

**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.)

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

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 (“OPSB”) or its Administrative Law Judge (“ALJ”) for an extension of the procedural schedule in this case to February 19, 2019. Currently, the parties are to submit a revised stipulation or, in the alternative, a proposed revised briefing schedule, by January 15, 2019.

The Applicant has consulted with counsel for the OPSB Staff, as well as all of the parties to this case, and no party opposes this motion, or the revised February 19, 2019 filing date.

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

Sara H. Jodka

DICKINSON WRIGHT PLLC

150 E. Gay St., 24th Floor

Columbus, Ohio 43215

Telephone: (614) 591-5461

Attorneys for Icebreaker Windpower, Inc.

**MEMORANDUM IN SUPPORT OF
MOTION FOR AN EXTENSION OF THE PROCEDURAL SCHEDULE AND
REQUEST FOR EXPEDITED RULING**

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, Business Network for Offshore Wind, Inc., the Sierra Club, Indiana/Kentucky/Ohio Regional Council of Carpenters, and the Ohio Environmental Council filed a Joint Stipulation and Recommendation for adoption by the OPSB. 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. On November 21, 2018, and December 7, 2018, the ALJ granted the Applicant's motions for an extension of time of the briefing schedule and, currently, January 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. The parties are currently working to find a time to meet to discuss the latest settlement proposal; however, it is doubtful that settlement discussions will be concluded before the January 15, 2019 due date established in the December entry. Therefore, it is necessary that the Applicant request additional time for review and discussion on possible settlement.

Accordingly, the Applicant proposes that the OPSB grant an extension and require the parties to submit a revised stipulation or, in the alternative, a proposed revised briefing schedule, by February 19, 2019.

Given the short time frame, 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

Sara H. Jodka

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

sjodka@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 14th day of January, 2019.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

john.jones@ohioattorneygeneral.gov
thomas.lindgren@ohioattorneygeneral.gov
cameron.simmons@ohioattorneygeneral.gov
ina.avalon@ohioattorneygeneral.gov
mleppla@theoec.org
tdougherty@theoec.org
ctavenor@theoec.org
jstock@beneschlaw.com
rhaffke@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 105496v1

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/14/2019 12:12:30 PM

in

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

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