BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of Carnation Solar LLC, for a Certificate of Environmental Compatibility and Public Need	)))	Case No. 24-0881-EL-BGN

SEAN RITTINGER, LEIGH MILLER, AND RUTH MILLER'S
PETITION FOR LEAVE TO INTERVENE

Sean Rittinger, Leigh Miller, and Ruth (Toni) Miller (the "Petitioners") respectfully submit this petition to intervene in the above-captioned proceeding as participating landowners in the Carnation Solar Project (the "Project").

Pursuant to Ohio Administrative Code Section 4906-2-12, the Ohio Power Siting Board ("Board") should grant the Petition because each landowner has a real and substantial interest in the outcome of this case that is distinct from those of the existing parties. Further, their contribution will lead to a just and expeditious resolution of the issues involved in the proceeding without causing undue delay. This Petition is timely, because it is filed before the deadline set by the Administrative Law Judge of "30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by July 25, 2025, whichever is later." *See* Entry, *In the Matter of the Application of Carnation Solar, LLC*, Case No. 24-0881-EL-BGN ¶ 18 (June 10, 2025). The Petitioners' basis for standing, reasons for intervention, and arguments as to why the Board should grant their Petition are set out in the accompanying Memorandum in Support.

Dated: July 25, 2025

Respectfully submitted,

/s/ Trent Dougherty

Trent Dougherty (Bar No. 0079817)
HUBAY DOUGHERTY
1391 Grandview Ave. #12460

Columbus, Ohio 43212
Telephone: (614) 330-6752
trent@hubaydougherty.com
(Willing to accept service by email)

Counsel for Sean Rittinger, Leigh Miller, and Ruth Miller

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of Carnation Solar LLC for a Certificate of Environmental Compatibility and Public Need	)))	Case No. 24-0881-EL-BGN

MEMORANDUM IN SUPPORT OF SEAN RITTINGER, LEIGH MILLER, AND RUTH MILLER'S PETITION FOR LEAVE TO INTERVENE

I. Ohio Law Permits Intervention of Parties in Cases Before the Ohio Power Siting Board

The Ohio Power Siting Board ("Board") may grant petitions to intervene "upon a showing of good cause." Ohio Admin. Code § 4906-2-12(B). The Administrative Code provides that, in ruling on a petition to intervene, the Board must consider the following factors:

(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.

(d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Id. § 4906-2-12(B)(1). As described in the next section, all four of these factors support a finding that there is good cause to permit intervention by the Petitioners.

II. The Ohio Power Siting Board Should Grant the Petition to Intervene

Sean Rittinger, Leigh Miller, and Ruth (Toni) Miller (together, "Petitioners") are participating landowners who have entered into agreements to lease out part of their farmland for the Carnation Solar Project (the "Project").

Sean Rittinger, 51 years old, is a lifelong resident of the Amanda-Clearcreek School District, with deep roots in the community. He is a fifth-generation farmer and first-generation landowner, who also operates a family-owned seed, precision agriculture, and nutrient business, together with his wife. Of particular relevance, Mr. Rittinger has signed an agreement to lease out 600 acres of his 615-acre farm in Amanda Township for the Project. While Mr. Rittinger only purchased the farm in 2018, Mr. Rittinger's parents had been living on the property as sharecroppers since 1970. In fact, Mr. Rittinger's mother still lives on the property.

Mr. Rittinger's decision to lease out land for the Carnation Solar Project was not made lightly, but recent years have brought significant challenges, including: the loss of Mr. Rittinger's mentor and father in 2020; an exceptional "D4" drought in 2024 that halved Mr. Rittinger's crop yield; current market conditions with 19-year-low commodity prices and record-high fertilizer costs; and an excessively wet spring that prevented planting on parts of his farm. These challenges underscored for Mr. Rittinger the need for a strategic approach to secure the farm's future.

In October 2019, Mr. Rittinger met with a land agent who introduced him to the opportunity to lease out land for the Project. Mr. Rittinger and his wife concluded that the Project would help them to achieve diversification and farmland preservation, while also helping them to leave a legacy for their children. They further concluded that the Project would offer financial stability amidst pressures from urban sprawl, industrial development, and rising land prices, thus enabling them to continue their other farming and business operations. Additionally, the project would deliver clean energy to the community, generate significant tax revenue for the county, township, and school district, and require minimal additional infrastructure or services. Finally, unlike sprawling developments, it would not strain local resources or overcrowd schools.

For their part, Leigh Miller, 74 years old, and his wife Ruth (Toni) Miller, 73 years old, are residents of Amanda Township, who have entered into an agreement to lease out a 70-acre tract of land for the Project. Mr. Miller is a lifelong farmer who is still farming approximately 1,000 acres in total. Mrs. Miller is a retired schoolteacher, who taught for 32 years in the Liberty Union-Thurston School District.

Mr. Miller and his brother bought the 70-acre tract at issue in the 1980s and have grown crops on it for four decades. Currently, they are growing corn on the land. However, Leigh and his brother recently decided to lease out the land for the Project, which will help them to retire after many decades of work.

Petitioners request that the Board grant their Petition to Intervene (the "Petition") in the Board's review of Carnation Solar, LLC's Application for a Certificate of Environmental Compatibility and Public Need to construct a solar-powered electric generation facility. All four of the factors set out under Section 4906-2-12(B)(1) of the Ohio Administrative Code support a finding of good cause for intervention: (a) Petitioners have a real and substantial interest in the Project as participating landowners; (b) Petitioners' interest in the Project is distinct from those of other parties and intervenors, none of whom are participating landowners; (c) given their distinct interests, Petitioners' participation will contribute to a just and expeditious resolution of the issues; and (d) because the petition is timely filed, Petitioners' participation will not unduly delay or prejudice any party.

a. The Petitioners have a real and substantial interest in the Project.

In assessing the nature and extent of the person's interest, the Board considers whether the petitioner has a "real and substantial interest" in the matter. *See* Ohio Adm. Code § 4906-2-12(D)(1)(a). The Board has found that this requirement is met when "an individual, direct interest is at stake in the outcome of a proceeding." Order Partially Granting Motions for

Intervention, *In re Republic Wind, LLC*, Case No. 17-2295-EL-BGN at ¶ 20 (Aug. 21, 2018). The Board has found, for example, that owning property inside or abutting a project area is sufficient to establish a real and substantial interest for purposes of intervention. *Id*.

Here, each of the Petitioners has an individual, direct interest at stake in the outcome of this proceeding. As participating landowners, each will receive income from the lease agreements they entered into with the Applicant if the Project is completed. They will be deprived of this income if the application is denied. Relatedly, they each have an interest in protecting their right as landowners to make productive and zoning-compliant use of their property, a right that is protected by the Ohio Constitution. *See* OH Const. Art. I, § 1 ("All men . . . have certain inalienable rights, among which are those of . . . acquiring, possessing, and protecting property.").

b. The Petitioners' interests differ from those of existing parties.

As participating landowners, the Petitioners also have interests that are not shared by any existing party or intervenor. None of the existing parties are participating landowners or local supporters of the projects. Nor can the Applicant itself represent their interests. While Petitioners share the Applicant's interest in seeing the project approved, they have a distinct interest in the long-term health and condition of their land, as well as a distinct interest in any conditions applicable to the long-term care and stewardship of their land.

c. The Petitioners' participation will contribute to a just and expeditious resolution of the issues involved in the proceeding and to full development and equitable resolution of factual issues in this case.

The Petitioners' intervention in this proceeding will contribute to a just and expeditious resolution of the relevant issues and contribute to a full development of the factual record. Their testimony may help the Board to find and determine the information necessary to grant a Certificate of Environmental Compatibility and Public Need, including the extent to which the

Project will: "serve the public interest, convenience and necessity," *see* Ohio Rev. Code § 4906.10(A)(6); "impact the viability of farmland," *id.* § 4906.10(A)(7); and "represent[] the minimum adverse environmental impact," *id.* § 4906.10(A)(3). Specifically, as participating landowners, they can provide a first-hand perspective on: (1) the economic opportunity that the Project presents to farmers and participating landowners; and (2) other economic and environmental benefits that the Project will deliver to the community.

d. The Petitioners' intervention will not cause undue delay of the Board's review of the Project.

This Petition is timely, because it is filed before the deadline set by the June 10, 2025 Entry in this proceeding. *See* Entry, *In the Matter of the Application of Carnation Solar, LLC*, Case No. 24-0881-EL-BGN ¶ 18 (June 10, 2025) ("Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by July 25, 2025, whichever is later."). Because this Petition is timely filed, Petitioners' involvement will not cause undue delay of the Board's review. In addition, Petitioners are motivated to see the process go as smoothly as possible, as they would like to see the Project approved and completed expeditiously and without any delay. Finally, allowing Petitioners to intervene jointly due to their shared interests and perspectives will provide the Board the opportunity to consider their views and interests more efficiently and expeditiously.

III. Conclusion

For the reasons stated in this Memorandum in Support, the Board should grant Petitioners' Petition to Intervene in this proceeding concerning Carnation Solar, LLC's Application for a Certificate of Environmental Compatibility and Public Need to construct a solar-powered electric generation facility. As participating landowners, Petitioners have a real and substantial interest in

the Project; they have different interests from those of the existing parties; their participation will contribute to a just and expeditious resolution of the issues involved in the proceeding; and their intervention will not cause undue delay of the Board's review of the Project.

Dated: July 25, 2025

Respectfully submitted,

/s/ Trent Dougherty

Trent Dougherty (Bar No. 0079817)
HUBAY DOUGHERTY
1391 Grandview Ave. #12460
Columbus, Ohio 43212
Telephone: (614) 330-6752
trent@hubaydougherty.com
(Willing to accept service by email)

Counsel for Sean Rittinger, Leigh Miller, and Ruth Miller

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 on all parties referenced in the service list of the docket.

Dated: July 25, 2025

/s/ Trent Dougherty
Trent Dougherty

Summary: Petition Petition for Leave to Intervene of Sean Rittinger, Leigh Miller, and Ruthe Miller electronically filed by Mr. Trent A. Dougherty on behalf of Rittinger, Sean and Miller, Leigh and Miller, Ruth.