

**BEFORE
THE OHIO POWER SITING BOARD**

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

**REVISED PREFILED TESTIMONY
OF
STUART M. SIEGFRIED**
Siting, Efficiency, and Renewable Energy Division
Rates and Analysis Department
**ON BEHALF OF THE STAFF OF THE
OHIO POWER SITING BOARD**

STAFF EX. ____

July 26, 2019

1 1. Q. Please state your name and business address.

2 A. My name is Stuart M. Siegfried, and my business address is 180 East Broad
3 Street, Columbus, Ohio 43215.
4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a
7 Utilities Specialist in the Siting, Efficiency, and Renewable Energy Division
8 of the PUCO's Rates and Analysis Department.
9

10 3. Q. Please summarize your educational background and work experience.

11 A. I received a B.S. degree, International Business, from Bowling Green State
12 University. I have been employed continuously by the PUCO since the fall
13 of 1990, with my responsibilities including such topics as acid rain
14 compliance, renewable portfolio standard implementation, and power siting
15 activities.
16

17 4. Q. Have you testified in prior proceedings before the Ohio Power Siting Board
18 (OPSB)?

19 A. Yes.
20

21 5. Q: What has been your role in this proceeding to date?

1 A: I authored portions of the Staff Report of Investigation (Staff Report). In
2 addition, I was the Staff lead for its investigation.

3
4 6. Q: What is the role of the Staff lead in this context?

5 A: The Staff lead acts as the initial point of contact between the Staff and the
6 Applicant, as well as between the Staff and OPSB-member agencies, for
7 technical matters related to the proposed project. The Staff lead also manages
8 the compilation of the Staff Report consistent with the procedural schedule
9 established for the proceeding.

10
11 7. Q. What is the purpose of your revised testimony in this proceeding?

12 A. With my revised testimony, I am supporting the May 15, 2019, Revised Joint
13 Stipulation and Recommendation (Revised Stipulation) signed by the OPSB
14 Staff (Staff), Icebreaker Windpower, Inc. (Icebreaker), Ohio Environmental
15 Council, Sierra Club, Business Network for Offshore Wind, Inc., and the
16 Indiana/Kentucky/Ohio Regional Council of Carpenters. Staff supports the
17 conditions contained in the Revised Stipulation, as they modify the Staff
18 Report.

19
20 8. Q. Staff did not support the earlier stipulation (Initial Stipulation) filed in this
21 case on September 4, 2018, correct?

22 A. That is correct, for the reasons detailed in my initial testimony.

1 9. Q. Can you briefly summarize the differences between the Initial Stipulation
2 and the Revised Stipulation?

3 A. The Revised Stipulation, when compared to the Initial Stipulation, includes
4 changes to several recommended conditions primarily related to wildlife
5 matters. In addition, due to the merging of two recommended conditions in
6 the Revised Stipulation, the condition numbers will not all correspond to the
7 Initial Stipulation. Finally, recommended condition 35 from the Initial
8 Stipulation has been removed entirely.

9

10 10. Q. In the Revised Stipulation, which recommended conditions changed when
11 compared to the Initial Stipulation?

12 A. Changes were made to recommended conditions 5, 15, 17, 18, 19, 20, 21, 22,
13 23, and 30 in the Revised Stipulation.

14

15 11. Q. Are other Staff witnesses addressing specific conditions in the Stipulation?

16 A. Yes. Staff Witnesses Hazelton will address modified conditions pertaining
17 to birds and bats (i.e., Conditions 15, 18, 20, 21, 22 and 23), while Staff
18 Witness Hartman will address modified conditions pertaining to fisheries and
19 aquatic resource (i.e., Conditions 17, 19, and 20).

20

21

22

1 12. Q. What changes were made to recommended conditions 5 and 30?

2 A. A minor change was made to both condition 5 and 30(a), such that they were
3 revised to include reference to a modified Submerged Lands Lease.
4

5 13. Q. Did you review the Revised Stipulation?

6 A. Yes.
7

8 14. Q. Are you familiar with the OPSB's standard for reviewing proposed
9 stipulations?

10 A. Yes. In considering the reasonableness of a stipulation, the OPSB has used a
11 three-part test with the following criteria:

12 (1) Is the settlement a product of serious bargaining
13 among capable, knowledgeable parties?

14 (2) Does the settlement, as a package, benefit
15 customers and the public interest?

16 (3) Does the settlement package violate any
17 important regulatory principle or practice?

18 15. Q. Does the Revised Stipulation represent the product of serious
19 bargaining among capable, knowledgeable parties?

20 A. Yes. The capability and knowledge of the parties and their
21 counsel is apparent. I can confirm there were lengthy

1 negotiations by and between parties and their counsel who are
2 knowledgeable in regulatory matters.

3
4 16. Q. Does the Revised Stipulation satisfy prong two of the three-
5 part test?

6 A. Yes. While Staff concluded that the Initial Stipulation was not
7 in the public interest as it failed to satisfy essential statutory
8 criteria, the Revised Stipulation includes changes to the
9 recommended conditions (e.g., demonstration of collision
10 detection technology viability prior to construction) such that
11 the applicable criteria would now be satisfied.

12
13 17. Q. Does the Revised Stipulation, as compared to the Initial
14 Stipulation, serve to minimize environmental impacts to wild
15 animals?

16 A. Yes. As detailed in the revised pre-filed testimony of Staff
17 witness Hazelton, the recommended conditions in the Revised
18 Stipulation include additional wildlife protections that were not
19 captured by the Initial Stipulation. These added protections
20 will help to ensure minimum adverse environmental impacts to
21 wildlife.

1 18. Q. Does the Revised Stipulation violate any important regulatory
2 principle or practice?

3 A. No. I believe that it complies with all relevant and important
4 principles and practices. The Revised Stipulation furthers
5 important regulatory principles and practices through
6 recommending conditions to the certificate, if issued, which
7 serve to avoid or minimize potential negative impacts resulting
8 from the project.

9

10 19. Q. What other criteria does the OPSB consider when considering proposed
11 power siting applications?

12 A. The OPSB will consider the applicable criteria in R.C. 4906.10(A).

13

14 20. Q. Does Staff believe that the Revised Stipulation is reasonable and should be
15 adopted by the OPSB because it satisfies the OPSB's three-part stipulation
16 test?

17 A. Yes.

18

19 21. Q. And does Staff believe that the Revised Stipulation is reasonable and should
20 be adopted by the OPSB because it satisfies the applicable criteria under R.C.
21 4906.10(A)?

22 A. Yes.

1 22. Q. What does Staff recommend?

2 A. Staff recommends approval of the Revised Stipulation.

3

4 23. Q. Does this conclude your revised testimony?

5 A. Yes it does. However, I reserve the right to submit supplemental testimony
6 as described herein, as new information subsequently becomes available or
7 in response to positions taken by other parties.

8

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Revised Prefiled Testimony of Stuart Siegfried was served via e-mail, upon the following parties of record, this 26th day of July, 2019.

/s/ John H. Jones

John H. Jones

Assistant Attorney General

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Summary: Testimony of Stuart M. Siegfried electronically filed by Ms. Tonnetta Scott on behalf of OPSB