

**BEFORE
THE OHIO POWER SITING BOARD**

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

**MOTION FOR AN EXTENSION OF THE PROCEDURAL SCHEDULE,
REQUEST FOR EXPEDITED RULING AND MEMORANDUM IN SUPPORT
SUBMITTED ON BEHALF OF THE STAFF OF
THE OHIO POWER SITING BOARD**

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Pursuant to Ohio Administrative Code (“O.A.C.”) Rule 4906-2-27, the Staff of the Ohio Power Siting Board (Staff) respectfully moves the Ohio Power Siting Board (“OPSB”) or its Administrative Law Judge (“ALJ”) for an extension of the procedural schedule in this case to May 8, 2019. Currently, the parties are to submit a revised stipulation or, in the alternative a proposed revised briefing schedule, by April 8, 2019.

The Staff has consulted with counsel for all of the parties to this case, and no party opposed this motion.

Therefore, the Staff submits that, for the reasons more fully set forth in the following memorandum in support, good cause exists to grant this motion on an expedited basis, accordance with O.A.C. Rule 4906-2-27(C).

Respectfully submitted,

Michael DeWine
Ohio Attorney General

/s/ John H. Jones

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**MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF THE
PROCEDURAL SCHEDULE AND REQUEST FOR EXPEDITED RULING**

On February 1, 2017, as supplemented, Icebreaker filed an application for a certificate of environmental compatibility and public need for the Icebreaker Project to be located in Lake Erie eight miles off the shore of Cleveland, Ohio in Cuyahoga Country.

On September 4, 2018, Icebreaker, Business Network for Offshore Wind, Inc., the Sierra Club, Indiana/Kentucky/Ohio Regional Council of Carpenters, and the Ohio Environmental Council filed a Joint Stipulation and Recommendation for adoption by the OPSB. The evidentiary hearing in this matter commenced on September 24, 2018. At the conclusion of the hearing, the ALJs determined that the initial and reply briefs should be filed by November 30, 2018, and the January 8, 2019, respectively. The ALJ has granted several extension of time of the briefing and, currently, April 8, 2018, is the due date for the filing of a revised stipulation or a proposed revised briefing schedule.

The parties have met several times since conclusion of the hearing and continued their discussions on a possible revised settlement in this matter. The parties have made progress and the Staff believes that additional time might prove helpful in reaching a resolution of the issues. Therefore, it is necessary that the Staff request additional time for review and discussion on possible settlement.

Accordingly, the Staff proposes that the OPSB grant an extension for the filing of a revised stipulation or, in the alternative, a proposed revised briefing schedule to May 8, 2019.

Given the short time frame, Staff requests that this motion be granted on an expedited basis for good cause shown.

Respectfully submitted,

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Ohio Attorney General

/s/ John H. Jones

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion For An Extension Of The Procedural Schedule, Request For Expedited Ruling And Memorandum In Support, was served upon the following parties of record via electronic mail this 5th day of April, 2019.

/s/ John H. Jones

John H. Jones
Interim Section Chief

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Summary: Motion for an Extension of the Procedural Schedule, Request for Expedited Ruling and Memorandum in Support electronically filed by Ms. Tonnetta Scott on behalf of OPSB