/Kentucky/Ohio
Regional Council of Carpenters***

**BEFORE THE
OHIO POWER SITING BOARD**

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

**MEMORANDUM IN SUPPORT OF
THE PETITION TO INTERVENE OF
THE INDIANA/KENTUCKY/OHIO
REGIONAL COUNCIL OF CARPENTERS**

On February 1, 2017, Icebreaker Windpower, Inc. (“Icebreaker”) submitted an Application (the “Application”) to Ohio Power Siting Board (“OPSB”) – Case No. 16-1871-EL-BGN. The Application proposed the construction of a Facility in Lake Erie, Cuyahoga County, which would consist of 6 wind turbine generators, along with submerged electric collection cables and a Facility substation. The Application stated that the Facility will deliver power to a single point of interconnection on the existing Cleveland Public Power electric grid.

Per the Application, the stated purpose of the Facility is “to produce wind powered electricity that will maximize energy production from Project Area wind resources in order to deliver clean, renewable electricity to the Ohio bulk power transmission system to serve the needs of electric utilities and their customers.” The expected benefit of the facility is “expected to operate for approximately 8,200 hours annually, and have an approximate capacity factor of 41.4%, generating approximately 75,000 megawatt-hours of electricity each year.” Icebreaker

states that construction of the facility is anticipated to begin in May 2018 and be completed by October 2018 with the Facility being operational in November 2018.

I. IKORCC Should be Granted Intervention as a Party of Record

The Ohio Revised Code permits parties “who may be adversely affected by a public utilities commission proceeding [to] intervene in such proceeding.” R.C. §4903.221. The Commission has four factors for consideration of such petitions for intervention:

- (1) The nature and extent of the perspective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probably relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduely prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues. R.C. §4903.221(B).

Pursuant to Section 4906-2-12 of the OAC, the IKORCC moves to intervene in this proceeding as a full party of record. The IKORCC has a real and substantial interest in this matter for the reasons set forth herein.

Rule 49-12(B) of the OAC states:

- (B) The board or the administrative law judge shall grant petitions for leave to intervene only upon a showing of good cause.
- (1) In deciding whether to permit intervention under this paragraph, the board or the administrative law judge may consider:
 - (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.
 - (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

As the Supreme Court of Ohio has emphasized, “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the [Commission,]” which includes hearings before the Board. *Ohio*

Consumers' Counsel. V. Pub. Util. Comm., 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940, ¶230.

a. Who is the IKORCC?

The IKORCC is a labor organization which is affiliated with the United Brotherhood of Carpenters and Joiners of America (“UBC”) which has the approximately half million members. The IKORCC is one of 27 Regional Councils of the UBC and has sixteen (16) local unions affiliated with it in the State of Ohio with more than 12,000 active members and almost 14,000 retirees.¹

b. The Nature and Extent of the IKORCC’s Interest

The IKORCC and the UBC represent their members and their families for many different purposes, among them are: health, safety, economic development of their communities and the creation of job opportunities. These same objectives are included in Icebreaker Windpower, Inc.’s Application, Part 1 of 13, which states under the “General Purpose of the Facility”, “the general purpose of the facility is to deliver clean, renewable electricity to the Ohio Bulk Power Transmission System to serve the needs of electric utilities and their customers, increasing reliance on Ohio’s vast offshore wind reserve (which) add fuel diversity to the state’s and region electric supply mix, help reduce air pollution in an area that has been historically an non-attainment area for 2.5 micron particular matter, lead, and ozone, reduce greenhouse gas emissions, and create local jobs and spur economic development.” Thus, the nature and extent of the IKORCC’s interest is basically synonymous with the pending Application.

The current Application for which the IKORCC seeks to intervene is another one of the many activities which the IKORCC has been involved in on behalf of its membership as

¹ In addition, the IKORCC represents another 10,000 members and 10,000 retirees in the State of Indiana and the Commonwealth of Kentucky.

members and as consumers throughout the State of Ohio. The IKORCC has been actively involved in promoting and advancing all of these same and similar types of objectives in all areas of Ohio.

For this reason, the IKORCC's representational status for its membership and their families gives it a real and substantial interest in proper siting and in the Commission's decision on the Icebreaker Windpower, Inc. Project.

c. The IKORCC's Interest is Not Represented by Existing Parties

Being a labor organization, the IKORCC's interest is not represented by any other prospective Intervenor. While certainly there will be some overlap between the various intervenors, Icebreaker Windpower and this Board, the IKORCC's status as a labor organization which has a federal mandate to represent its membership underlies why the IKORCC is an entity with different interests than the other parties, herein.

d. The IKORCC will Contribute to a Just and Expeditious Resolution of the Issues Involved in the Proceeding

The UBC and its affiliated IKORCC stand in several unique positions vis-a-vis the instant Application which will permit the IKORCC to contribute to a just and expeditious resolution of the issues involved in the proceeding:

1. The UBC includes at least two other Regional Councils which have been actively involved in these offshore electric turbine projects in their States.
2. UBC members (and their contractors) have actually worked over 180,000 hours constructing the Block Island Wind Farm Project.

3. UBC affiliate Wharf and Dock Builders, Pile Drivers, and Divers has had its Petition to Intervene granted by the Public Service Commission of Maryland (Case No. 9431, January 26, 2017).

In sum, Carpenters, Millwrights, Pile Drivers, and Divers who live and work throughout Indiana, Kentucky and Ohio will provide the IKORCC's specialized skills which will be necessary to help construct the Icebreaker Offshore Windfarm Project.²

Supporting and supplementing these skills is the IKORCC Apprenticeship Program which has been approved by the United States Department of Labor. As part of the Apprenticeship Program, the IKORCC has special relationships with Job Corps providing specialized training for those from impoverished communities. It also has an active relationship with the military in the form of the "Helmets to Hard Hats" program which helps recruit former military members into the private carpentry, millwrights, pile drivers and divers industry. In addition to the IKORCC Apprenticeship Program, and the training partnerships that IKORCC maintains with local community colleges and other work force development programs, IKORCC members and signatory employers have access to the UBC International Training Center ("ITC"), where any training that cannot be accomplished locally can be carried out. Last year, the ITC training budget alone exceeded \$250 million dollars. All training costs are derived by the employment of IKORCC members. Apprentices and signatory employers are not subject to any additional training costs.

f. The IKORCC's Petition to Intervene will not Cause Undue Delay or Unjustly prejudice the existing parties with respect to the Icebreaker Windpower Project

If this Board grants the IKORCC's Petition to Intervene in the Icebreaker Windpower Project application process, the IKORCC will not cause any undue delay of the proceeding or

² The IKORCC's fully trained and experienced workforce is already deeply immersed in the land-based turbines which are being built across our region.

unjustly prejudice any existing party. The IKORCC's purpose for its Petition is simply to participate in a legal process and to do so in such a manner which will only serve to act to reach a just and expeditious resolution of the petition application.

II. Conclusion

The Board should grant the Indiana/Kentucky/Ohio Regional Council of Carpenters' Petition to Intervene in the Board's review of Icebreaker Windpower's Application for a Certificate to Construct a Windpowered Electric Generation Facility on Lake Erie. The IKORCC has a real and substantial interest in the Icebreaker Windpower Project on Lake Erie; the IKORCC has different interest than those of the existing parties, and it will represent those interest more effectively than the existing parties; the IKORCC can contribute to a just and expeditious resolution of the issues involved in the proceeding; and IKORCC's intervention will not cause undue delay of the Board's review of the Icebreaker Windpower Project. Therefore, for the reasons stated in this Memorandum in Support, the Indiana/Kentucky/Ohio Regional Council of Carpenters respectfully requests that the Board grant its Petition to Intervene in Case No. 16-1871-EL-BGN.

Respectfully Submitted,

/s/ Paul T. Berkowitz

Paul T. Berkowitz (0089957)

Paul T. Berkowitz & Associates, Ltd.

1909 Arlingate Lane

Columbus, Ohio 43228

(614)236-2881

and

123 West Madison St., Ste. 600

Chicago, Illinois 60602

(312)419-0001

***Attorneys for the Indiana/Kentucky/Ohio
Regional Council of Carpenters***

CERTIFICATE OF SERVICE

I hereby certify that a copy of this filing will be electronically served via the Ohio Power Siting Board's e-filing system and via electronic mail on all parties referenced in the service list of the docket.

/s/ Paul T. Berkowitz

Paul T. Berkowitz

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/16/2017 3:41:45 PM

in

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

Summary: Petition Petition to Intervene and Memorandum in Support electronically filed by Mr. PAUL T. BERKOWITZ on behalf of Indiana/Kentucky/Ohio Regional Council of Carpenters and Berkowitz, Paul T.