

**From:** [Puco ContactOPSB](#)  
**To:** [Puco Docketing](#)  
**Subject:** Please post this as a comment by itself in 20-1680, 20-1814, 21-0041  
**Date:** Wednesday, August 18, 2021 7:40:59 AM

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**From:** Dave Gingerich  
**Sent:** Wednesday, August 18, 2021 6:57 AM  
**To:** Butler, Matthew  
**Subject:** Matt if you would **please post this letter as its own not in a combination with another.**  
Thanks Matt.

Ms. Theresa White : The community of Lynchburg has been surrounded by three potential solar power plant developments.

Palomino

**Case Number:** 21-0041-EL-BGN

Dodson Creek

**Case Number:** 20-1814-EL-BGN

Yellow Wood

**Case Number:** 20-1680-EL-BGN

Accumulative acres of Prime Agricultural land well over seven thousand acres.

Our community and residents of our county have had no representation by county officials who have Not communicated information freely and refuse requests to intervene on our behalf.

Proof of no representation is the inception and growth of our group: Clinton County, Highland County Citizens Concerned About Solar Farms which now is over 1,100 members.

Our mission is to share factual information to all and support each other and represent ourselves as best we are able.

Our community is now divided, some families have siblings on different sides of this issue, friends against friends, neighbor against neighbor and the mental anguish of all concerned.

Perhaps those reading this letter have lost friends, family or a spouse and know what a negative impact that brings in your life, what type of monetary value do you place on this type of loss.

All of these negative influences are being caused by antiquated laws concerning renewable energy policy and incomplete guidance to the OPSB.

The OPSB needs guidance concerning understanding of incompleteness of studies ( Historical ) and nebulous type language that lacks specifics..... ( decommissioning ) and physical inspection of project sites and records of reconciliation.

The OPSB policy of needing permission to inspect a facility is naivety at the least and stating that the community be the policing factor and send concerns to the OPSB is not a workable solution. OSHA should be given permission to inspect any and all projects any time without notification, as the OPSB has knowledge of many complaints ( unsafe events and conditions ) and unskilled workers .

Now forwarding to Solar which is an inefficient technology, it has been presented to the public in a false narrative.

Solar power plants cannot produce enough electricity to power the earth's population because of limited resources that are used to produce batteries and solar facilities are dependent on conventional and nuclear power plants to keep a constant supply of power available.

To the casual observer the solar narrative seems believable. The Climate change narrative ( it has been changing since time began , from 1970- 1999 scientist stated the earth would be in an ice age by now... ) makes the need for solar seem urgent, and the always present resource of the sun can rescue us from climate change.

The conjugate of the narrative is the limited water of our aquifers and the destruction of Prime farmland. These resources are not renewable, soil structure will be impossible to restore to original composition. It has taken tens of thousands to millions of years for nature to create this structured medium we call soil.

Once the pedosphere is pierced with thousands of steel piles and millions of cubic yards of foreign aggregates are impregnated into the land, it will never be restored to its original state. Save the atmosphere at the expense of destroying the pedosphere and draining our aquifers, a trade we are not willing to take.

If it needs to be clean energy, it must be Nuclear Energy. Bill Gates, Warren Buffet and Mr. Bezos all are now investing in nuclear energy. They are ahead of the curve, while our legislators lag behind. Now our state is FORCING us to live beside inefficient solar power plants that produce energy a few hours a day.

PPA's (solar power purchase agreements) create an illusion of public need, interest and convenience. However, PPA's are truly designed to enable large businesses to buy energy at a reduced cost, then hedge against future rising energy costs. The true benefits are to the "super offtaker" not the local public who are forced to endure twenty plus years of duress without compensation ( public benefit ). The local public's

civil rights and human rights are being circumvented by the OPSB.

Developers use lessors as proxies to call foul over landowner rights. Courts of law have established that there are no absolute landowner rights. Landowner rights have compromises. Homeowners, who are property owners, have the right to enjoy their own property without injury from their neighbor. Landowner rights are further referenced in the following citations:

Reasonable Use of One's Own Property as a Justification for Damage to a Neighbor

Author(s): Jeremiah Smith

Source: Columbia Law Review , May, 1917, Vol. 17, No. 5 (May, 1917), pp. 383-403

Published by: Columbia Law Review Association, Inc.

Suppose that a landowner, by acts done on his own land, has inflicted damage on his neighbor's land, or has substantially impaired the latter's beneficial use of his land. Suppose also that the landowner, when made a defendant in a suit at law by his neighbor to recover damages, justifies on the ground that he has only been making a reasonable use of his own land. This defense involves two points: 1. That defendant has a right, within reasonable limitations, to use his own land in a manner which may inflict actual damage on his neighbor. 2. That defendant, in the case at bar, has not exceeded the limits of this right.<sup>1</sup> It is common to speak of a landowner's right as "absolute". "But his right to the use of his land is not absolute. It is qualified by the right of adjacent owners to the beneficial use and enjoyment of their property." Professor Freund says: "The nature of real estate as a subject of property makes it impossible that the ownership of it should be as absolute as that of many kinds of personal property. The enjoyment of land is in many respects dependent upon the condition of other and especially neighboring estates. The common law recognizes in consequence of this dependence certain natural rights which landowners have against each other, relating to the purity of the air, to lateral and subjacent support, and to the benefit of natural waters."<sup>2</sup> A landowner's "so-called absolute legal control of his own soil" is "far from being unlimited."<sup>3</sup> It is obvious that unless the rights of individual landowners are modified and limited they must be frequently in conflict one with another. No landowner can always do as he pleases, except by preventing other landowners from doing as they please.<sup>4</sup> "The rule governing the rights of adjacent landowners in the use of their property, seeks an adjustment of conflicting interests through a reconciliation by compromise, each surrendering something of his absolute freedom so that both may live."<sup>5</sup> "The convenience of such a rule may be indicated by calling it a rule of give and take, live and let live"

"Policies seeking justification in' the necessities for construction and operation of dwellings, factories, farms, and other economic improve-

ments." 2 Wigmore, Select Cases on Torts, 294, Sub-Title II. Ibid. Index, p. 1044. Trespass to Realty; excused by measures "of economic improvement"

'Does the discussion of the right of reasonable user of land fall under "property" or "torts"?

The question is "whether a particular act \* \* \* constitutes a violation of the obligations of vicinage". Andrews, C. J., Booth v. Rome etc.

R. R. (1893) 140 N. Y. 267, at p. 276, 35 N. E. 592.

"\* \* \* the limitations imposed on the use of land \* \* \* are

all resolvable into the law of neighborhood." Rankine, Law of Land-Ownership in Scotland (3rd ed.) 327.

"The detailed illustration of the rule in Rylands v. Fletcher, as governing the mutual claims and duties of adjacent landowners, belongs to the law of property rather than to the subject of this work." Pollock, Torts (10th ed.) 509. See 1 Bohlen's Cases on Torts, Preface III.

The right of reasonable user is discussed somewhat in text-books on torts, nuisances and water rights. But it is not often given a separate place as a specific topic. In Theobald's Law of Land, published at London in 1902, it is said in the Preface: "The point of view from which the book has been written is to take a person, who is the owner of land, and to inquire what are his rights and obligations, what use can he make of his land, and how far are his rights affected by those of his neighbours." In a notice of this book in 19 Law Quarterly Review 101, the reviewer says: "Mr. Theobald has performed the uncommon feat of writing a new and useful law-book which does not fall within any recognized category." Compare Rankine's Treatise on the Rights and Burdens Incident to the Ownership of Lands and Other Heritages in Scotland (3rd ed., Edinburgh, 1891.) See especially pp. 327, 328; and preface to 1st edition, p. v.

<https://www.jstor.org/stable/pdf/1111620.pdf?refreqid=excelsior%3Ac85f83dd258f7049c2437da88c3dcba7>

The residents have already suffered injury from the threat of the developers' potential power plants and have received no compensation for mental duress and have only been offered a cheap gratuity in the form of a good neighbor agreement. These agreements fall substantially short of proper compensation. Non-benefiting residents forced to live in proximity to industrial solar power plants will suffer years of monetary loss from external obsolescence as the degradation of the facility over time is caused by weathering . Non-benefiting residents have seen maps and potential solar power plants will encroach upon their homes in some cases up to all four sides, which has the potential to be found extremely unjust in a court of law if tried before reasonable persons.

The money given to our school is insignificant; approximately one and a half percent of our school budget would be gained from the Palomino Solar Project. The contribution of three or four jobs to our local economy is insignificant.

The Ohio General Assembly voted SB52 into law and it was signed by Governor DeWine which makes the statement that the governance of the State of Ohio agrees that the current practice of certifying renewable energies projects is unfair and Ohioans needed a remedy.

SB52 speaks volumes that a PPA is not the deciding factor in Public need, interest, convenience or benefit. The deciding factor is the local community's opinion. You have read our letters, seen our signatures on petitions, and heard in person at our meeting the outcry about the injustice being done in our community.

It is incumbent on the voting members of the OPSB to stop certifications on solar projects in Highland and Clinton counties. The OPSB staff witnessed evidence of the stress being placed upon community members. We request the OPSB staff to stop the forcing of solar power plant developments in our community.

We request that the OPSB reject certification applied for by Palomino, Dodson Creek and Yellow Wood projects.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/18/2021 10:07:03 AM**

**in**

**Case No(s). 21-0041-EL-BGN, 20-1680-EL-BGN, 20-1814-EL-BGN**

Summary: Public Comment of Dave Gingerich, via website, electronically filed by Docketing Staff on behalf of Docketing