

Resolution No. 697-2020

By Council Members: Kelley, Zone, Johnson, Bishop, Brancatelli, Cleveland, Conwell, Griffin, Hairston, B. Jones, J. Jones, Kazy, McCormack, Mooney, Polensek, Santana and Slife

An emergency resolution objecting to the Order of Ohio Power Siting Board in the Icebreaker case, OPSB Case No. 16-1871-El-BGN to prohibit Icebreaker’s turbines from rotating and producing electricity all night for eight months out of the year and strongly urging the Ohio Power Siting Board to grant Icebreaker’s appeal in the case.

WHEREAS, Lake Erie Energy Development Corporation manages Project Icebreaker, the first freshwater windfarm in North America and the first step in creating a new offshore wind industry in Lake Erie that will create thousands of jobs and unlock Ohio’s vast clean energy resource; and

WHEREAS, the Icebreaker project has gone through a years-long and extensive permitting process and had reached an agreement with the technical staffs of the Ohio Power Siting Board (“OPSB”) and the Ohio Department of Natural Resources (“ODNR”) over many months to bring the project to fruition; and

WHEREAS, on May 21, 2020, in OPSB Case No. 16-1871-El-BGN, the OPSB ordered that Icebreaker’s turbines must shut down every night for eight months of the year; and

WHEREAS, this eleventh-hour Shutdown Order essentially kills the Icebreaker project in that its resulting lost productivity would deprive Icebreaker of the critical revenue stream required to repay a construction loan; and

WHEREAS, the OPSB Shutdown mandate contradicts all of the evidence on the record that led the OPSB Staff and the ODNR to approve the project; and

WHEREAS, the Order violates state law in that it fails to set forth evidence to support the shutdown mandate; and

WHEREAS, the OPSB exceeded its authority by requiring zero impact every night for eight months: the state law standard is for minimum impact considering economics and technology; and

WHEREAS, the OPSB Order unlawfully requires two separate approvals—one for construction and future approval for full operations, in violation of state law; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council objects to the Order of Ohio Power Siting Board in the Icebreaker case, OPSB Case No. 16-1871-El-BGN to prohibit Icebreaker's turbines from rotating and producing electricity all night for eight months out of the year and strongly urges the Ohio Power Siting Board to grant Icebreaker's appeal in the case.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Governor Mike DeWine and all members of the Ohio General Assembly, and Sam Randazzo, Chair, Ohio Power Siting Board.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.