

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
ICEBREAKER WINDPOWER INC. FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
AN ELECTRIC GENERATING FACILITY IN
CUYAHOGA COUNTY, OHIO.

CASE NO. 16-1871-EL-BGN

ENTRY ON REHEARING

Entered in the Journal on July 17, 2020

I. SUMMARY

{¶ 1} The administrative law judge grants the applications for rehearing filed by Icebreaker Wind, Inc., Business Network for Offshore Wind, Inc., Indiana/Kentucky/Ohio Regional Council of Carpenters, intervening residents of the village of Bratenahl, and jointly filed by Ohio Environmental Council and Sierra Club, for the limited purpose of providing more time for the Board's review and consideration of the applications for rehearing.

II. DISCUSSION

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 3} Icebreaker Windpower, Inc. (Icebreaker) is a corporation and a person under R.C. 4906.01(A).

{¶ 4} R.C. 4906.20 provides that no person shall construct an economically significant wind farm in the state without obtaining a certificate for the facility from the Board.

{¶ 5} By Opinion, Order, and Certificate dated May 21, 2020, the Board approved a revised joint stipulation and recommendation filed by numerous parties to this proceeding, as modified by the Board, and issued a certificate of environmental compatibility and public need to Icebreaker for the construction, operation, and maintenance of a wind-powered electric generation facility in Cuyahoga County, Ohio,

which was described in the application as a six-turbine demonstration wind-powered electric generation facility located 8-10 miles off the shore of Cleveland. The Opinion, Order, and Certificate was subject to 33 conditions set forth by the Board.

{¶ 6} R.C. 4906.12 provides that R.C. 4903.02 to 4903.10 and R.C. 4903.20 to 4903.23 apply to any proceeding or order of the Board, as if the Board were the Public Utilities Commission of Ohio (Commission).

{¶ 7} Ohio Adm.Code 4906-2-32(A) states, in relevant part, that any party or affected person may file an application for rehearing, within 30 days after the issuance of a Board order, in the manner, form, and circumstances set forth in R.C. 4903.10. R.C. 4903.10 states that any party to a Commission proceeding may apply for rehearing with respect to any matter determined by the Commission within 30 days after the entry of the order upon the journal of the Commission.

{¶ 8} Ohio Adm.Code 4906-2-32(E) provides that the administrative law judge (ALJ) may issue an order granting rehearing for the purpose of affording the Board more time to consider the issues raised in an application for rehearing.

{¶ 9} On June 19, 2020, W. Susan Dempsey and Robert M. Maloney, (collectively, Bratenahl Residents) filed an application for rehearing of the May 21, 2020 Opinion, Order, and Certificate. Thereafter, on June 22, 2020, applications for rehearing were filed by Icebreaker, Ohio Environmental Council (OEC), the Indiana/Kentucky/Ohio Regional Council of Carpenters (Carpenters), Sierra Club, and Business Network for Offshore Wind, Inc. (BNOW).

{¶ 10} Icebreaker filed a memorandum contra the applications for rehearing filed by the other intervening parties on June 29, 2020. Bratenahl Residents filed a memorandum contra the applications for rehearing filed by the other intervening parties on July 1, 2020.

{¶ 11} Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the ALJ finds that, to the extent the applications for rehearing filed by Bratenahl Residents,

Icebreaker, OEC, Carpenters, Sierra Club, and BNOW have been filed consistent with the requirements of R.C. 4903.10 and Ohio Adm.Code 4906-2-32(A), which remains a matter for the Board's determination, rehearing should be granted for the limited purpose of affording the Board additional time to consider the issues and arguments raised in the applications for rehearing.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the applications for rehearing filed by Bratenahl Residents, Icebreaker, OEC, Carpenters, Sierra Club, and BNOW be granted for further consideration of the matters specified in the applications for rehearing, in accordance with Paragraph 11. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Megan J. Addison

By: Megan J. Addison
Administrative Law Judge

GAP/mef

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

Summary: Administrative Law Judge Entry granting the applications for rehearing for the limited purpose of providing more time for the Board's review and consideration. electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Administrative Law Judge, Ohio Power Siting Board