

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Sloopy)
Solar Energy LLC for a Certificate of) Case No. 25-0636-EL-BGN
Environmental Compatibility and Public)
Need)

**BURLESON A. GRIMES
PETITION FOR LEAVE TO INTERVENE**

Burleson A. Grimes (“Mr. Grimes”) respectfully submits this petition to intervene in the above-captioned proceeding for the Sloopy Solar Project (the “Project”). Pursuant to Ohio Administrative Code Section 4906-2-12, the Ohio Power Siting Board (“Board”) should grant the Petition because Mr. Grimes has a real and substantial interest in the outcome of this case that is distinct from those of the existing parties. Further, his contribution will lead to a just and expeditious resolution of the issues involved in the proceeding without causing undue delay. This Petition is timely, as it is filed “within thirty days after the date of publication of the notice.” Ohio Admin. Code § 4906-2-12(A)(2)(b). Mr. Grimes’ basis for standing, reasons for intervention, and arguments as to why the Board should grant his Petition are set out in the accompanying Memorandum in Support.

Dated: March 9, 2026

Respectfully submitted,

/s/ Trent Dougherty
Trent Dougherty (Bar No. 0079817)
HUBAY DOUGHERTY
4302 John Ave.
Cleveland, OH 44113
Telephone: (614) 330-6752
trent@hubaydougherty.com
(Willing to accept service by email)

Counsel for Burleson A. Grimes

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Sloopy)
Solar Energy LLC for a Certificate of) Case No. 25-0636-EL-BGN
Environmental Compatibility and Public)
Need)

**MEMORANDUM IN SUPPORT OF BURLESON A GRIMES’
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

Mr. Grimes requests that the Board grant his Petition to Intervene (the “Petition”) in the Board’s review of Sloopy Solar’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) Mr. Grimes has a real and substantial interest in the Project as participating landowners; (b) Mr. Grimes' interest in the Project is distinct from those of other parties and intervenors, none of whom are participating landowners; (c) given their distinct interests, Mr. Grimes' participation will contribute to a just and expeditious resolution of the issues; and (d) because the petition is timely filed, Mr. Grimes' participation will not unduly delay or prejudice any party.

a. Mr. Grimes has a real and substantial interest in the Project.

Burleson A Grimes, 38 years old, is a permanent resident of City of Springfield and third-generation farmer in Clark County. Mr. Grimes' family owns a 728.97-acre property near the Village of South Charleston that they have agreed to lease for the Project. The property is held in Deaton Company LLC, where Mr. Grimes' mother, Deborah Hill, serves as president, and Mr. Grimes serves as vice president and treasurer. The family purchased the property in 2009 and first entered into an agreement with the Applicant in 2019. Because the lease payments will furnish a substantial and reliable source of income, Mr. Grimes and his family decided it would be prudent to enter into an agreement with the developer to lease their land for the Project. Mr. Grimes and his family are deeply invested in the future of Clark County, participating in several community-based organizations.

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, Mr. Grimes has an individual, direct interest at stake in the outcome of this proceeding. As participating landowners, Mr. Grimes and his family will receive income from the lease agreement 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 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. Mr. Grimes’ interests differ from those of existing parties.

Representing participating landowners, Mr. Grimes also has interests that are not shared by any existing party or intervenor. None of the existing parties are participating landowners. Nor can the Applicant itself represent their interests. While Mr. Grimes shares the Applicant’s interest in seeing the Project approved, he has 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. Mr. Grimes’ 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.

Mr. Grimes’ 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. His 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, Mr. Grimes can provide a firsthand 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. Mr. Grimes’ intervention will not cause undue delay of the Board’s review of the Project.

This Petition is timely, as it is filed “within thirty days after the date of publication of the notice.” Ohio Admin. Code § 4906-2-12(A)(2)(b). Because this Petition is timely filed, Mr. Grimes’ involvement will not cause undue delay of the Board’s review. In addition, he is motivated to see the process go as smoothly as possible, as he would like to see the Project approved and completed expeditiously and without any delay.

III. Conclusion

For the reasons stated in this Memorandum in Support, the Board should grant Mr. Grimes’ Petition to Intervene in this proceeding concerning Sloopy Solar Energy LLC’s Application for a Certificate of Environmental Compatibility and Public Need to construct a solar-powered electric generation facility. As participating landowners, Mr. Grimes and his family have a real and substantial interest in the Project; he has different interests from those of the existing parties; his participation will contribute to a just and expeditious resolution of the issues involved in the proceeding; and his intervention will not cause undue delay of the Board’s review of the Project.

Dated: March 9, 2026

Respectfully submitted,

/s/ Trent Dougherty

Trent Dougherty (Bar No. 0079817)
HUBAY DOUGHERTY
4302 John Ave.
Cleveland, OH 44113
Telephone: (614) 330-6752
trent@hubaydougherty.com
(Willing to accept service by email)

Counsel for Burlison A. Grimes

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: March 9, 2026

/s/ Trent Dougherty
Trent Dougherty

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

3/9/2026 2:32:30 PM

in

Case No(s). 25-0636-EL-BGN

Summary: Petition Petition for Leave to Intervene by Burleson A Grimes
electronically filed by Mr. Trent A. Dougherty on behalf of Grimes, Burleson A.