

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	)	
Eastern Cottontail Solar LLC for a	)	Case No. 24-495-EL-BGN
Certificate of Environmental	)	
Compatibility and Public Need	)	

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**INITIAL POST-HEARING BRIEF OF ALLEN TURNBULL AND BETSY ALT IN  
SUPPORT OF THE JOINT STIPULATION AND RECOMMENDATION**

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Dated: April 7, 2025

Respectfully submitted,

/s/ Trent Dougherty

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## **PRELIMINARY STATEMENT**

Allen Turnbull, 82 years old, and Betsy Alt, 69 years old, are participating landowners in the Eastern Cottontail Solar Project (the “Project”). They have agreed to lease portions of their land for the Project and have intervened in this proceeding to defend their property rights. As the staff of the Ohio Public Utilities Commission (“Staff”) found in the Staff Report of Investigation (“Staff Report”), this Project clearly satisfies all of the statutory criteria for approval pursuant to Ohio Rev. Code 4906.10(A). This Brief will focus on explaining why the Project serves the public interest, convenience, and necessity within the meaning of Ohio Rev. Code 4906.10(A)(6), focusing on the interests of Mr. Turnbull and Mrs. Alt.

The Project will generate much-needed electricity without significant adverse environmental impacts, while creating local jobs and boosting the local economy. Equally important, the conditions in the Joint Stipulation and Recommendation (the “Stipulation”) will preserve local agricultural land for future use as farmland, while providing new opportunities for sheep grazing during the life of the Project. Importantly, any visual impacts will be mitigated through vegetative screening and other design elements.

Additionally, at an individual level, Mrs. Alt, Mr. Turnbull, and the other participating landowners should not be denied the opportunity to earn a lease income from a Project that patently satisfies all statutory criteria for approval. As Mrs. Alt testified, farmers “do not exist to provide scenery.” Rather, farming is a business. Furthermore, while some critics of the Project have attempted to raise concerns about farmland preservation, Mrs. Alt testified that she applied twice to enter her land into the state farmland preservation program and was denied. Mr. Turnbull, for his part, testified that he needs the income from this Project to pay for his wife’s Alzheimer’s care. If the Project is denied, he may be forced to sell the farm and the home where

he has lived for more than 50 years.

For the reasons set forth in this Brief, the Ohio Power Siting Board (the “Board”) should approve the Stipulation and grant a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the Project.

### **BACKGROUND**

Allen Turnbull and Betsy Alt submitted a petition to intervene in this proceeding on November 8, 2024, which was granted on January 16, 2025. On January 28, 2025 they testified at the local public hearing, and, on February 21, 2025, they filed written direct testimony. On March 6, 2025, they sat for cross-examination in Columbus. This section summarizes the highlights of their testimony.

#### **A. Allen Turnbull**

Allen Turnbull, 82 years old, lives at 4495 Canal Road NE, Pleasantville in Walnut Township on a 121-acre farm that he purchased with his wife in 1971. *See* Direct Testimony of Allen Turnbull (“Turnbull Tr.”), dated February 21, 2025, Tr. at 2:2-3. Mr. Turnbull and his wife have agreed to lease out 110 acres of that 121-acre farm to be used as part of the Eastern Cottontail Solar Project. *Id.* at 2:12-13. Mr. Turnbull has lived on the property since 1971 and hopes to continue living on the property. *Id.* at 2:13-14. Mr. Turnbull’s wife lived on that property with him until November 2024, when it became necessary for her to move into an Alzheimer’s care facility. *Id.* at 2:14-15.

In 2017, Mr. Turnbull noticed that his wife was experiencing memory problems. *Id.* at 3:6. As her memory continued to decline, he began searching for ways to supplement the retirement income he had earned during a long career as a public servant working for the U.S.

Department of Agriculture, followed by 8 years in the private sector. *Id.* at 2:6-7. Mr. Turnbull initially considered raising feeder pigs—which he had done in the past—but dropped the idea after concluding that his new neighbors, who had recently built new houses on an adjacent farm, would not appreciate the odor. *Id.* at 3:8-10. He also considered putting up boat storage buildings on the property, which is located near Buckeye Lake, but decided that the upfront costs would be too high. *Id.* at 3:10-12.

In 2018, Mr. Turnbull was approached about leasing out portions of his land for solar. *Id.* at 3:14. He began researching utility-scale solar by talking to many different people, including farmers, agriculturalists, the Farm Bureau, and attorneys who had experience with such projects in Ohio and North Carolina. *Id.* at 3:14-17. Mr. Turnbull also conducted due diligence on Geenex Solar, the original developer, and later EDF Renewables (“EDF”), when that company took over the Project. *Id.* at 3:21-22. Mr. Turnbull was particularly eager to understand the potential for adverse impacts on his property, as well as neighboring properties. *Id.* at 4:1-2. As part of his research, he visited several utility-scale solar projects in different stages of development by different developers in Ohio. *Id.* at 3:22-23.

After conducting extensive research, Mr. Turnbull concluded that entering into a lease for the Eastern Cottontail Solar project would meet his goal of providing supplemental income for retirement, while providing additional tax income to the community, generating much-needed electricity, and creating new jobs, including sheep grazing jobs. *Id.* at 4:4-7, 5:19-21.

On February 8, 2019, Mr. Turnbull entered into a lease. *Id.* at 4:7-8. In the years and months after signing that lease, Mr. Turnbull met with at least 10 of his neighbors to explain his decision. *Id.* at 5:7-9. As Mr. Turnbull testified, meeting with those neighbors gave him the opportunity to address the “baseless conjectures, hyperbole and purported statements they have received and/or

heard from the opposition to the project.” *Id.* at 5:10-12. In those conversations, Mr. Turnbull surmised that many of those who opposed the Project had not made an effort to attend public information meetings or to visit the local EDF office. *Id.* at 5:12-13. All the while, Mr. Turnbull continued his own research, including by visiting EDF’s Fox Squirrel Solar project twice in 2024. *Id.* at 4:15-21. He was impressed by the vegetative screening, which helped to mitigate visual impacts in the places where solar panels would be most visible to the public. *Id.*

Ultimately, Mr. Turnbull testified that the 64 conditions proposed in the Staff Report—and adopted by the Stipulation—should address any legitimate concerns about the Project. *Id.* at 5:2-4. By contrast, a denial would be extremely harmful, both for him personally and for the community at large. On a personal level, Mr. Turnbull testified that a decision denying the Project would have a “significant financial impact” on him, now that his wife has moved into an Alzheimer’s care facility. As Mr. Turnbull explained:

The level of care she now needs is very expensive and it’s all self pay. I dread the point -- point when my savings are exhausted, since I would hate to have to sell my farm and not hav[e] any control over what it might be used for.

Local Public Hearing Tr. Vol II. at 341:22-25, 342:1-5 (Testimony of Allen Turnbull). Mr. Turnbull testified that if he is unable to raise income through other means, he “probably would have to sell off the farm where [he has] lived for more than 50 years.” Turnbull Tr. at 5:23, 6:1-2.

Aside from individual impacts, Mr. Turnbull testified that a denial would mean that the schools, the fire department, police departments, Walnut Township, and other local services would be deprived of payments of almost \$2 million per year through an anticipated payment-in-lieu-of-taxes (PILOT) agreement. *Id.* at 6:2-4. In addition, the State would be deprived of a new source of clean, renewable electricity that would generate enough power for 42,000 households.

*Id.* at 6:4-6. Likewise, a denial would prevent the creation of hundreds of jobs and deprive local sheep farmers of the opportunity to graze their flocks on the Project site. *Id.* at 6:6-11.

**B. Betsy Alt**

Betsy Alt, 69 years old, lives at 10615 Lancaster-Kirkersville Road, Baltimore, Ohio in Liberty Township. *See* Direct Testimony of Betsy Alt (“Alt Tr.”), dated Feb. 21, 2025, Tr. at 2:2-3. Mrs. Alt and her husband Dan own a 78-acre property in Walnut Township, which they have leased out to EDF for the Eastern Cottontail Solar project. *Id.* at 2:6-8.

Mrs. Alt and her husband have been farmers since 1977. *Id.* at 2:11. They raise corn, soybeans, wheat, hay, and straw, as well as beef cattle and a few hogs and sheep. *Id.* at 2:13. Over the years, their farm has grown from 250 acres to over 3,000 acres, mostly leased. *Id.* at 2:23, 3:1. Their son and oldest grandson are also farmers in Ohio. *Id.* at 2:12-14.

In addition to farming, Mrs. Alt and her husband have been deeply involved in their community and local government. *Id.* at 2:16. Mrs. Alt served two terms as township Trustee, while her husband served as Fiscal Officer for their township for 28 years. *Id.* at 2:16-17. Together and separately, they have served on the County Fair Board, Health Board, Fire Board, Fairfield County Regional Planning and local zoning boards. *Id.* at 2:18-19. Mrs. Alt has also been a soccer coach, Cub Scout leader, Bible school teacher, officer for the Liberty Township Community Chest, docent for Fairfield County Heritage Association house tours, and a receptionist at the Sherman House Museum. *Id.* at 2:20-22. In addition, she worked for 17 years as an educational aide for children with disabilities. *Id.* at 2:22-23.

In her testimony, Mrs. Alt explained that she purchased the 78-acre parcel in 2005. *Id.* at 3:6. The property was reasonably priced, because it had less than 300 feet of road frontage, which restricted its use. *Id.* at 3:6-9. As Mrs. Alt testified, the developer had been “selling off

road frontage for houses” in separate parcels, leaving the 78-acre parcel with limited frontage. Local Public Hearing Tr. Vol. II at 317:22-25. Notably, as Mrs. Alt testified, “nobody seemed to have any qualms” at that time about the developer selling off so many parcels to build houses on farmland. *Id.* at 318:1-3.

As a career farmer, Mrs. Alt testified that, while taking farmland out of production for 30 years might seem counter-intuitive, it will ultimately help to restore the land, while providing an opportunity for future generations of her family to launch their own careers in agriculture. Alt Tr. at 3:12-18. As she explained, during the lease period “[o]ur land will lay fallow, slowly healing itself from the hard work farming demands of it.” *Id.* at 3:17. All the while, she and her family will retain ownership over the land and will be able to choose how it will be used in the future. *Id.* at 3:18. In the meantime, the community will benefit from the electricity generated by the Project and PILOT payments to local taxing districts. *Id.* at 3:17-20.

Further, Mrs. Alt emphasized that “farming is a business” and farmers “do not exist to provide scenery.” *Id.* at 5:2. Indeed, farming is “a risky business,” with “[n]o retirement, health insurance, salary, or overtime.” Local Public Hearing Tr. Vol. II at 319:5-6. Finally, Mrs. Alt testified that she and her husband “have applied for farmland preservation for [the 78-acre] property at least twice and were denied.” *Id.* at 318:3-5.

## **ARGUMENT**

The Eastern Cottontail Solar Project serves the public interest, convenience and necessity because it will generate much-needed electricity for the State of Ohio, with comparatively few adverse environmental impacts. Further, the Project has been designed to balance the need for new sources of energy with the goal of maintaining continued agricultural production and protecting agricultural soils for future use. Finally, the Project will benefit the local economy,



including by creating temporary and permanent jobs, while delivering critical relief to landowners and residents, such as Mr. Turnbull and Mrs. Alt.

**I. The Project Will Help to Meet Growing Demand for Electricity, Without Causing Significant Adverse Environmental Impacts**

Ohio needs new sources of electricity, such as this Project, to meet growing demand for electricity. Indeed, AEP Ohio expects regional demand to double between 2018 and 2028. Lucania Tr. at 30:19-22, 31:1-2; *see also* Turnbull Tr. at 6:13-16 (explaining that PJM predicts a significant increase in demand over the next 20 years). Ohio is already importing up to 25% of its electricity from other states and Canada. *See* Lucania Tr. at 31:1-2. Moreover, new sources are not being built fast enough and “coal plants are being decommissioned at a rate faster than new generating sources are being added to the transmission grid.” *Id.* at 31:2-3; *see also* Turnbull Tr. at 6:15-19 (noting the possibility of a capacity shortage in the PJM region by 2026-2027). This Project will help the State and region keep up with rising demand. *See* Turnbull Tr. at 5:4-6 (noting that the Project will generate enough electricity to power 42,000 households).

Importantly, this Project can help to meet growing demand, without causing any significant adverse environmental impacts. As the Staff Report found, the Project “is unlikely to pose a significant adverse impact to existing land use, cultural resources, recreational resources, or wildlife.” Staff Report at 33. For example, in assessing impacts to surface water, the Staff Report noted that only “[t]wo perennial streams of poor to fair quality would be impacted due to the installation of a culvert for access roads,” with less than 200 square feet of permanent impacts anticipated in total. *Id.* at 24. Moreover, in the Stipulation, the Applicant agreed to adopt the setbacks recommended by Staff to minimize impacts to wetlands. *See* Stipulation, Condition 59; Staff Report at 24-25. In addition, while the Staff Report noted that there is some

“[p]otentially suitable habitat present in the project area” for certain threatened and endangered species, the Applicant’s consultant did not observe any of these species on field surveys. Staff Report at 25-26. Moreover, to avoid any impacts to such species, the Stipulation requires the Applicant to have a “Staff-approved environmental specialist on site during construction activities that may affect sensitive areas.” Stipulation, Condition 32. Importantly, that environmental specialist will have the authority to stop construction at any location where a sensitive impact is encountered. *Id.*

Further, the Stipulation’s provisions concerning soil management will help to minimize runoff, *see id.* at Condition 24, while provisions requiring the planting of beneficial vegetation on a minimum of 70 percent of the impacted project area will help to provide habitat for native pollinators, *see id.* at Condition 25. Indeed, the conversion of the project areas from row crops to “a permanent vegetated mix of pollinator-friendly[] native grasses[] and forbs will enhance the Project’s visual appeal [and] local wildlife habitat” and also “reduce soil erosion.” Lucania Tr. at 29-30. In addition, “[n]ative flowering plants can provide a much-needed food source for wildlife, native butterflies, bees, and insects that pollinate flowering forbs, and some commercial crops.” *Id.* at 30.

Finally, to the extent that some residents may be concerned about visual impacts, the Stipulation requires the Applicant to “ensure that vegetative screening, designed by a landscape architect, be incorporated for any adjacent, non-participating parcel which contains a residence with a direct line of sight” of the facility. Stipulation, Condition 16. Further, the Stipulation requires the Applicant to “promptly replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived.” *Id.*

## **II. The Project Balances Energy Needs With Ongoing Agricultural Production and Long-Term Agricultural Preservation**

The Project is compatible with the goal of ongoing agricultural production and long-term agricultural preservation. Importantly, the Project has been designed to accommodate up to 2,700 sheep within the 900-acre area occupied by solar panels, which will graze vegetation on site and produce lambs. *See* Maierle Tr. at 6:10-12. The Project is also designed to preserve agricultural soils for future use to the greatest extent practicable. Pursuant to the Stipulation, the Applicant will “firmly limit[] grading to no more than 20 percent[] of the agricultural lands within the project area,” with a “goal of grading no more than 5 percent.” Stipulation, Condition 24(b). This condition and others will help to ensure that the soil on site will remain suitable for farming at the end of the life of the Project. In addition, as the Staff Report found, “[e]xcavated topsoil would be separated during construction and returned as topsoil after construction unless otherwise specified by landowners,” and “[d]isturbed areas upon decommissioning would be restored for agricultural use.” Staff Report at 47.

Mrs. Alt and Mr. Turnbull, both deeply experienced in farming, chose to participate in the Project in part because it offered a source of income without compromising the farmland they have long nurtured and maintained. As Mrs. Alt testified, while temporarily “taking land out of farming may seem counter-intuitive,” the 30-year pause will help to restore the land, allowing her grandchildren to potentially farm it in the future. Alt Tr. at 3:12-18.

Notably, Mrs. Alt and her husband applied twice in the past to have their 78-acre parcel included in the state’s agricultural preservation program but were denied both times. Local Public Hearing Tr. Vol. II at 318:3-5. Indeed, Jonathan Ferbrache, Senior Resource Specialist for Fairfield County Soil & Water Conservation District, admitted that parcels within the project area have been denied funding for participation in the state agricultural preservation program.

Evidentiary Hearing Tr. Vol IV. Tr. at 845-46. Ultimately, despite the fact that Mrs. Alt's attempts to participate in the agricultural preservation program were rejected, her decision to participate in the Project will help to provide a bulwark against residential and commercial sprawl. If approved, this Project will strategically preserve farmland in the long term from "haphazard, low-density residential development." *See* Lucania Tr. at 30:6-8.

### **III. The Project Will Provide Significant Economic Benefits to the Community, as Well as Much-Needed Relief to Local Landowners**

In addition to generating much-needed energy for the State and helping to preserve and maintain agricultural land—all with minimal adverse environmental impacts—the Project will deliver a significant boost to the local economy. At a high level, the construction of the Project will create 766.8 jobs, generating \$80.6 million in earnings and \$123.7 million in output. Lucania Tr. at 28:4-6. Once operational, the Project will support 14.4 full-time jobs (not including jobs related to sheep grazing), with annual earnings of approximately \$1 million and economic output of approximately \$2.4 million. *Id.* at 28:6-13. Further, if a PILOT agreement is approved, the Project will generate \$1,980,000 annually in local payments for as long as the Project is in operation. *Id.* at 28:14-23. These payments will be apportioned among Fairfield County, Walnut Township, Fairfield Union Local School District, Liberty Union-Thurston Local School District, Eastland Fairfield Career and Technical Schools, Fairfield County District Library, and Fairfield County Park District. *Id.*

On an individual level, the Project will also deliver significant relief to hardworking landowners, residents, and farmers in Fairfield County, including Mrs. Alt and Mr. Turnbull, who wish to participate in this Project by lawfully leasing out portions of their land for solar energy generation. As Mrs. Alt testified, the Project represents a rare opportunity to retire after

many decades of farming, while keeping land in the family for her children and grandchildren to farm in the future. Alt Tr. at 3:6-20.

Likewise, as described above at pages 2-4, the Project will allow Mr. Turnbull to pay for his wife's Alzheimer's care without forcing him to sell off his home and his land. Turnbull Tr. at 5:19-20. If the Project is not approved, Mr. Turnbull may be forced to "sell off the farm where [he has] lived for more than 50 years." *Id.* at 6:1-2. Importantly, as described above, Mr. Turnbull previously considered raising feeder pigs on his property to earn the additional income necessary for his wife's care but decided against doing so out of consideration for his neighbors: specifically, he was "concerned that [his] many new neighbors, who had built their houses on an adjacent farm, would not appreciate the odor." *Id.* at 3:8-10. This Project, by contrast, will not burden neighbors with foul odors or pollution of any sort, and there is simply no basis to deny landowners like Mr. Turnbull and Mrs. Alt the financial security that the Project would deliver.

### **CONCLUSION**

For the foregoing reasons, the Board should approve the Stipulation and grant a Certificate for the Eastern Cottontail Solar Project.

Dated: April 7, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this filing will be electronically served via the Ohio Power Siting Board's e-filing system and via electronic mail on all parties referenced in the service list of the docket.

Dated: April 7, 2025

/s/ Trent Dougherty  
Trent Dougherty

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Summary: Brief Initial Post-Hearing Brief of Allen Turnbull and Betsy Alt in Support of the Joint Stipulation and Recommendation electronically filed by Mr. Trent A. Dougherty on behalf of Alt, Betsy and Turnbull, Allen.