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PRELIMINARY STATEMENT

The Carnation Solar Project (the “Project”) should be approved. As intervenors Sean Rittinger, Leigh Miller, and Ruth Miller outlined in their initial post-hearing brief, the Project will deliver significant tangible benefits to the State and to Fairfield County —electricity to meet rising demand, jobs to employ local workers, funding for local services, and new opportunities for sheep grazing— while also providing participating landowners with much-needed financial security. The conditions in the Joint Stipulation and Recommendation (“Stipulation”) will ensure that adverse environmental impacts are minimized.

This Reply Brief will not rehash the many arguments in support of the Project. Instead, this Reply Brief explains why none of the arguments presented by the Project’s opponents, the OPSB Staff, elected officials, and community members from Amanda Township (“the Local Opposition”), provide any reasonable basis for rejecting the Project. The OPSB Staff and the Local Opposition’s arguments suffer from two primary flaws: (1) the opponents misconstrue and misapply the legal requirements of Ohio Rev. Code 4906.10(A)(6) for approval of a solar facility; and (2) the opponents fail to recognize the property rights at stake in this proceeding. Because the Project meets all of the statutory criteria for approval, and because the opponents have failed to identify any reasonable basis to reject it, the Board should approve it.

ARGUMENT

The opponents’ case for denying the Certificate of Environmental Compatibility and Public Need (“Certificate”) suffers from two major defects. First, the opponents have failed to properly analyze the Project pursuant to Ohio Rev. Code 4906.10(A)(6). Second, they fail to adequately account for the property rights of participating landowners. Here, the public interest is served by protecting the property rights of those who seek to make lawful, productive, and

responsible use of their land.

I. Staff’s conclusion that the Project fails to serve the “public interest, convenience, and necessity”— on the sole basis that Amanda Township and Fairfield County passed resolutions opposing the Project — defies the Ohio Supreme Court’s holding in *In re Application of S. Branch Solar, L.L.C.*

In a recent decision, *In re Application of S. Branch Solar, L.L.C.*, the Ohio Supreme Court interrogated whether the Board’s determination that the South Branch solar-powered electric-generation facility in Washington Township, Ohio would serve the “public interest, convenience, and necessity” pursuant to Ohio Rev. Code 4906.10(A)(6) was “unlawful or unreasonable.”¹ In its opinion, the Court clarified that “while local-government and public input regarding the project are informative, they are *not determinative* of whether the proposed facility will serve the “public interest, convenience, and necessity” under R.C. 4906.10(A)(6).”²

Despite the Court’s clear holding that local opposition is “not determinative” of whether a proposed facility will serve the “public interest, convenience, and necessity,” Staff treated Amanda Township’s and Fairfield County’s resolutions opposing the Project as dispositive on just this point. Indeed, the record clearly shows that Amanda Township’s and Fairfield County’s resolutions in opposition to the Project operated as de facto determinants of Staff’s recommendation.³ What’s more, even if Staff did give some weight to comments from some local residents and Amanda Township’s and Fairfield County’s resolutions were not the only factors contributing to Staff’s conclusion concerning the extent of local opposition, the Board cannot, under *S. Branch Solar*, rely solely on the extent of local opposition as the basis of their

¹ In re Application of S. Branch Solar, L.L.C., Slip Op. No. 2025-Ohio-5679 (Ohio 2025).

² *Id.* (emphasis added).

³ Staff Brief at 7 (“When combined with the significance of the local governmental opposition of Amanda Township and Fairfield County...Staff believes any benefits to the local community are outweighed by the overwhelming, documented public opposition to the Project”).

finding pursuant to Ohio Rev. Code 4906.10(A)(6). And Staff offered no other basis for its finding. Accordingly, that finding should be rejected.

II. The public interest is served by upholding property rights

The opponent group, Protect Amanda Township, bemoans that project participants are disregarding alleged impacts to surrounding properties under the guise of “landowners’ rights.”⁴ As a preliminary matter, Staff already concluded in its Report that the Project “is unlikely to pose a significant adverse impact to existing land use, cultural resources, recreational resources, or wildlife.”⁵ The suggestion that the Project will unreasonably burden surrounding properties is therefore unfounded and unsupported by record evidence. More fundamentally, however, Protect Amanda Township advances a distorted conception of “landowners’ rights,” reducing the traditional bundle of rights to an amorphous and easily curtailed set of privileges subject to the preferences of a vocal minority scattered throughout the county. This is not the law, and real property rights are neither so malleable nor so easily revoked.

Here, the participating landowners’ desire to earn income from their land through lease payments from the solar project, a well-established and essential land-use deployed across the State, falls squarely within the traditional bundle of property rights. Mr. Rittinger testified that the Project will help “ensure the farm stays in the Rittinger name.”⁶ Mr. Miller testified that the Project will provide economic relief as he enters his retirement.⁷ Similarly, Mrs. Miller testified that the Project will provide “substantial economic security” for her family.⁸ Conversely, blind

⁴ Protect Amanda Township Br. at 3.

⁵ Staff Report at 33.

⁶ Landowners Ex. 1 (Direct Testimony of Sean Rittinger) at 3:1-2.

⁷ Landowners Ex. 3 (Direct Testimony of Leigh Miller) at 2: 20-21.

⁸ Landowners Ex.2 (Direct Testimony of Ruth Miller) at 3:3.

opposition divorced from any materially harmful impacts in the real-world bears little to no impact on the actual “health, morals, safety and general welfare” of Ohio. Moreover, the Board should recognize the immense public interest in protecting the property rights of the participating landowners.

The preferences of local opponents do not govern what Mr. Rittinger, Mr. Miller, and Mrs. Miller may do with their property—particularly where, as here, the Project provides meaningful benefits to the broader community while posing minimal adverse environmental impacts. The Board should validate the property rights of farmers and landowners who have decided to participate in responsibly designed projects like this solar facility.

CONCLUSION

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

Dated: April 6, 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: April 6, 2026

/s/ Trent Dougherty
Trent Dougherty

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Summary: Brief Reply Brief of Sean Rittinger, Leigh Miller, and Ruth Miller electronically filed by Mr. Trent A. Dougherty on behalf of Rittinger, Sean and Miller, Leigh and Miller, Ruth.