

 **FILE**

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PUCO

PUCO {Public Utility Commission of Ohio}:

Citing *Rumpke*, 94 Ohio St.3d at 309, 762 N.E.2d 995

Rumpke Container Serv., Inc. v. Zaino 2002-Ohio-792, 94 Ohio St.3d 304, 762 N.E.2d 995 the Supreme Court of Ohio denied Rumpke's argument for exemption. Argument was used in the "transportation for hire" definition within ORC § 5739.01(Z), "personal property" includes "every tangible thing that is the subject of ownership." ORC § 5701.03(A) "personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses[.]" ORC § 5739.01(YY). Once physical possession and control of waste are relinquished, so is ownership.

This being said, the Rumpke 2002 case concluded that ownership and the physical possession and/or relinquished there-of become the underlined issue. Since the farmland will be retained by the family, ownership along with physical possession, the argument for the "green energy bypass" becomes void. They family may come up with financing of said solar conversion and installation of equipment, but the third (3rd) party violates physical possession and ownership rule in said above case from 2002.

Now with this being said, the land that is "zoned agriculture" in Washington Township Hancock County, Ohio. It will still be owned by a privately held family farm, rented or leased to a solar public company to convert sunshine to electricity. Washington Township Hancock County, Ohio has a full detailed zoning ordinance along with maps. There is a zoning section that pertains to *public utilities* and at **no time** does solar utilities on a family farm fall into the Zoning Code Ordinance that has been on the books since 1960's.

If the third (3rd) party corporation that is backing the endeavor here in Washington Twp, Hancock County, Ohio had done homework, there are other unzoned or non-zone townships in our county.

You at the PUCO must consider the zoning regulations, the owner of said lands along with the fact that previous law decision(s) set a precedent as to ownership control.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician DLH Date Processed 2-16-23

Respectfully:

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This is written as an educated Washington Township Resident, and **not at any time** being written as an attorney nor practicing at law. This is written by an individual that has done research, have knowledge as to our zoning regulations here in Washington Twp. Hancock County Ohio (LSL)