

**BEFORE
THE OHIO POWER SITING BOARD**

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

**JOINT MOTION
TO REOPEN THE PROCEEDING
AND FOR A PREHEARING CONFERENCE
AND MEMORANDUM IN SUPPORT**

Pursuant to Ohio Administrative Code (“O.A.C.”) Rule 4906-2-31, Icebreaker Windpower Inc. (“Icebreaker”), the Ohio Power Siting Board (“OPSB”) Staff (“Staff”), Business Network for Offshore Wind, Inc. (“ Business Network”), the Sierra Club, Indiana/Kentucky/Ohio Regional Council of Carpenters (“Council of Carpenters”), and the Ohio Environmental Council (“OEC”) (herein referred to as “Joint Movants”) respectfully move the OPSB or its Administrative Law Judge (“ALJ”) to reopen the proceeding for the purpose of receiving the Revised Joint Stipulation and Recommendation (“Stipulation”) entered into by the Joint Movants. The Stipulation, which is being filed coincident with this motion, supersedes and replaces the September 4, 2018 Stipulation filed in this case. In addition, Joint Movants request that a prehearing conference be scheduled in this matter.

Joint Movants have consulted with counsel for all of the parties to this case and no party opposes this motion.

Therefore, Joint Movants submit that, for the reasons more fully set forth in the following memorandum in support, good cause exists to grant this motion.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF
JOINT MOTION
TO REOPEN THE PROCEEDING
AND FOR A PREHEARING CONFERENCE**

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 County.

On September 4, 2018, Icebreaker, the Sierra Club, Council of Carpenters, and the OEC filed a Joint Stipulation and Recommendation (“September 4, 2018 Stipulation”). 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 January 8, 2019, respectively. The ALJ granted several extensions of time of the briefing schedule and, currently, May 15, 2019, 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. As a result of those discussions, Joint Movants have entered into a revised Stipulation, which is being filed coincident with this motion. The revised Stipulation supersedes and replaces the September 4, 2018 Stipulation, which was presented at the hearing in this matter.

O.A.C. Rule 4906-2-31 provides that, upon a motion of any person for good cause shown, the OPSB or ALJ may reopen a proceeding at any time prior to the issuance of a final order. At this time, the Joint Movants request that this proceeding be reopened so that they may offer the revised Stipulation and Fifth Supplement to the Application as exhibits in this matter and the Board may consider those documents in its deliberations.

The purpose of reopening the proceeding is to present additional evidence that could not have been presented earlier in the proceeding. Prior to commencement of the hearing on September 24, 2018, the parties negotiated in good faith in an attempt to resolve all issues in this matter; however, while settlement was reached with the majority of the parties in this case, two parties, including Staff, did not join in the September 4, 2018 Stipulation. Upon review of the record post hearing, the parties agreed to reconvene settlement discussions in an effort to determine if a full settlement of the issues was possible. The result of those discussions was the revised

Stipulation, which is signed by the majority of the parties and includes Staff as a signatory party. The Stipulation, which is also being filed today, is the result of numerous hours of deliberations and could not have been achieved prior to the hearing in this matter.

In order to establish the procedural schedule for moving forward in this matter, Joint Movants request that the OPSB or ALJ convene a prehearing conference as expeditiously as possible.

Therefore, Joint Movants request that this motion be granted for good cause shown.

Respectfully submitted,

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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 listed below via electronic mail this 15th day of May, 2019.

/s/ Christine M.T. Pirik

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Summary: Motion - Joint Motion to Reopen Proceeding by OPSB Staff, Icebreaker, OEC, Sierra Club, Business Network, and Council of Carpenters electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.