

**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.)

**ICEBREAKER WINDPOWER INC.'S
MOTION FOR AN EXTENSION OF THE PROCEDURAL SCHEDULE
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Ohio Administrative Code ("O.A.C.") Rules 4906-2-07 and 4906-2-27, Icebreaker Windpower Inc. ("Applicant" or "Icebreaker") respectfully moves the Ohio Power Siting Board ("Board") or its Administrative Law Judge ("ALJ") for an extension of the procedural schedule and that a prehearing conference be scheduled for July 30, 2018.

The Applicant has consulted with counsel for the OPSB Staff, as well as all of the parties to this case and they do not oppose this motion.

Therefore, the Applicant 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, in accordance with O.A.C. Rule 4906-2-27(C).

Respectfully submitted,

/s/ Christine M.T. Pirik

Christine M.T. Pirik

Terrence O'Donnell

William Vorys

Jonathan R. Secrest

DICKINSON WRIGHT PLLC

150 E. Gay St., 24th Floor

Columbus, Ohio 43215

Telephone: (614) 591-5461

cpirik@dickinsonwright.com

todonnell@dickinsonwright.com

vvorys@dickinsonwright.com

jsecrest@dickinsonwright.com

Attorneys for Icebreaker Windpower, Inc.

MEMORANDUM IN SUPPORT

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 (“Application”).

On April 20, 2018, the ALJ issued the procedural schedule in this case, which, among other things:

1. Scheduled the evidentiary hearing for August 6, 2018.
2. Established July 23, 2018, as the due date for the filing of expert and factual testimony to be offered by the Applicant.
3. Established July 27, 2018, as the due date for the filing of expert and factual testimony to be offered by intervenors and Staff.

Icebreaker believes that settlement discussions could likely lead to a full stipulation resolving all issues in this matter. While Icebreaker has been preparing a proposed stipulation, the Applicant held off on presenting the proposal to the parties until after the second local public hearing was held on July 19, 2018, so that the stipulation could reflect any relevant comments presented at the local hearing and allow the parties to take any comments made at the hearing into consideration during their settlement deliberations.

In light of the fact that Icebreaker’s testimony supporting the Application is due Monday, July 23, 2018, and the parties have not yet had sufficient time to review the proposed stipulation and commence settlement discussions, the Applicant is filing this request for an extension of time of the procedural schedule. Specifically, the Applicant requests that the Board or ALJ schedule a prehearing conference for July 30, 2018, at which time the new filing dates for testimony and

commencement of the hearing can be discussed and determined, with the goal being that the evidentiary hearing will commence as soon as possible.

Given the short time frame before testimony is currently due, Icebreaker requests that this motion be granted on an expedited basis for good cause shown.

Respectfully submitted,

/s/ Christine M.T. Pirik

Christine M.T. Pirik

Terrence O'Donnell

William Vorys

Jonathan R. Secrest

DICKINSON WRIGHT PLLC

150 E. Gay St., 24th Floor

Columbus, Ohio 43215

Telephone: (614) 591-5461

cpirik@dickinsonwright.com

todonnell@dickinsonwright.com

wvorys@dickinsonwright.com

jsecrest@dickinsonwright.com

Attorneys for Icebreaker Windpower, Inc.

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 20th day of July, 2018.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

john.jones@ohioattorneygeneral.gov
thomas.lindgren@ohioattorneygeneral.gov
mleppla@theoec.org
tdougherty@theoec.org
ctavenor@theoec.org
jstock@beneschlaw.com
ocollier@beneschlaw.com
mjsettineri@vorys.com
glpetrucci@vorys.com
paul@ptblaw.com

Administrative Law Judges:

megan.addison@puco.ohio.gov
nicholas.walstra@puco.ohio.gov

COLUMBUS 63172-1 93893v2

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/20/2018 2:14:05 PM

in

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

Summary: Motion for an Extension of the Procedural Schedule and Request for Expedited Filing electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.