

COMMENTS OF  
Allen Auglaize Coalition for Reasonable Energy  
Regarding the Rule Review of the Ohio Power Siting Board

We introduce our comments by prefacing them with the statement that we are novices. We have experience with only one Ohio Power Siting Board (OPSB) case, as yet unresolved. Our reply comments are generally in reference to Ohio Revised Code Section 4906.10(A) and were provoked by the positions advanced by many stakeholders who offered initial comments on this topic.

We are members of a grassroots movement which blossomed into existence for the sole purpose of addressing the efforts of people within our community who attacked, we felt unfairly, the landowners and developers of a project, Birch Solar 1, that we understood would bring benefits to landowners, taxpayers, and electrical customers in our area.

With no experience of such an effort, we learned as we went. We first attempted to counter misinformation spread by those in opposition by working through media outlets and our local elected officials. However, we soon learned that permit approval is through an adjudicatory process conducted by the OPSB and so, thankful to discover that such a diligent and thorough process was in place, we turned our full attention to the OPSB and the process.

The adjudicatory nature of the process was a true relief to us as we felt the facts favored support of the project; that was why we became involved in the first place. We next learned we could become fully engaged in the process through intervention, however, intervention required us to have legal representation. We then found that there were organizations available to help us and we eventually located an environmental law firm willing to take us on *pro bono*. And so, with this generous support, we were able to intervene.

We attended the public information meetings and we attended the public hearing where many of our members spoke, as well as others we had encouraged to speak despite their fear of how those who disagreed with them might react to their comments. We prepared formal testimony and filed it ahead of the evidentiary hearing. We were scheduled to be cross-examined by the attorney for a group in opposition that had also intervened. Then we were shocked when just two days before the evidentiary hearing, the opposition group withdrew completely. We did not have the satisfaction of defending our positions, which we felt we were quite strong. In the event, our testimony went completely unchallenged.

We were, however, surprised that the OPSB staff still recommended against approving the project because of the opposition of local elected officials. The recommendation seemed odd to us since, although two townships and one county intervened in the process, only one took a stance against the project and none of them filed testimony or cross-examined any witnesses. A second county did not even bother to intervene. What seemed worse to us was the fact that the OPSB staff agreed that the developer had met all requirements except one sub-requirement (4906.10(A)) defined as "public interest" and they seemed to consider "public interest" to be the opinions of local elected officials. This was a shocker to us. We felt we had been neglected by local officials and now, although the project was grandfathered from the provisions of Senate Bill 52, it seemed to us as though the rules were being changed in the ninth inning of the game.

We would have focused our limited time on local officials if we thought they played such a decisive role in the process but, to us, “public interest” means that the project would be a benefit to the public and we felt there was no question of that given the wide-ranging positive impact the development would have on our community.

It was especially hard for us to read that OPSB staff looked at local elected officials as “responsible for representing and serving their communities”. While we agree to the truth of this statement, this was certainly not our experience. Officials of one of the counties involved refused to speak with us until the matter is resolved and, we ask, how can they represent us if they will not even speak with us? Of course they did not represent us, and they even made efforts to encourage people to file comments in opposition to the project, thus skewing the public comments. This is not even-handed representation of our community; it is completely one-sided. Township officials of one of the townships made it clear to us that they did not wish to speak with us, considered us “outsiders”, and implied we were being paid by the developer. For the record, we are local residents and landowners and have received no payments from the developer. We are simply engaged in an effort to secure the benefits of this project for our community. In other words, we engaged in the public interest.

Our experience has been that local elected officials are often hostile to those whose opinions they do not share and, consequently, they make no effort to “represent” them even though they are “responsible” for doing so. Rather than “public interest”, we see political interest displayed. We have attempted to speak with them. We have written to them. But we find no evidence that our views have been “represented” to the OPSB by them. And, since none of the local elected officials filed any testimony in the evidentiary hearing, none of them filed a brief, none of them filed a re-brief, we found ourselves handcuffed in addressing their often poorly-formed and unconvincing arguments and objections.

We continued to participate in the process through filing of the briefs and filing of the re-briefs. And, disappointingly, even though we were the only local grassroots group to intervene and fully participate throughout the entire case proceeding, we find that the OPSB staff essentially ignored us in their brief and re-brief, giving more weight to the unverified public comments of parties that did not intervene or did intervene but then failed to participate, or settled their concerns and formally withdrew from further participation with little comment.

We summarize by saying that the process as we have experienced it seems flawed. Why can anyone put forth anything and have it accepted as equivalent to testimony which is subject to cross-examination by attorneys and evaluation by a judge? We agree with many other stakeholders in this process by recommending that the Board view public interest broadly and not allow these important decisions to be decided by township trustees and a docket of public Facebook-like comments. Resilient energy grids require a collective effort and actual scrutiny to serve the true public interest.

Thank you for your consideration.

Allen Auglaize Coalition for Reasonable Energy

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**10/11/2022 11:53:27 AM**

**in**

**Case No(s). 21-0902-GE-BRO**

Summary: Public Comment of Allen Auglaize Coalition for Reasonable Energy, via  
website, electronically filed by Docketing Staff on behalf of Docketing