

BEFORE  
THE OHIO POWER SITING BOARD

In the Matter of the Application	)	
of Border Basin I, LLC for a	)	
Certificate of Environmental	)	Case No. 21-0277-EL-BGN
Compatibility and Public Need	)	

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**PETITION FOR LEAVE TO INTERVENE OF THE RICHARD S. LEWIS  
REVOCABLE TRUST, RICHARD SCOTT LEWIS, AND SARAH LEWIS**

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Pursuant to R.C. 4906.08(A)(3) and Ohio Administrative Code (“OAC”) § 4906-2-12, The Richard S. Lewis Revocable Trust, Richard Scott Lewis, and Sarah Lewis (collectively referred to as the “Lewis Family”) submit this Petition to Intervene in this proceeding. A memorandum in support of this petition is provided below.

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**MEMORANDUM IN SUPPORT OF  
PETITION FOR LEAVE TO INTERVENE**

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OAC 4906-2-12(B) provides that the Ohio Power Siting Board (“Board”) or administrative law judge may consider the following criteria when considering petitions to intervene: (1) the nature and extent of the person’s interest; (2) the extent to which the person’s interest is represented by existing parties; (3) the person’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and (4) whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party. There is good cause under these criteria to grant intervenor status to the Lewis Family.

**Nature and extent of interest:**

The Lewis Family will be directly and adversely affected by the Border Basin Solar Project (“Project”), which Border Basin I, LLC (“Border Basin Solar”) plans to construct and

operate. Richard Scott Lewis and Sarah Lewis live at 16870 Township Road 215, Arcadia, OH 44804, which is adjacent to the project area (“Project Area”) for the Project. Richard Scott Lewis is the trustee of The Richard S. Lewis Revocable Trust, which owns the land on which the Lewis’ residence is located and is an owner of additional land adjacent to the Project Area that Richard Scott Lewis farms.

The Project will have a serious adverse impact on the Lewis’ residence and yard that will spoil the enjoyment of living there. In that regard, the Lewis Family will present evidence about the issues described below, among others, with respect to which the application (“Application”) for the Project fails to protect the Lewis Family’s place of residence and land.

1. Unsightly views of solar panels and other solar equipment from their residence and yard, which are within a direct line of sight of the Project;
2. Unsightly views of solar areas resulting from lack of maintenance and inadequate weed control;
3. Dirt tracked on the public roads, airborne dust, and traffic near their residence during the Project’s construction;
4. Drawdown of the aquifer in which their water well is drilled if the Project uses groundwater in the vicinity of their house to clean solar panels, water vegetation, or control dust;
5. Lighting that may illuminate their house and yard at night;
6. Inadequate distances between the Project and their house and yard;
7. Noise impacts from Project construction, including noise from heavy machinery and pile pounding;
8. Noise impacts from Project operation, including noise from inverters, transformers, and tracker motors;

9. The spread of uncontrolled noxious and invasive weeds from the Project to their place of residence;

10. Harm to deer and other wildlife from habitat loss inside the Project, including overcrowding in areas outside the solar fences due to the animals' exclusion from their prior forage areas inside the Project Area;

11. Infestation in their yard and house from rodents that may move from solar arrays where they multiply while being protected from predators by the solar fences; and

12. The devaluation of their property due to the Project's presence and proximity to their house and land.

The Lewis Family should be granted intervention so that they can address these and other problems with the Project.

**Extent to which interests are represented by existing parties and potential contribution to the just and expeditious resolution of these proceedings:**

No other party represents, or can represent, the Lewis Family's interests in protecting themselves from the Project's impacts. As residents on property adjacent to the Project Area, their participation in the case is necessary to the just and expeditious resolution of this proceeding.

**Potential for undue delay or unjust prejudice:**

Granting intervenor status to the Lewis Family will not unduly delay the proceedings or cause unjust prejudice to the Applicant. The Lewis Family will comply with whatever case management schedule that the Board establishes.

For the foregoing reasons, the Lewis Family requests that the Board to grant this Petition for Leave to Intervene.

Respectfully submitted,

/s/ Richard Scott Lewis  
Richard Scott Lewis (pro se)  
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/s/ Sarah Lewis  
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**CERTIFICATE OF SERVICE**

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, I hereby certify that, on December 31, 2021, a copy of the foregoing Petition has been served by electronic mail on the following: Christine Pirik at cpirik@dickinsonwright.com; Terrence O'Donnell at todonnell@dickinsonwright.com; Matthew McDonnell at mmcdonnell@dickinsonwright.com; Robert Eubanks at Robert.eubanks@OhioAGO.gov; Thomas Shepherd at Thomas.Shepherd@OhioAGO.gov; Jeff and Shirley Overmyer at jdoflhrider@gmail.com; Deidra L. Noel at dnoel1979@gmail.com; Anthony Core at tony.core@squirepb.com; Lucinda M. Land at LMLand@co.hancock.oh.us.

/s/ Richard Scott Lewis  
Richard Scott Lewis

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

**Case No(s). 21-0277-EL-BGN**

Summary: Petition Petition to Intervene on Border Basin Solar project due to being  
an adjacent landowner electronically filed by Mrs. Sarah Lewis on behalf of Mr.  
Richard S Lewis