

FILE

Before  
THE SUPREME COURT OF  
OHIO

W. Susan Dempsey and Robert M. Maloney )

)

)

)

)

Appellant, )

)

VS )

)

Supreme Court Case No. 21-0153

Ohio Power Siting Board )

)

)

)

)

Appellee. )

Being Before  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Icebreaker )

Windpower, Inc., for a Certification to )

Construct a Wind-Powered Electric )

Generation Facility in Cuyahoga County )

Ohio. )

Case No. 16-1871-EL-BGN

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CLERK OF COURT  
SUPREME COURT OF OHIO

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<u>11/27/2017</u>	Public Comment electronically filed by Docketing Staff on behalf of Docketing.	Pub. Com.
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<u>6/5/2018</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/11/2018</u>	Confidential document target: Responses to the 5th set of interrogatories from Staff of the PUCO Power Siting Board filed by C. Pirik on behalf of Icebreaker Windpower Inc. (14 pages)	Conf.
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<u>8/17/2018</u>	Motion and memorandum in support for an Extension of Time to File a Stipulation and Request for Expedited Ruling electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	92
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<u>9/18/2018</u>	Prefiled Testimony of Erin Hazelton electronically filed by Ms. Tonnetta Scott on behalf of PUC.	120
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<u>9/21/2018</u>	Motion for Protective Order and memorandum in support regarding the Deposition of Richard E. Brown and Icebreaker Windpower Inc.'s September 21, 2018 Motion in Limine electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	134
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<u>10/1/2018</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/2/2018</u>	Public Comments(13) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/3/2018</u>	Public Comments (84) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/3/2018</u>	Public Comment. (2)	Pub. Com.
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<u>10/4/2018</u>	Public Comments (19) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/4/2018</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/5/2018</u>	Public Comments (5) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/9/2018</u>	Transcript for hearing held on 09/24/18 - Volume 1 at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, OH 43215, hearing room 11-A electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/9/2018</u>	Transcript for hearing held on 09/25/18 - Volume II at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215, hearing room 11-A, electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/9/2018</u>	Public Comments (6) received via website electronically filed by Docketing Staff.	Pub. Com.

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<u>10/9/2018</u>	Confidential Document Target: Exhibits - Volume II - Confidential Version filed by K. Gibson on behalf of Armstrong & Okey (50 pages)	Conf.
<u>10/9/2018</u>	PUCO Exhibit Filing, Volume II: Bratenahl Residents 1, 3, 5,6 and Staff Ex 2 filed by Armstrong & Okey on behalf of PUCO Staff.	Exh.
<u>10/10/2018</u>	Transcript for hearing held on 09/26/18 - Volume III at the PUCO, 180 E Broad Street, Room 11-A, Columbus, OH electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/10/2018</u>	Exhibit Continued. (part 2)	Exh.
<u>10/10/2018</u>	Applicant Exhibits No. 36, 37, 38 and 39 and Bratenahl Residence Exhibits No. 7 through 16 for Transcript, Volume III, held on September 26, 2018 before Nick Walstra and Megan Addison, Administrative Law Judges, at the Public Utilities Commission of Ohio, 180 E. Broad Street, Columbus, Ohio 43215. (part 1)	Exh.
<u>10/10/2018</u>	Exhibit Filing continued. (part 3)	Exh.
<u>10/10/2018</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/10/2018</u>	PUCO Exhibit Filing, Volume III: Attachments CEG-11,CEG-12,WE-7 and WE-8 filed by Armstrong & Okey on behalf of PUCO Staff.	Exh.
<u>10/11/2018</u>	Transcript for hearing held on 09/27/18 - Volume IV at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, OH 43215, hearing room 11-A, electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/11/2018</u>	PUCO Exhibit Filing - Vol. IV: Applicant 40 and Bratenahl Residents 17 electronically filed by Docketing Staff.	Exh.
<u>10/12/2018</u>	Transcript for hearing held on 09/28/18 - Volume V at the offices of the Public Utilities Commission of Ohio, 180 E. Broad Street, Columbus, OH 43215, hearing room 11-A, electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.

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<u>10/12/2018</u>	PUCO Exhibit Filing - Volume V: Applicant Exhibits 42 through 46 and Bratenahl Residents Exhibit 19 filed by Armstrong & Okey on behalf of PUCO Staff.	Exh.
<u>10/12/2018</u>	Public Comments received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/15/2018</u>	Transcript in the matter of the Icebreaker Windpower, Inc. hearing held on 10/01/18 - Volume VI before Mr. Nick Walstra and Ms. Megan Addison, Administrative Law Judges, at the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/15/2018</u>	Public Comment (5) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>10/16/2018</u>	Transcript in the matter of the Icebreaker Windpower, Inc. hearing held on 10/02/18 - Volume VII at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, OH 43215, hearing room 11-A, electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/16/2018</u>	Transcript in the matter of the Icebreaker Windpower, Inc. hearings - Composite Index - Volumes I - VII electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trnsc.
<u>10/16/2018</u>	Confidential treatment of document Confidential version of Proceeding, Volume VI filed by K. Spencer on behalf of Armstrong & Okey, Inc. (pg ct 17)	Conf.
<u>10/16/2018</u>	PUCO Exhibit Filing - Volume VI: Applicant 47, 48 filed by Armstrong & Okey Inc on behalf of PUCO Staff.	Exh.
<u>10/16/2018</u>	Applicant Exhibit 52, 53, 54 and 56 for transcript , Volume VII, for hearing held on October 2, 2018 before Mr. Nick Walstra and Ms. Megan Addison, Administrative Law Judges, at the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio.	Exh.
<u>10/17/2018</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>11/1/2018</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>11/6/2018</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>11/8/2018</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>11/14/2018</u>	Public comment received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>12/7/2018</u>	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.	38
<u>12/7/2018</u>	Administrative Law Judge Entry granting motion for extension of procedural schedule and setting deadline for filing revised stipulation or briefing schedule electronically filed by Heather A Chilcote on behalf of Nicholas Walstra, Administrative Law Judge, Ohio Power Siting Board.	139
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<u>1/11/2019</u>	Public Comment received via website electronically filed by Docketing Staff	Pub. Com.
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<u>1/15/2019</u>	Administrative Law Judge Entry granting the motion for an extension and directing parties to submit a revised stipulation or proposed briefing schedule by 2/19/19 electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Administrative Law Judge, Ohio Power Siting Board.	141
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<u>2/19/2019</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>3/4/2019</u>	Public Comment received via website electronically filed by Docketing Staff on behalf of Docketing. (16)	Pub. Com.

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<u>3/6/2019</u>	Public Comment (5) received via website electronically filed by Docketing.	Pub. Com.
<u>3/7/2019</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>3/20/2019</u>	Public Comment (3) received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>3/25/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
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<u>4/5/2019</u>	Public Comment submitted via website (1) electronically filed by Docketing Staff.	Pub. Com.
<u>4/5/2019</u>	Administrative Law Judge Entry granting Staff's motion and extending the due date to file the stipulation to 5/8/19 electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Administrative Law Judge, Ohio Power Siting Board.	147
<u>4/5/2019</u>	Public Comment submitted via website electronically filed by Docketing Staff.	Pub. Com.
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<u>4/5/2019</u>	Public Comment submitted via website electronically filed by Docketing Staff.	Pub. Com.
<u>4/9/2019</u>	Public Comment (9) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>4/11/2019</u>	Public Comment submitted via website electronically filed by Docketing Staff.	Pub. Com.
<u>4/11/2019</u>	Public Comment submitted via website electronically filed by Docketing Staff.	Pub. Com.
<u>4/12/2019</u>	Public Comment submitted via website electronically filed by Docketing Staff.	Pub. Com.
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<u>4/29/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>4/30/2019</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>5/1/2019</u>	Public Comment electronically filed by Mr. Matt Butler on behalf of Lange, Sherri Ms.	Pub. Com.
<u>5/1/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>5/7/2019</u>	Joint Motion filed by Icebreaker, OPSB Staff, Business Network, Sierra Club, OEC, and Council of Carpenters for Extension of Procedural Schedule, Request for Expedited Ruling and Memorandum in Support electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	148
<u>5/8/2019</u>	Administrative Law Judge Entry granting Joint Movants' motion for an extension of the procedural schedule in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio.	149
<u>5/13/2019</u>	Bratenahl Residents' Response to Joint Motion for an Extension of the Procedural Schedule and Proposed Schedule for Post-Hearing Briefing electronically filed by John F Stock on behalf of W. Susan Dempsey and Robert Maloney.	150
<u>5/14/2019</u>	Fifth Supplement to Application electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	151
<u>5/15/2019</u>	Revised Joint Stipulation signed by OPSB Staff, Icebreaker, OEC, Sierra Club, Business Network, and Council of Carpenters electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	152
<u>5/15/2019</u>	Joint Motion to Reopen Proceeding by OPSB Staff, Icebreaker, OEC, Sierra Club, Business Network, and Council of Carpenters and memorandum in support electronically filed by Christine M.T. Pirik	153

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<u>5/21/2019</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>5/22/2019</u>	Administrative Law Judge Entry reopening proceedings and setting a prehearing conference for 6/5/19 at 2:30pm electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Administrative Law Judge, Ohio Power Siting Board.	154
<u>5/22/2019</u>	Public Comment (3) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>5/24/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>5/28/2019</u>	Public Comment (3) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/3/2019</u>	Public Comment (3) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/5/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/10/2019</u>	Public Comment (2) received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/17/2019</u>	Administrative Law Judge Entry setting forth procedural schedule electronically filed by Heather A Chilcote on behalf of Nicholas Walstra, Administrative Law Judge, Ohio Power Siting Board.	155
<u>6/20/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/27/2019</u>	Public Comment received via website electronically filed by Docketing Staff.	Pub. Com.
<u>6/28/2019</u>	Notice of Icebreaker Windpower Inc.'s Witness List electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	156
<u>6/28/2019</u>	Notification Staff of the OPSB Witness List electronically	157

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<u>7/12/2019</u>	Notice of Bratenahl Residents' Witness List electronically filed by John F Stock on behalf of Stock, John.	158
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<u>7/26/2019</u>	Supplemental Testimony of David P. Karpinski electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.	160
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<u>8/26/2020</u>	Public Comment of Ryan Posgai, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>9/17/2020</u>	Comments received from State Representative Jeff Crossman electronically filed by Ms. Mary E. Fischer on behalf of Ohio Power Siting Board.	Pub. Com.
<u>9/17/2020</u>	Public Comment of Doug Keehan, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>9/17/2020</u>	Public Comment of Laura Jackson, attaching letter from Northeast Pennsylvania Audubon Society, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>9/18/2020</u>	Public Comment filed by Jim Thompson, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>9/18/2020</u>	Public Comment filed by C. Hogue, G. Griffith, R. Haun, D. Oeullette, and P. Armstrong, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>9/18/2020</u>	Public Comment filed by Cory Gunnoe, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>9/28/2020</u>	Public Comments of Nicole Hahn, Suzanne Albright, Lawrence Byers, Sandy Treudler and Gregory Shimko, via website,	Pub. Com.

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<u>10/7/2020</u>	Public Comment of Eric Brown, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>10/27/2020</u>	Public Comment filed by Linda M Gerhart, Cody McGregor submitted via website electronically filed by Docketing Staff.	Pub. Com.
<u>11/3/2020</u>	Public Comment of a Concerned Citizen, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>11/16/2020</u>	Public Comment of Carolyn Cunningham, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>1/4/2021</u>	Public Comment of Tom Evans, via website , electronically filed by Docketing Staff.	Pub. Com.
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**ICN**

(S.C. Case # 2021- 0153)

**Before  
THE SUPREME COURT OF OHIO**

W. Susan Dempsey and Robert M. Maloney )

Appellant,

VS

**Supreme Court Case No. 21-0153**

## Ohio Power Siting Board

Appellee.

**Being Before**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Icebreaker )  
Windpower, Inc., for a Certification to )  
Construct a Wind-Powered Electric )  
Generation Facility in Cuyahoga County )  
Ohio. )

**Case No. 16-1871-EL-BGN**

## CERTIFICATION

I, Tanowa M. Troupe, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN Nos. 1-197, the **Opinion, Order, and Certificate dated 5/21/2020**, the **Entry on Rehearing dated 7/17/2020**, the **Second Entry on Rehearing dated 10/8/2020** inclusive; and the Certification of the record in Case No. **16-1871-EL-BGN**.

IN WITNESS THEREOF, I have thereunto set my hand  
and affixed the official seal of The Public Utilities Commission  
of Ohio this 3<sup>RD</sup> day of March, 2021

A handwritten signature in cursive script, reading "Debbie Ryan", is written over a horizontal line.

Tanowa M. Troupe, Secretary  
Debbie Ryan, Acting Secretary  
Donielle M. Hunter, Acting Secretary  
Susan Patterson, Acting Secretary