

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Palomino Solar, LLC for a Certificate)	
of Environmental Compatibility and)	Case No. 21-0041-EL-BGN
Public Need)	
.		

PETITION FOR LEAVE TO INTERVENE OF SARAH B. ROGERS

Pursuant to R.C. 4906.08(A)(3) and Ohio Administrative Code (“OAC”) § 4906-2-12,
this Motion to Intervene is submitted by the following Petitioners:

Sarah B. Rogers
4185 Anderson Road
Hillsboro, OH 45133

A memorandum in support of this petition is provided below.

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

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:

- (a) The nature and extent of the person’s interest;
- (b) The extent to which the person’s interest is represented by existing parties;
- (c) The person’s potential contribution to a just and expeditious resolution of the
issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding
or unjustly prejudice an existing party.

For the following reasons, there is good cause under these criteria to grant intervenor status to
this proposed Petitioner in these proceedings.

Nature and extent of interest:

Sarah B. Rogers (“Petitioner”) owns and lives on property with an address of 4185 Anderson Road in Hillsboro, Ohio, which is adjacent to the project area (“Project Area”) for the Palomino Solar Project (“Project”).

The Petitioner has an interest in protecting her home and land against damage from the Project, including but not limited to the following:

- noise from the construction and operation of the Project’s components, including pounding from driving posts for solar panels and humming during operation of the inverters;
- glare from the solar panels and racks;
- the spread of invasive and noxious weed species and other weeds from the Project to Petitioner’s land;
- propagation of rodents and other nuisance wildlife species inside the Project, from which these animals may spread to Petitioner’s farm land;
- damage to drain tiles and drainage swales caused by Project construction and operation;
- the potential increase of surface water draining onto her land from the Project;
- drawdown of the aquifer into which her well is drilled if the groundwater is used to clean solar panels;
- inadequate setbacks proposed between her land and the Project’s fences and components;
- unsightly views of the Project from her home and yard; and

- restriction by Project fences of deer movement, thus directing the deer onto her land.

The Petitioner should be granted intervention so that she can address these and other problems with the Project as currently designed.

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 Petitioner's interests in protecting herself and her property from the impacts of the solar project. As an adjacent landowner near the Project Area, her 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 Petitioner will not unduly delay the proceedings or cause unjust prejudice to the Applicant. The Petitioner will comply with whatever case management schedule that the Board establishes. Moreover, the Petitioner will be represented in these proceedings by counsel experienced in practice before the Board.

For the foregoing reasons, the Petitioner requests the Board to grant this Petition for Leave to Intervene.

Respectfully submitted,

/s/ Jack A. Van Kley
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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 May 27, 2022, a copy of the foregoing document also is being served by electronic mail on the following: Kodi Jean Verhalen at kverhalen@taftlaw.com, Megan Luby at mluby@taftlaw.com, Werner Margard III at werner.margard@ohioattorneygeneral.gov, Thaddeus Boggs at tboggs@fbtlaw.com, Shaun Lyons at shaun.lyons@ohioattorneygeneral.gov, Jesse Shamp at jshamp@fbtlaw.com, Chelsea R. Fletcher at Chelsea.fletcher@ohioattorneygeneral.gov, Chad Endsley at cendsley@ofbf.org, Leah Curtis at lcurtis@ofbf.org, and Amy Milam at amilam@ofbf.org.

/s/ Jack A. Van Kley
Jack A. Van Kley

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 21-0041-EL-BGN

Summary: Petition to Intervene electronically filed by Mr. Jack A. Van Kley on
behalf of Rogers, Sarah