

**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.	)	

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**ICEBREAKER’S REPLY TO  
BRATENAHl RESIDENTS’ RESPONSE TO  
ICEBREAKER’S MOTION FOR PROTECTIVE ORDER  
REGARDING STAFF’S FIFTH SET OF INTERROGATORIES**

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**I. INTRODUCTION**

On February 1, 2017, as supplemented, Icebreaker Windpower, Inc. (“Applicant” or “Icebreaker”) filed an application with the Ohio Power Siting Board (“OPSB”) for a certificate of public convenience and necessity (“Application”) to construct a 6-turbine demonstration wind-powered electric generation facility on Lake Erie, off the shore of Cleveland, in Cuyahoga County, Ohio. Concurrent with the filing of its Application, Icebreaker filed a Motion for Protective Order seeking to maintain several portions of the Application as confidential and not part of the public record.

On June 11, 2018, Icebreaker filed its responses to OPSB Staff’s fifth set of interrogatories, and included in its filing a separate Motion for Protective Order requesting that portions of four of the responses—each of which contained highly competitive and sensitive financial data—be kept under seal and *specifically* designated as “Confidential—Attorneys’ Eyes Only.” Consistent with the June 11, 2018 filing, on June 22, 2018, Icebreaker filed an amendment to its February 1, 2017 Motion for Protective Order regarding information contained in the Application. The amended motion clarified that the financial information contained in the Application, which information is the same type of sensitive data contained in the Applicant’s responses to OPSB Staff’s fifth set of interrogatories, also be specifically designated as “Confidential—Attorneys Eyes Only.”

On June 25, 2018, Bratenahl residents W. Susan Dempsey, Robert M. Maloney, Gregory Binford, and Leon Blazey, Jr. (together, the “Residents”) filed what appears to be a

Memorandum Contra to Icebreaker's June 11, 2018 Motion for Protective Order. In its June 25, 2018 response, the Residents request that the OPSB deny Icebreaker's Motion for Protective Order or, in the alternative, fashion a protective order that permits the Residents' expert witnesses access to Icebreaker's confidential information.

On July 2, 2018, the Applicant and the Residents came to an agreement on mutually acceptable terms and signed a protective agreement. The Applicant is in the process of putting the confidential information together and will be providing the information to counsel for the Residents' consistent with the agreement. Therefore, the Applicant notes that, since the Residents' dispute regarding Applicant's June 11, 2018 motion has been resolved, the Residents' June 25, 2018 request that the motion for protective order be denied is moot.

Accordingly, the Applicant requests that the OPSB grant its Motion for Protective Order, based on the arguments set forth in the Applicant's June 11, 2018 Memorandum in Support of the Motion for Protective Order.

Respectfully submitted,

/s/ Christine M.T. Pirik

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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 Motion for Protective Order 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 person below via electronic mail this 2<sup>th</sup> day of July, 2018.

/s/ Christine M.T. Pirik

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Summary: Response by Icebreaker to Bratenahl's June 25, 2018 response to Icebreaker's June 11, 2018 Motion for Protective Order electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.