

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Slooply)
Solar Energy, LLC for a Certificate of) Case No. 25-0636-EL-BGN
Environmental Compatibility and Public)
Need to Construct a Solar-Powered Electric)
Generation Facility in Clark County, Ohio

**INITIAL POST-HEARING BRIEF OF BURLESON GRIMES IN SUPPORT OF THE
JOINT STIPULATION AND RECOMMENDATION**

Dated: May 12, 2026

Respectfully submitted,

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PRELIMINARY STATEMENT

Burleson Grimes is a participating landowner in the Sloopy Solar Project (the “Project”). Mr. Grimes has agreed to lease portions of his land for the Project and has intervened in this proceeding to defend his property rights. In their Staff Report of Investigation (“Staff Report”), the staff of the Ohio Public Utilities Commission (“Staff”) concluded that the Project would not serve the public interest, convenience, and necessity based solely on local government opposition. However, the Board should disregard Staff’s recommendation to deny the Project, as it fails to properly weigh the totality of public benefits afforded by the Project. 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 Burleson Grimes.

The Project will generate much-needed electricity without significant adverse environmental impacts, while creating local jobs and boosting the local economy. Additionally, at an individual level, Burleson Grimes 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.

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

Burleson Grimes submitted a petition to intervene in this proceeding on March 9, 2026, which was granted on March 26, 2026. On April 9, 2026, Mr. Grimes filed written direct testimony. On April 16, 2026, Mr. Grimes sat for cross-examination in Columbus. This section summarizes his testimony.

Mr. Grimes is 38 years old and is a third-generation farmer who currently operates agricultural operations in Clark County. *See* Grimes Ex. 1 (Direct Testimony of Burleson Grimes) at 2:2-4. Mr. Grimes explained that his family has leased approximately 728.97 acres of agricultural land for the Sloopy Solar Project. *Id.* at 2:7-8. The property is located at 2233 South Urbana Lisbon Road in South Charleston, Ohio, and is owned by Deaton Company LLC. *Id.* His mother, Deborah Hill, serves as President of the company, and Mr. Grimes serves as Vice President and Treasurer. *Id.* at 2:10-11.

Mr. Grimes' family has long-standing ties to Clark County. His grandfather was involved in major regional projects, and his mother has held numerous leadership roles in civic and nonprofit organizations, including the Springfield Foundation, the Springfield Museum of Art, the Urbana University Board, the YMCA of Greater Springfield, Ferncliff Cemetery, Ridgewood School, the Ohio Concrete Association, and the Westcott House advisory board. *Id.* at 2:14-22. Mr. Grimes testified that he has continued this tradition of community involvement as President of Springfield Archaeology and participation in local election work. *Id.* at 3:1-3. His family has also been involved in land conservation efforts through the Tecumseh Land Trust and has provided longstanding support of the Clark County Fair and 4H livestock sales. *Id.* at 3:3-5.

Mr. Grimes further explained that his decision to participate in the Project was driven by economic conditions facing modern agriculture, including low commodity prices, high input costs, and market volatility. *Id.* at 3:8-10. He testified that leasing a portion of his land for solar

development will diversify his family's income and provide greater stability for his farming operation. *Id.* at 3:10-12. In addition, he explained that participation in the Project will help preserve the agricultural character of the land and function as a fallow period for the soil, consistent with his family's interest in farmland conservation. *Id.* at 3:18-21.

Mr. Grimes also noted that the Project will benefit the broader Clark County community by contributing to local economic development through increased tax revenues that support schools and public services. *Id.* at 4:1-3. He emphasized the importance of preserving the long-term viability of family farms and asked that others respect his family's business judgment regarding the use of their land, noting that interference could diminish the value of their property interests. *Id.* at 4:14-16.

STANDARD OF REVIEW

The Board must review each application for a certificate of environmental compatibility and public need under eight statutory criteria outlined in Ohio Rev. Code 4906.10(A). Pursuant to R.C. 4906.10(A), "The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the 6 various alternatives, and other pertinent considerations

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704, 3734, and 6111 of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code;

(6) That the facility will serve the public interest, convenience, and Necessity;

(7) What its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility;

(8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

When parties enter a written stipulation, such as in this case, to resolve issues in a proceeding, it must meet three criteria for Board approval. See Ohio Adm. Code 4906-2-24 , *See also, e.g., In re Hardin Wind LLC*, Case No. 13-1177-EL-BGN (Mar. 17, 2014). The Board determines whether the agreement is reasonable and adopts settlements only if all three of the following criteria are satisfied:

(1) whether the settlement is a product of serious bargaining among capable, knowledgeable parties;

(2) whether the settlement, as a package, benefits ratepayers and the public interest; and

(3) whether the settlement package violates any important regulatory principle or practice.

Although not binding on the Board, pursuant to Ohio Adm. Code 4906-2- 24(D), the terms of such an agreement are accorded substantial weight. As stated earlier, this Project clearly satisfies all the statutory criteria for approval pursuant to Ohio Rev. Code 4906.10(A), and further, the Stipulation satisfies the Board's criteria for analyzing such stipulations.

ARGUMENT

The Sloopy Solar Project serves the public interest, convenience and necessity because it will generate critical electricity for the State of Ohio, with comparatively few adverse environmental impacts. Further, the Project will benefit the local economy, while delivering critical relief to landowners and residents, including Mr. Grimes.

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. As Gaby Rubio notes in her testimony, the project is intended “to help meet growing energy demand in Ohio while contributing to a more diverse and resilient generation portfolio within the PJM region.” *See* Company Ex. 16 (Gaby Rubio Direct Testimony) at 5:22-23.

Moreover, the Sloopy Solar Project is consistent with PJM regional plans for expansion of the electric power grid serving Ohio and will thus help reduce energy costs and increase system reliability. *Id.* at 29:2-6.

Importantly, this Project will help meet growing demand without causing significant adverse environmental impacts. As the Staff Report concluded, the Project “is unlikely to pose a significant adverse impact to existing land use, cultural resources, recreational resources, or wildlife.” Staff Ex. 2 (Staff Report) at 32.

Moreover, to ensure environmental protection during construction and operation, the Joint Stipulation includes multiple enforceable conditions designed to avoid or minimize environmental impacts. For example, Condition 25 of the Joint Stipulation requires the Applicant to have a “Staff-approved environmental specialist on site during construction activities that may affect sensitive areas,” including “wetlands and streams, and locations of threatened or

endangered species.” Staff Ex. 2 (Staff Report) at Condition 25. That specialist must be familiar with water quality protections and species concerns, has the authority to stop construction if unforeseen impacts arise, and must recommend procedures to resolve any such impacts. *Id.* Additional conditions provide targeted protections for sensitive species and habitats. For instance, Condition 40 requires the Applicant to avoid impacts to any newly identified listed plant or animal species or suitable habitat encountered prior to construction, with those locations incorporated into final engineering drawings and mapping. Staff Ex. 2 (Staff Report) at Condition 40.

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. Staff Ex. 2 (Staff Report) at Condition 14. 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.*

Together, these conditions ensure that any potential environmental impacts will be carefully monitored and avoided as necessary. In short, the Project will provide much-needed electricity to a region facing increasing demand, while incorporating numerous safeguards to protect environmental resources.

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

In addition to supporting Ohio’s energy infrastructure, the Sloopy Solar Project will generate substantial economic benefits through job creation, increased earnings, and expanded economic output at both the local and state levels. Using the National Renewable Energy

Laboratory's Jobs and Economic Development Impacts ("JEDI") Photovoltaic Model, Deborah Dingess testified that Project's construction phase alone is expected to result in significant levels of economic activity. *See* Company Ex. 20 (Direct Testimony of Deborah Dingess) at 4:8-31. Specifically, the Project is projected to create approximately 231 full-time equivalent jobs in Clark County and approximately 568 jobs statewide during construction. *Id.* at 4:11-12. These construction activities are further expected to generate over \$17 million in local earnings in Clark County and over \$45 million statewide, along with approximately \$49 million in local economic output for Clark County and over \$124 million statewide. *Id.* at 4:18-25.

In addition to employment and output impacts, the Project will provide substantial revenue to local taxing jurisdictions. Over the life of the Project, it is expected to generate more than \$56 million in total property tax revenues, including over \$33 million directed to local school districts and more than \$12 million to Clark County. *Id.* at 4:30-31. These revenues will provide meaningful support for public services and infrastructure, delivering long-term fiscal benefits to the community.

On an individual level, the Project will also deliver critical financial relief and stability to participating landowners, including Burleson Grimes. As Mr. Grimes emphasized in his testimony, "it is important to preserve the long-term viability of family farms." Grimes Tr. at 4:14. By leasing a portion of his family's land for the Project, Mr. Grimes will be able to diversify his family's income streams and secure a stable, predictable source of revenue. *Id.* at 3:10-12. This additional income will not only support ongoing farming operations but also help preserve the long-term sustainability of the family's agricultural operation, allowing the land to remain in productive use and within the family for future generations. *Id.* at 3:18-21. Moreover, whether the Board approves the Project bears substantially on the property interests of

participating landowners. *Id.* at 4:14-16. Denying the Project would deprive participating landowners of a lawful opportunity to productively use their land and protect themselves from the economic uncertainties facing modern agriculture.

Taken together, the Project's job creation, expanded economic output, and tax contributions demonstrate that it will provide significant and sustained economic benefits to Clark County and the State of Ohio, while also delivering much-needed financial stability to participating landowners.

CONCLUSION

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

Dated: May 12, 2026

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: May 12, 2026

/s/ Trent Dougherty
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Summary: Brief Initial Post-Hearing Brief of Burleson Grimes electronically filed by Mr. Trent A. Dougherty on behalf of Grimes, Burleson A.