

BEFORE THE OHIO POWER SITING BOARD

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|--|----------|--------------------------------|
| In the Matter of the Application of | : | CASE NO. 21-0117-EL-BGN |
| Kingwood Solar I LLC for a | : | |
| Certificate of Environmental | : | |
| Compatibility and Public Need | : | |

**POST-HEARING BRIEF OF INTERVENOR
BOARD OF TRUSTEES OF CEDARVILLE TOWNSHIP**

Intervenor Board of Trustees of Cedarville Township, Greene County, Ohio (“Cedarville Township”) submits this Post-Hearing Brief in support of Cedarville Township’s opposition to the Kingwood Solar project application.

INTRODUCTION

I. Standards for Certification of Major Utility Facilities

No person may construct a major utility facility without first obtaining a certificate for the facility. R.C. 4906.04. The Kingwood Solar project (“Project”) is a “major utility facility” as defined by R.C. 4906.01(B)(1)(a) because it is designed to generate more than 50 megawatts (MW) of electricity. Before the Ohio Power Siting Board (“Board”) may lawfully issue a certificate for a major utility facility, the Board must hold a hearing on the application. R.C. 4906.07. The Board must render a decision on the record either granting or denying the certificate based on the application as filed, or granting it with such terms, conditions, or modifications as the Board considers appropriate. R.C. 4906.10(A).

The Board may not grant a certificate unless it finds and determines the following:

- (a) “The nature of the probable environmental impact.” R.C. 4906.10(A)(2);
- (b) “That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations.” R.C. 4906.10(A)(3); and
- (c) “That the facility will serve the public interest, convenience, and necessity.” R.C. 4906.10(A)(6).

Regarding the requirements of R.C. 4906.10(A)(3), the common meaning of “minimum” is “the least quantity assignable, admissible, or possible.”¹

The Board has recognized that its determination of public interest, convenience, and necessity under R.C. 4906.10(A)(6) must be examined through a “broad lens” that balances a project’s projected benefits against the magnitude of potential negative impacts on the local community.² In that case, the “especially prominent and one-sided” local opposition to the disapproved wind project was an important factor in Board’s determination that the Republic Wind project did not serve the public interest, convenience, and necessity under R.C. 4906.10(A)(6).

In a more recently decided case resulting in the denial of an application to construct an overhead electric transmission facility through downtown Youngstown, the Board found that “the consideration of public interest, convenience, and necessity requires a balancing analysis as to the public’s interest in energy generation that ensures continued utility services and the prosperity of the state versus the local public’s interest in ensuring a process that allows for local citizen input, and the consideration of impacts to natural resources. As part of the Board’s responsibility under R.C. 4906.10(A)(6) to determine that all approved projects will serve the public interest, convenience, and

¹ See the Merriam-Webster Dictionary at <https://www.merriam-webster.com/dictionary/minimum>.

² *In re Application of Republic Wind*, Ohio Power Siting Board Case No. 17-2295-EL-BGN, 2021 WL 2667132, at *1, *18 (June 24, 2021).

necessity, we must balance projected benefits against the magnitude of potential negative impacts on the local community.”³

In that case, the Board restated its position that “public interest, convenience, and necessity should be examined through a broad lens” and that that Board should “also consider the impact to recreation, cultural resources, regional planning, and the prosperity of the local community and the state of Ohio.”⁴ In support of its denial decision, the Board noted that the local community “raised universal local opposition to the installation of the proposed aerial transmission line along the preferred route and its impact to the downtown Youngstown area.”⁵

As is further explained below, several intervenors provided testimony on the probable environmental impacts that will be caused by the Kingwood Solar project, and the applicant has not demonstrated that its Project will result in a “minimum adverse environmental impact” on the environment or the neighboring property owners. Furthermore, the number of opposition comments presented at the local public hearings and otherwise filed with the Board by persons who will be adversely affected by the Kingwood Solar is compelling evidence that the Project will not serve the public interest, convenience, and necessity.

II. Township Trustees Are Uniquely Qualified to Assess the Local Public Interest, Convenience, and Necessity.

The Pilgrim fathers brought the township form of government to America in 1620. Under the United States Constitution, lands not located within the boundaries of the original thirteen states were considered the public domain, owned, and administered by the national government. In the Land Ordinance of 1785, the US Congress provided for surveying and selling public lands. Those surveys were used to divide public lands into townships in the Ohio

³ *In re Application of American Transmission Systems*, Ohio Power Siting Board Case No. 19-1871-EL-BTX at ¶58 (May 19, 2022).

⁴ *Id.* at ¶79.

⁵ *Id.* at ¶81.

Territory. Ohio townships predates the state government. As the Ohio territory became more populated, the surveyed townships become the basic unit of local government.⁶

Ohio townships are political subdivisions of the state. There are currently 1,308 townships in the State of Ohio. Elected township officials fill their roles on a part-time basis and must reside within the township boundary. Their intimate knowledge of the community, its needs, and its citizens enables township elected officials to offer more personal service than any other unit of government.⁷ It has been said that “local government is the foundation of democracy, if it fails, democracy will fail.”⁸

The organization, duties and authorities of Ohio townships are set forth in Ohio Revised Code Title 5. Revised Code Chapter 519 authorizes Ohio townships to adopt zoning resolutions upon the majority vote of its residents. Cedarville Township used this authority to adopt its Zoning Resolution in 2010, which was most recently amended on November 25, 2021.⁹

Section 101 of the Cedarville Township Zoning Resolution provides that the resolution is adopted and amended pursuant to Chapter 519 of the Revised Code, and is intended for the following purposes at minimum (emphasis added):

- 101.1 ***To promote the health, safety, comfort, and general welfare*** of the present and future inhabitants of Cedarville Township;
- 101.2 ***To protect the agriculturally based economy and promote the orderly development*** of residential, business, industrial, recreational, and public areas ***within Cedarville Township in accordance with the Perspectives: A Future Land Use Plan for Greene County, Ohio;***

6 See *About Townships* at <https://www.ohiotownships.org/ohio-townships-101> and *Story of Townships* at <https://www.centertownshiptrustee.com/township-government/story-of-townships/>.

7 See *About Townships*.

8 Quote by Robert W. Flack at <https://www.forbes.com/quotes/8192/>.

9 See <https://www.greenecountyohio.gov/DocumentCenter/View/26920/Cedarville-Twp-Zoning-Res-11-25-21?bidId=>

- 101.3 ***To protect and maintain the quality of life and general rural character within Cedarville Township through zoning regulations*** intended to protect against degradation of the quality of the total environment as to natural and man-made characteristics, prevent nuisances and unacceptable safety hazards, and provide for adequate light, air, and acceptable safe access to properties in the Township; and
- 101.4 ***To achieve such timing, density, and distribution of land development and use as will help to prevent or minimize environmental pollution*** and the overloading of systems for providing water supply, wastewater disposal, storm drainage, police protection, fire protection, education, and other public services ***within Cedarville Township.***

Furthermore, the Ohio General Assembly has declared it to be a public policy and public purpose of the state to require the fiscal integrity of municipal corporations, counties, and townships so that they may “provide for the health, safety, and welfare of their citizens.” R.C. 118.02.

Cedarville Township has participated in the Board’s consideration of the Kingwood Solar Project application in all the following ways. On April 27, 2021, Cedarville Township filed with the Board its Notice of Intervention as a Party. Such notice included assertions that: i) the Project will be located partially within Cedarville Township; ii) the Project is likely to have some adverse effect on roads, properties and citizens located and/or residing in Cedarville Township; and iii) such potential adverse effects provide Cedarville Township with authority to intervene as a party in the case.

On October 28, 2021, Cedarville Township Trustee Jeff Ewry answered a phone call from Ms. Juliana Graham-Price at the Ohio Power Siting Board, who called to ask whether Cedarville Township had taken a position on the Project application. In response to that request, Mr. Ewry advised Ms. Graham-Price that Cedarville Township opposed the application and that an official resolution of opposition would be adopted and filed at a later time.¹⁰

¹⁰ Hearing Transcript Volume VI, Page 1521:21-25.

On December 10, 2021, Cedarville Township filed with the Board its Notice of Resolution in Opposition to the Project. The notice attached a Resolution dated December 9, 2021 that included the following assertions and declarations:

WHEREAS the Board of Trustees of Cedarville Township has responsibility for preserving the general health, safety and welfare within Cedarville Township; and,

WHEREAS, the Board of Trustees of Cedarville Township respects the property rights of landowners, while recognizing that uses of private property have external effects on the private property rights of others and the public generally, and so comprehensive planning and land-use regulations are necessary to balance competing private interests and the public interest; and,

WHEREAS, the Board of Trustees of Cedarville Township rely on the township's local zoning ordinances as well as the county land use plan, "Perspectives 2020: A Future Land Use Plan for Greene County," when making land use decisions; and,

WHEREAS, the Cedarville Township's zoning ordinance, while not enforceable for energy facilities over 50 megawatts, does establish a set of general principles that such an energy facility should follow, which are consistent with the county land use plan including 300 feet setbacks from non-participating properties and the avoidance of placing such a facility on prime agricultural farmland; and,

WHEREAS, the Board of Trustees of Cedarville Township believe the Kingwood project does not adhere to the principles in the county land use plan or the township's local zoning ordinances; and,

WHEREAS, the project proposed in the Kingwood application is incompatible with the land use policies of Cedarville Township; and,

WHEREAS, the Board of Trustees of Cedarville Township believes the Property Value Impacts Studies referenced as Appendix F of the Kingwood application is flawed in its analysis because the solar plant installations considered in that study are considerably smaller than the proposed Kingwood project (the largest solar plant in that study was approximately 57% the size of Kingwood and had significantly fewer homes in close proximity to the installation); and,

WHEREAS, the Board of Trustees of Cedarville Township believe the Kingwood project involves considerably more sprawl and a much higher density of housing within 500 feet of the project area than other 100+MW solar facilities; and,

WHEREAS, the Board of Trustees of Cedarville Township, along with many residents in the project area, believe that property values for residents in close proximity to the project area will most likely be negatively impacted; and,

WHEREAS, this project is planned for an area that has a history of violent weather events and the Board of Trustees of Cedarville Township do not believe that insurance concerns regarding impact to neighboring properties from another violent weather event have been adequately addressed in the Kingwood application; and,

WHEREAS, the overwhelming majority of the public comments posted on the OPSB website and comments made at the public hearing by Cedarville Township residents are in opposition to this project;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Cedarville Township:

Section 1. The Board of Trustees of Cedarville Township finds that the application of Kingwood Solar I LLC, pending in Case Number 21-0117-EL-BGN before the Ohio Power Siting Board is incompatible with the general health, safety, and welfare of the residents of Cedarville Township, and therefore will not serve the public interest, convenience, and necessity of the residents of the Township, County or the State of Ohio.

Section 2. The Board of Trustees of Cedarville Township hereby states its opposition to the application of Kingwood Solar I LLC, pending in Case Number 21-0117 -EL-BGN before the Ohio Power Siting Board.

On February 25, 2022, the direct testimony of Cedarville Township Trustee Jeff Ewry was filed with the Board. Thereafter, on March 14, 2022, Mr. Ewry answered cross-examination questions from counsel for applicant, and Mr. Ewry's direct testimony was admitted into evidence as part of the hearing.

ARGUMENT

III. The Project's Probable Environmental Impact On The Community Will Be Significant And Will Not Represent The Minimum Adverse Environmental Impact as required by R.C. 4906.10(A)(3).

In its Resolution in Opposition to the Kingwood Solar Project dated December 9, 2022, Cedarville Township expressed its concerns that the Project design: i) does not include adequate setbacks from the generating facilities as recommended by the Greene County Land Use Plan; ii) does not adequately assess the visual impacts to nearby properties and public roads; iii) does not adequately consider the risks involved in placing the Project in an area that has experienced numerous violent weather events in the past; and iv) may cause a diminution of property value to non-participating properties located near the Project.

In his direct testimony presented to the Board on behalf of Cedarville Township, Mr. Ewry made the following additional points in support of Cedarville Township's continuing opposition to the Project: i) its close proximity to several unique, scenic and historic areas that are tourist attractions; ii) its industrial purpose is out of character for the agricultural community; iii) the housing density in the Project area is 3 times the average density of other Ohio solar projects located in southwest Ohio; iv) the potential impacts on adjacent property owners from damaged field tiles is significant without an adequate process for identifying and repairing such field times damaged during construction and operation of the Project; v) the proposed 250 feet setback from the facilities to non-participating properties contained in the Stipulation is still less than the 300 feet setback recommended by the recently amended Greene County Land Use Plan; vi) applicant's estimate of temporary and permanent job creation appears to be overstated; and vii) the risk of a violent weather event damaging the Project and nearby properties has still not been adequately considered.¹¹

¹¹ Cedarville Township Exhibit 1, Lines 20-36, 102-108, 111-120, 122-134 and 147-162.

Intervenor Citizens for Greene Acres (“CGA”) also presented direct testimony in opposition to the Project during the hearing. CGA currently consists of 92 members, most of which reside on property located adjacent to the proposed Project area. CGA and was formed for the preservation and stewardship of agricultural, cultural, and natural resources in Greene County and to advocate for responsible solar policies and practices that balance the demand for renewable energy with the interests of the communities in Greene County, Ohio.¹²

CGA’s direct testimony included lay and expert witness testimony in support of the following issues: i) negative effects on the views from nearby properties; ii) increased background noise in the Project area; iii) detrimental effects on nearby property values; iv) disruption of drainage and surface water runoff in the Project area; v) negative effects on the agricultural nature of the community; and vi) negative effects on nearby historic and cultural landmarks.

In its Post-Hearing Brief, CGA argues that the Kingwood Solar application fails to satisfy the technical requirements of ORC 4906.10(A)(6) because: a) the Project conflicts with the goals of local land use planning codes; b) 1,025 acres of good farmland will be removed from food production for 35 years; c) the Project’s negative economic impacts are ignored; d) the proposed setbacks are inadequate to minimize the Project’s environmental impact; e) the application fails to adequately assess the visual impacts from non-participating properties and the negative impacts on wildlife; and f) the applicant’s failure to show that the Project will produce “minimum environmental impacts.”

Intervenor Miami Township Board of Trustees (“Miami Township”) also presented evidence during the hearing on the probable environmental impacts associated with the Project. In his direct testimony, Mr. Eric Sauer explained how the Project may cause soil compaction,

¹² Citizens Exhibit 1, Page 2:14-17.

propagation of harmful or noxious weeds, negative impacts on vegetation and drainage, and pointed out that the application failed to contain necessary land use and ecological information.¹³

On those issues, Cedarville Township supports, adopts, and incorporates herein the arguments contained in the Post-Hearing Briefs of CGA, Miami Township, Xenia Township, and all other intervenors.

Based on all the evidence presented by the applicant and the intervenors at the hearing before the Board, there can be no doubt that the Kingwood Solar Project will have significant detrimental effects on the Project area. Because the applicant has not shown that such detrimental effects represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations, applicant has not satisfied the requirements of R.C. 4906.10(A)(3) so the application should be denied.

IV. Public Opposition To The Project Shows That The Project Does Not Serve The Public Interest, Convenience, And Necessity as required by R.C. 4906.10(A)(6).

Similar to the overwhelming local opposition expressed to the American Transmission Systems application in Youngstown referenced above, there is strong local public opposition to the Kingwood Solar application in the Cedarville Township, Miami Township and Xenia Township areas of Greene County that will be most affected by the Project.

In his direct testimony to the Board, Cedarville Township Trustee Jeff Ewry provided some important background information about Cedarville Township. Mr. Ewry has been elected 3 times, has served as a trustee for 15 years, and currently serves as the board chair. Cedarville Township has a small population of approximately 5,900 residents which requires volunteers to perform many of the services provided to township residents. He feels responsible to the

¹³ Miami Township Exhibit 1 and Hearing Transcript Volume VI, Pages 1389-1445.

residents of Cedarville Township and tries to stay in touch with his constituents by doing things around town, being available, and attending community events.¹⁴ In answer to a question about why Cedarville Township intervened in this matter, Mr. Ewry stated that “given the groundswell of opposition we heard from our residents...I think we felt compelled to become involved in the process. It wasn’t like the community was indifferent. It was like massively opposed from the folks that have talked to us. So, I think it’s inherent, it’s almost a duty of ours to try to represent our citizens.”¹⁵

Mr. Ewry then explained the process that he and his fellow trustees used to collect and track public perceptions about the Project. “Board members solicited and received feedback from citizens in our community in a variety of ways. We had citizens show up and voice their opinions at our regular board meetings and we held a special board meeting dedicated to gathering opinions specifically about this Project. Board members also talked to residents that reside in close proximity to the Project to gather their opinions.”¹⁶

He further explained that “we created an EXCEL spreadsheet that tracked all comments made at the November 15, 2021 public hearing held in Xenia, Ohio, and comments that were posted on the Ohio Power Siting Board website. Our Board then used the Greene County Auditor’s online records to verify addresses, and when those searches were inconclusive, we asked residents in the area if they knew where certain commenters resided. The spreadsheet is capable of sorting on different columns of information so that the identity and number of commenters from each of the three intervenor townships (Cedarville, Miami & Xenia Townships) can be identified and studied. We paid special attention to the comments of Cedarville Township residents regarding the Project. We also tried to identify which of the

14 Hearing Transcript Volume VI, Page 1506:8, Page 1536:20-25, Page 1537:20-23.

15 Hearing Transcript Volume VI, Page 1547:4-22.

16 Cedarville Township Exhibit 1, Lines 15-19.

commenters have a financial stake in the Project approval (lease holders and family of lease holders) and other commonalities shared by commenters who express support for the Project but reside outside of the three townships. I am confident that the spreadsheet reflects all comments made at the public meeting and posted on the Ohio Power Siting Board website.”¹⁷

Based on the information contained in that internally prepared spreadsheet, Cedarville Township determined that “the overwhelming majority of commenters residing in Cedarville Township oppose the Project. Other than the few lease holders, all other Cedarville Township commenters expressed their opposition to the Project.”¹⁸ In fact, if the Board undertakes a close, independent review of the comments provided at the local public hearing, and the written comments filed on the Board’s docket that are all part of the record in this case, such a review will show that:

- i) Of the 36 persons residing in Cedarville Township who provided public comments, 33 opposed the project (92%), only 3 supported it, and all 3 supporters are participating landowners who have leased their properties to Kingwood Solar.
- ii) Of the 101 persons residing in Cedarville, Miami and Xenia Townships combined who provided public comments, 87 opposed the Project (86%), 13 supported it, one was neutral, and 8 of the 13 supporters were participating landowners.

Intervenors Miami Township and Xenia Township also provided evidence at the hearing that supports Cedarville Township’s conclusion that the vast majority of local public commenters oppose the Project.

Miami Township Trustee Don Hollister provided direct testimony explaining that: i) Miami Township passed Resolution 2021-45 titled “Ohio Power Siting Board Objection” on

¹⁷ Cedarville Township Exhibit 1, Lines 38-51.

¹⁸ Cedarville Township Exhibit 1, Lines 54-56.

November 15, 2021; ii) nothing has changed that opposition between then and now; iii) we have a responsibility to our citizens to sustain the vision and plan for our rural township; and iv) 410,000 solar panels distributed across 1,500 acres of prime agricultural land is not part of that vision and plan.¹⁹ In summary, Trustee Hollister stated that “Most township residents see the proposed Kingwood Project as a massive disruption of their home, the landscape that they are accustomed to, and the development and land use plan they adopted.”²⁰

Xenia Township Trustee Stephen Combs provided direct testimony explaining that Xenia Township passed Resolution 2021-225 on December 16, 2021 expressing the Board’s position that the Project is incompatible with the general health, safety, and welfare of the residents of Xenia Township, and therefore will not serve the public interest, convenience, and necessity of the residents of Xenia Township. Mr. Combs further explained that “based on comments made at public hearing by Xenia Township residents, correspondence received by the Board and my general interaction with Xenia Township residents, I have determined that the overwhelming opinion of the Township residents to the project is negative. The majority of the Township residents do not want to see the project constructed.”²¹

Because applicant cannot dispute the large number and percentage of “local” public commenters who oppose the Project, applicant predictably claims that such opposition comments come from a vocal minority that does not accurately what is in the public interest, convenience and necessity of Greene County and the State of Ohio.²² In support of that position, applicant’s Development Manager for the Project, Dylan Stickney testified that “while there is opposition to the Project, the public comments on the case docket show that there is also strong support for the

19 Miami Township Exhibit 3, Page 2:9-25.

20 Miami Township Exhibit 3, Pages 1:14-16 and 2:1-2.

21 Miami Township Exhibit 3, Page 3:14-17.

22 Hearing Transcript Volume I, Page 201:12-20.

Project” and that based on his review of the docket, “total comments in support of the project number 45 will those expressing concern or opposition total 83” which “did not include 76 letters of support from the International Brotherhood of Electrical Workers.”²³

During his cross-examination, Mr. Stickney admitted that his informal tally of the public comments filed with the Board regarding the Project did not include information about the township or county in which the commenters resided, so he could not distinguish between opposition and supporting comments based on the commenter’s residence.²⁴ Mr. Stickney also admitted that he did not know whether any of the IBEW members who submitted form letter comments in support of the Project lived in one of the three affected townships, but he thought some of them lived in Greene County, and most of them lived in Ohio.²⁵

When asked whether the “form” support letters submitted by the IBEW members from all over the state of Ohio should have equal weight to the opposition comments submitted by residents of the three affected townships who will personally experience the detrimental effects of the Project, Mr. Stickney first replied that “I personally don’t see many detrimental effects, if any” but went on to say “Absolutely. I think every comment or opinion about a project like Kingwood Solar that is sited and permitted at the state level in Ohio should be considered equally, absolutely.”²⁶

When asked whether there is an opposition percentage high enough for Kingwood to withdraw its application, Mr. Stickney testified that “When it comes to filed and expressed public comments, no, I don’t. I do not think that there is a percentage that’s high enough for the Power Siting Board to say we should not award this project.”²⁷

23 Kingwood Exhibit 6, Page 36:15-19.

24 Hearing Transcript Volume I, Page 194:1-25.

25 Hearing Transcript Volume I, Page 197:9-19.

26 Hearing Transcript Volume I, Page 198:3-9.

27 Hearing Transcript Volume I, Page 200:3-7.

Mr. Stickney then pointed to the results of a telephone poll of 350 registered voters in Greene County that Kingwood had recently conducted. His summary of the “Public Opinion Strategies” poll results were that residents and taxpayers of Greene County support the transition to renewable energy and the Kingwood Solar project by a 2 – 1 margin.²⁸ However, during the cross-examination of Jim Hobart, who supervised the telephone poll for Public Opinion Strategies, Mr. Hobart admitted that the poll was designed to generate responses from a “representative sample” of all registered voters in Greene County. It was not designed to solicit the comments of persons who reside near the Project and would be most directly affected by it.²⁹

In fact, the poll report shows that 68% of the poll responses were from residents of the cities of Beavercreek, Fairborn and Xenia, and that only 32% of the responses were from resident of the 13 townships in Greene County.³⁰ To further explain how residents of rural areas of Greene County would expect to have fewer responses in this poll, Mr. Hobart stated that “for example, a small rural township like Cedarville, if you multiply the percentages out, your quota may say just call five people there, that’s it. And once you get your five, you don’t need to hear from any of those other people.”³¹

Mr. Stickney’s interpretation of the “public interest, convenience, and necessity” requirement of R.C. 4906.10(A)(6) is not consistent with the Board’s most recent application denial decisions referenced above in which the Board clearly focused on the negative effects on the “local” community. Furthermore, the telephone poll of Greene County residents asking generic questions about the respondent’s support for solar power is not particularly relevant on the question of local public sentiment toward the Project.

28 Hearing Transcript Volume I, Page 201:7-11.

29 Hearing Transcript Volume VIII, Page 2046:1-7.

30 Citizens Exhibit 16, Page 12.

31 Hearing Transcript Volume VIII, Page 2048:9-13.

Mr. Stickney's testimony regarding "Good Neighbor Agreements" contains additional evidence of the staunch local opposition to the Kingwood Solar Project. According to Mr. Stickney, Kingwood has extended Good Neighbor Agreement offers to 65 adjacent or nearby property owners and only 6 of those persons has accepted (9%). Looked at another way, the total amount of money offered by Kingwood to silence the opposition is \$757,000 of which only about \$100,000 has been accepted (13%).³²

Cedarville Township believes that the rejection rate of the Good Neighbor Agreement offers is far more relevant to assessing "local" public opinion about the Project than the generic and biased telephone poll conducted across all of Greene County.

Finally, in a similar effort to convince the 3 intervenor townships to withdraw their opposition to the Project, Kingwood Solar has offered to pay a total of \$250,000 annually to one, two or three of the townships under what is called a "Community Benefit Fund" arrangement. In spite of that potential annual payment for the 35-year expected lifetime of the Project, none of the affected townships has accepted the payment offer.³³

With regard to the overwhelming public opposition to the Project, Cedarville Township supports, adopts, and incorporates herein the arguments contained in the Post-Hearing Briefs of CGA, Miami Township, Xenia Township, and all other intervenors.

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32 Hearing Transcript Volume IX, Page 2152:1-9.

33 Hearing Transcript Volume I, Pages 184-187 and Volume IX, Pages 2153-2154.

V. Conclusion

As explained above, there are several reasons to deny the certificate sought by Applicant Kingwood Solar in this matter. The evidence clearly shows that the Project will have adverse environmental impacts on the surrounding area, including parts of Cedarville Township, and that the applicant failed to show that the Project will produce the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives as required by R.C. 4906.10(A)(3).

Furthermore, based in part on the overwhelming public opposition to the Project from nearby residents, the applicant failed to show that the Project will serve the public interest, convenience, and necessity as required by R.C. 4906.10(A)(6). As a consequence, the Board should deny the Kingwood Solar application for a certificate.

Respectfully submitted,

/s/ Daniel A. Brown

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CERTIFICATE OF SERVICE

The docketing system will electronically notify counsel of record in this proceeding. Additionally, the undersigned certifies that a courtesy copy of the foregoing Post-Hearing Brief was served via email to the counsel indicated below on this 13th day of June 2022.

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6/13/2022 3:53:00 PM

in

Case No(s). 21-0117-EL-BGN

Summary: Brief Post-Hearing Brief of Cedarville Township Board of Trustees
electronically filed by Mr. Daniel A Brown on behalf of Board of Trustees of
Cedarville Township, Greene County, Ohio