

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Oak Run     )  
Solar Project, LLC for a Certificate of         )  
Environmental Compatibility and Public        ) Case No. 22-549-EL-BGN  
Need to Construct a Solar-Powered Electric    )  
Generation Facility in Madison County, Ohio    )

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**DR. JOHN BOECKL’S PETITION FOR LEAVE TO INTERVENE**

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Dr. John Boeckl is a longtime resident of Madison County. He is an engineer by profession and lives approximately 1,000 feet from the site of the planned Oak Run Solar Project (the “Project”), which he strongly supports. Because Dr. Boeckl will be materially affected if the Project does not proceed, he respectfully petitions to intervene in the above-captioned proceeding.

Pursuant to Ohio Administrative Code Section 4906-2-12, the Ohio Power Siting Board (“Board”) should grant Dr. Boeckl’s Petition because he has a real and substantial interest in the outcome of this case, he represents interests separate from those of the existing parties, and 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 by the intervention deadline set by the Board. *See* Entry, *In re Oak Run Solar Project LLC*, Case No. 22-549-EL-BGN (Jan. 20, 2023) ¶ 22. The Petitioner’s 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 7, 2023

Respectfully submitted,

/s/ Trent Dougherty

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**MEMORANDUM IN SUPPORT OF DR. JOHN BOECKL'S  
PETITION FOR LEAVE TO INTERVENE**

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**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).<sup>1</sup> As described in the next section, all four of these factors support a finding that there is good cause to permit intervention by the Petitioner.

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<sup>1</sup> Note that motions to intervene in a Public Utilities Commission proceeding are subject to essentially the same standard. *See* Ohio Rev. Code §§ 4903.221(B); 4906.12.

## **II. The Ohio Power Siting Board Should Grant Dr. John Boeckl's Petition to Intervene.**

The Petitioner, Dr. John Boeckl, has resided for 23 years at 4565 State Route 38 NE London, OH 43140, approximately 1,000 feet from the Oak Run Solar Project (the "Project") proposed by developer Oak Run Solar Project LLC (the "Applicant"). By profession, Dr. Boeckl is an engineer and research scientist with a PhD in Electrical and Computer Engineering from Ohio State University and 25 years of experience in materials research including solar cell research. He serves in a senior position and works with global research leaders to develop agreements for the Air Force Research Laboratory on Wright-Patterson Air Force Base, where he has been employed since 1996.

Dr. Boeckl respectfully requests that the Board grant his Petition to Intervene (the "Petition") in the Board's review of Oak Run Solar Project LLC's Application for a Certificate of Environmental Compatibility and Public Need to construct a solar-powered electric generation facility in Madison County. In short, 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) Dr. Boeckl has a real and substantial interest in the Project as a neighbor who supports the Project, as the signatory of a Good Neighbor Agreement and corollary rooftop solar agreement, as a community member and taxpayer, and as a scientist who understands and is concerned about the impacts of climate change; (b) Dr. Boeckl's interest in the Project is distinct from those of other parties and intervenors, none of whom are similarly situated neighbors of the Project; (c) given his distinct interests, Dr. Boeckl's participation will contribute to a just and expeditious resolution of the issues; and (d) because the petition is timely filed, Dr. Boeckl's participation will not unduly delay or prejudice any party.

### **a. Dr. Boeckl has a real and substantial interest in the Project.**

"The Board has granted petitions to intervene when the petitioner can demonstrate an

individual, direct interest is at stake in the outcome of a proceeding.” *In re Republic Wind, LLC*, Case No. 17-2295-EL-BGN (Aug. 21, 2018). The Petitioner can easily do so here.

First, as a neighbor of the Project site, Dr. Boeckl can attest that living next to a solar project would be far less disruptive to his lifestyle than the likely alternatives, such as a large-scale dairy farm (i.e., mega-dairy), housing development, manufacturing facility, or landfill. Dr. Boeckl lives approximately 1,000 feet downwind of the Project site and was thrilled when he first learned that the site was being proposed for a solar project. Several years ago, the site was being considered for conversion to a mega-dairy that would have caused foul odors to waft onto Dr. Boeckl’s property.<sup>2</sup> A mega-dairy farm also would have generated a vast amount of manure and other wastes that could potentially contaminate the water supply if not handled properly. As an engineer with expertise in solar cell technology (the topic of Dr. Boeckl’s dissertation), Dr. Boeckl immediately understood that a solar farm, by contrast, would create no risk of contamination or runoff: because solar panels are solid-state devices, in which the materials that convert sunlight into electrical energy are in a solid rather than liquid or vapor form, it is virtually impossible for solar panels to cause contamination. In addition, unlike a housing development or manufacturing facility, the solar farm would create no smell, minimal noise and no change in traffic once construction was completed.

Second, Dr. Boeckl has a direct financial interest in the outcome of the proceeding. As a demonstration of goodwill, the Applicant has agreed to provide Dr. Boeckl and similarly situated

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<sup>2</sup> See, e.g., *Mega-Dairy Proposed in Little Darby Creek Watershed*, Darby Creek Association, <http://www.darbycreekassociation.org/Orleton%20Farm%20Mega-Dairy.htm> (last visited Mar. 5, 2023); cf. Holly Zachariah, *Neighbors of Dairy Battling Expansion*, THE COLUMBUS DISPATCH, Jan. 21, 2012, <https://www.dispatch.com/story/news/2012/01/22/neighbors-dairy-battling-expansion/23809961007/> (noting that one large dairy south of London was expected to produce 34 million gallons per year of manure).

neighbors with residential rooftop solar arrays upon successful completion of the Project. This commitment is memorialized in a Good Neighbor Agreement with the Applicant that Dr. Boeckl signed on October 15, 2022 and a corollary agreement with OGW Energy Resources that Dr. Boeckl signed on November 10, 2022. This will benefit Dr. Boeckl by reducing his monthly electricity costs.

Third, as a community member, Dr. Boeckl stands to benefit from the boost of economic activity and tax revenue that the Project will deliver. The Project will deliver hundreds of millions of dollars in revenue to the local school districts and tens of millions to the fire department, ambulance, and other services through a payment-in-lieu-of-taxes (PILOT) agreement.<sup>3</sup> This revenue will help to offset Dr. Boeckl's tax burden and increase the value of his property.

Fourth, in his professional experience developing international research partnerships, Dr. Boeckl has observed a shift to renewable energy sources across the globe. As a scientist, he is conscious of the benefits these renewable energy sources have on the environment, including by helping to mitigate climate change while improving air quality and reducing pollution by coal ash. Dr. Boeckl sees that Ohio has an opportunity to become a world focal point as the U.S. leader in the transition to renewables, which will yield major economic and environmental benefits to the state that he has called home for his entire life. As a parent, Dr. Boeckl is counting on this shift towards more renewable energy to have long lasting economic and environmental benefits for generations to come. Consequently, Dr. Boeckl has a personal stake in helping Ohio become a global leader in transitioning to a renewable energy-based economy, starting by allowing environmentally responsible projects such as the Oak Run Solar Project to be built.

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<sup>3</sup> Dr. David G. Loomis et al., *Economic Impact and Land Use Analysis of Oak Run Solar Project*, Sept. 2022, at 29-30, <https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A22I02B13005C01017>.

**b. Dr. Boeckl's interests differ from those of existing parties.**

Dr. Boeckl has interests that are not shared by any existing party or intervenor. In particular, none of the existing parties or intervenors are community members who have entered into Good Neighbor Agreements or corollary residential rooftop solar agreements contingent upon successful completion of the Project. Likewise, Dr. Boeckl has unique interests as a neighbor of the Project site with deep and well-founded concerns that, if the Project is not allowed to proceed, the site will be used for something far more disruptive, such as a mega-dairy farm.

**c. Dr. Boeckl's 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.**

Dr. Boeckl's participation will contribute to a just and expeditious resolution of the issues involved in the proceeding and contribute to a full development of the factual record. He is in a strong position to provide a first-hand perspective on the Project's benefits to neighbors, including those participating in Good Neighbor Agreements. His participation will ensure that the Board hears the concerns of community members who view the Project as an opportunity, in addition to any who may believe that the Project will have harmful impacts.

**d. Dr. Boeckl's intervention will not cause undue delay of the Board's review of the Project.**

Because this Petition is timely filed, Dr. Boeckl's involvement will not cause undue delay of the Board's review. In addition, Dr. Boeckl 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**

The Board should grant Dr. Boeckl's Petition to Intervene in the Board's review of

Oak Run Solar LLC's Application for a Certificate of Environmental Compatibility and Public Need to construct a solar-powered electric generation facility in Madison County. Dr. Boeckl has a real and substantial interest in the Project; he has different interests than 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. For the reasons stated in this Memorandum in Support, Dr. Boeckl respectfully asks the Board to grant his Petition to Intervene in Case No. 22-54-EL-BGN.

Dated: March 7, 2023

Respectfully submitted,

/s/ Trent Dougherty

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*Counsel for Dr. John Boeckl*



**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: March 7, 2023

*/s/ Trent Dougherty*  
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Trent Dougherty

**This foregoing document was electronically filed with the Public Utilities  
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**3/7/2023 4:21:19 PM**

**in**

**Case No(s). 22-0549-EL-BGN**

Summary: Motion Motion to Intervene of Dr. John Boeckl and Memorandum in Support electronically filed by Mr. Trent A Dougherty on behalf of John Boeckl