

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
ICEBREAKER WINDPOWER, INC. FOR A
CERTIFICATE TO CONSTRUCT A WIND-
POWERED ELECTRIC GENERATION
FACILITY IN CUYAHOGA COUNTY, OHIO.

CASE NO. 16-1871-EL-BGN

ENTRY

Entered in the Journal on May 22, 2019

{¶ 1} Icebreaker Windpower, Inc. (Icebreaker or Applicant) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On September 13, 2016, Applicant filed a pre-application notice with the Board regarding its intent to construct the electric generation facility being proposed in this case. On February 1, 2017, as supplemented, Icebreaker filed an application for a certificate to construct its proposed project, which it has described as a 6-turbine demonstration wind-powered electric generation facility located 8-10 miles off the shore of Cleveland, in Cuyahoga County, Ohio. The wind turbines are expected to have a nameplate capacity of 3.45 megawatts (MW) each, with a total generating capacity of 20.7 MW.

{¶ 4} The adjudicatory hearing in this case commenced on September 24, 2018, as scheduled, and concluded on October 2, 2018. At the conclusion of the hearing, the administrative law judge (ALJ) instructed that initial briefs and reply briefs would be due by November 30, 2018, and January 8, 2019, respectively.

{¶ 5} On November 21, 2018, Icebreaker filed a motion seeking an extension of time to file the corresponding briefs, indicating that the parties were attempting to engage in further settlement discussions that could result in a revised stipulation that resolves some, or all, pending issues in this matter. That motion was granted that same day, and the ALJ

directed that a revised stipulation or, in the alternative, a proposed revised briefing schedule, be filed at a later date. Since that time, the ALJ granted six additional requests for extensions, with the latest extension being granted on May 8, 2019, and setting the new deadline as May 15, 2019.

{¶ 6} On May 14, 2019, Icebreaker filed a fifth supplement to its application.

{¶ 7} On May 15, 2019, Icebreaker, the Business Network for Offshore Wind, Inc., the Sierra Club, Indiana/Kentucky/Ohio Regional Council of Carpenters, the Ohio Environmental Council, and Staff (collectively, Signatory Parties) filed a revised joint stipulation and recommendation (Stipulation). The Signatory Parties indicate that the Stipulation represents an agreement resolving all matters pertinent to the certification and construction of the wind-powered electric generation facility in Cuyahoga County, Ohio, as proposed in this proceeding.¹

{¶ 8} The Signatory Parties also filed a joint motion to reopen the proceeding on May 15, 2019. In their motion, the Signatory Parties request the Board or ALJ reopen the proceeding in order to consider the fifth supplement to the application and the Stipulation, which is the result of extensive settlement negotiations following the evidentiary hearing and supersedes and replaces the September 4, 2018 stipulation filed in this case. The Signatory Parties also request that a prehearing conference be scheduled in this matter.

{¶ 9} Ohio Adm.Code 4906-2-31 provides that, upon a motion of any person for good cause shown, the Board or ALJ may reopen a proceeding at any time prior to the issuance of a final order.

{¶ 10} Upon review, the ALJ finds that the Signatory Parties have demonstrated good cause for reopening the proceeding and conducting a prehearing conference. Accordingly,

¹ On May 13, 2019, intervenors W. Susan Dempsey and Robert Maloney filed a response to the latest motion for an extension of the procedural schedule, indicating that they were not joining the Stipulation for the Board's consideration and were still opposing the project.

a prehearing settlement conference shall be held on June 5, 2019, at 2:30 p.m., 11th Floor, Hearing Room 11-A, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register in the lobby and then proceed to the 11th Floor in order to participate in the conference.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the joint motion to reopen the proceedings be granted. It is, further,

{¶ 13} ORDERED, That a prehearing conference be scheduled for June 5, 2019, as directed in Paragraph 10. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan J. Addison

By: Megan J. Addison
Administrative Law Judge

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/22/2019 3:49:35 PM

in

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

Summary: Administrative Law Judge Entry reopening proceedings and setting a prehearing conference for 6/5/19 at 2:30pm electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Administrative Law Judge, Ohio Power Siting Board