

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Frasier            )  
Solar Project, LLC for a Certificate of                )  
Environmental Compatibility and Public            ) Case No. 23-796-EL-BGN  
Need to Construct a Solar-Powered Electric       )  
Generation Facility in Knox County, Ohio         )

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**BRIEF OF ETHAN ROBERTSON IN SUPPORT OF THE JOINT STIPULATION AND  
RECOMMENDATION**

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Dated: September 16, 2024

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## **PRELIMINARY STATEMENT**

Ethan Robertson is a participating landowner in the Frasier Solar Project (the “Project”). He intervened in this proceeding to submit testimony in support of the Project and to defend his property rights. With the submission of evidence now complete, the record is clear that the Project meets all of the criteria for approval. In particular, there is strong evidence to support Staff’s recommended finding that the Project will serve the public interest, convenience, and necessity. For the reasons set forth in this Brief, the Ohio Power Siting Board (the “Board”) should approve the Joint Stipulation and Recommendation (the “Stipulation”).

## **BACKGROUND**

Mr. Robertson is a lifelong resident of Ohio, the father of three young children, and the owner of a family business that sells trucks. Direct Testimony of Ethan Robertson, Tr. at 2-3 (“Robertson Tr.”). Mr. Robertson and his cousin Richard Piar, a local farmer, co-own and co-manage two tracts of land in Knox County, Ohio, that they have agreed to lease out for the Project. *Id.* at 2:13-15. This land was previously owned by their two fathers, and they intend to keep it in the family for the benefit of their own children. *Id.* at 2:15-22.

Mr. Robertson has deep roots in the community dating back several generations. His father, grandfather, and great-grandfather all grew up on a family farm on the border of Knox and Licking Counties. *Id.* at 3:3-4. While Mr. Robertson grew up in Franklin County, he maintained close ties to the area by spending his weekends and summers at his father’s farm in Licking County. *Id.* at 3:4-7. Mr. Robertson is now a full-time resident of Licking County and runs a family business based in Mount Vernon, Ohio, called the Robertson Truck Group, which his father started in 1984. *Id.* at 2:7-11. The company contributes to the local tax base and employs approximately 50 people who live in the greater Knox County area. *Id.*

Mr. Robertson began researching the possibility of entering into a lease after the Applicant contacted his father in January 2022. *Id.* at 3:19-22. Before entering into a lease, Mr. Robertson and Mr. Piar spoke many times with the Applicant. *Id.* at 3:22-23, 4:1. During these conversations, Mr. Robertson and Mr. Piar explained to the Applicant that it is very important to them that the soil and drainage be protected throughout the life of the project so that it can be returned to growing crops at the end of the project. *Id.* at 4:1-4. As Mr. Robertson testified, the Applicant was responsive to his and Mr. Piar's concerns and provided guarantees that it would limit topsoil disturbance and restore any damaged drain tile. *Id.* at 4:4-7. Many of these guarantees were ultimately reflected in the conditions proposed in the Staff Report of Investigation, *see id.* at 4:5-7, which were subsequently incorporated into the Stipulation.

### **ARGUMENT**

The record provides ample evidence that the Project meets the criteria for granting a Certificate. Consistent with Mr. Robertson's interests and priorities as a participating landowner, this Brief will focus on highlighting some of the Project's key benefits, including: (A) economic benefits; (B) environmental benefits; and (C) provisions that provide substantial opportunities for ongoing agricultural activities in the short-term, as well as substantial protections for future agricultural activities in the long-term. All of these benefits help to establish that the Project will serve the public interest, convenience, and necessity.

#### **A. The Project Offers Substantial Economic Benefits**

The Project offers significant economic benefits, which fall into two categories: (1) jobs, earnings, and economic output; and (2) tax revenues and other direct payments to local organizations and individuals.

### ***1. Jobs, earnings, and economic output***

The Project offers significant benefits in terms of jobs, earnings, and economic output, which will accrue during construction and operations. During the construction phase, the Project is projected to create 356 jobs statewide. These 356 jobs are projected to generate approximately \$25.1 million of earnings, and \$45.1 million of economic output. See Application, Exhibit E: Socioeconomic Report (August 2023) at 15 (“Socioeconomic Report”). None of these construction-related benefits would accrue if the Application were denied.

Importantly, while construction jobs are not permanent, the Project also will have positive long-term impacts on local employment. Once construction is complete, the Project’s operations and management (O&M)—not including sheep grazing at the Project site—will sustain 11.5 jobs full-time jobs, as compared to the 10.6 jobs that are currently being supported by existing agricultural activities. *Id.* at 15, 17. However, the Project’s actual employment advantage is significantly greater when jobs related to sheep grazing at the site are taken into account. Indeed, sheep grazing at the Project site will directly support another six full-time jobs. *Id.* at 17. When those sheep-grazing jobs are incorporated, the Project will support at least 17.5 full-time jobs compared to 10.6 full-time jobs from current uses, which would represent a 65% increase in permanent employment. *Id.* at 15, 17.<sup>1</sup>

Likewise, the annual earnings from the Project are also greater than current uses, especially when earnings related to sheep grazing are taken into account. Not including sheep grazing, O&M of the Project is expected to generate \$0.7 million in earnings, as compared to \$0.5 million in earnings from current uses. *Id.* When earnings from sheep grazing jobs are

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<sup>1</sup> Notably, while the estimates for jobs related to O&M and current activities include direct, indirect, and induced impacts, the estimate for jobs related to sheep grazing includes only direct impacts. See Socioeconomic Report at 15, 17. Thus, the employment advantage of O&M plus sheep grazing is likely greater than a 65% increase in permanent employment.

included, annual earnings from the Project would be between \$0.88 million and \$1.06 million, as compared to \$0.5 million from current uses. *Id.* at 15, 17.<sup>2</sup>

Finally, while annual output from current agricultural uses (\$1.9 million) is projected to exceed annual output from O&M of the solar facility alone (\$1.7 million), the balance tips heavily in favor of the Project when sheep grazing is included. *Id.* As the Socioeconomic Report describes, the site “has the capacity to carry approximately 3,000 ewes, which would be anticipated to produce approximately 4,800 lambs annually.” *Id.* at 17. Those 4,800 lambs, valued at \$675,000, would drive total annual output from the Project to more than \$2.3 million, as compared to \$1.9 million from current activities. *Id.* at 15, 17.

## **2. Tax revenues and other direct payments to local organizations and individuals**

In addition to creating jobs and increasing economic output, the Project will increase local revenues through a payment-in-lieu-of-taxes (PILOT) agreement with Knox County, which the Knox County Board of Commissioners approved on August 8, 2023. *Id.* at 18. This PILOT agreement will pay out approximately \$1,080,000 per year in Knox County throughout the 40-year life of the Project. *Id.* at 19.

Importantly, all of this money will be distributed locally, for the benefit of local residents. During the 40-year life of the Project, the PILOT will direct more than \$18 million to the Mount Vernon City School District, more than \$11 million to the County General Fund, more than \$3,000,000 to the Knox County Career Center, and more than \$9,000,000 to other taxing jurisdictions, including the two townships in which the Project is located. *See* Direct Testimony of Mohammed R. Karim, Company Exhibit 30, at Ex. 1 at 3. As Mr. Robertson testified, the

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<sup>2</sup> The six full-time jobs related to sheep grazing are expected to generate annual earnings of \$30,000 to \$60,000 each, or \$180,000 to \$360,000 in total. Socioeconomic Report at 17.

revenues to the Knox County Career Center and Mount Vernon City School District are particularly meaningful to his own employees:

I believe that all of these revenues from the PILOT agreement will be highly beneficial to my employees. Many of my employees and their family members have graduated from the Knox County Career Center. Out of our 50 team members, 18 are graduates of the career center. Many of our team members send or have sent their children to school in the Mount Vernon City School District.

Robertson Tr. at 7:18-22. In addition, lease payments provide financial security to participating landowners that helps them hold onto their land—rather than, for example, selling it to a real estate developer. As Mr. Robertson explained, “[l]easing out the land for Frasier Solar is good for my family and me because it will allow us to keep the property in our family while earning a steady income that is not dependent on agricultural price fluctuations.” *See id.* at 6:1-3.

Further, in addition to the PILOT agreement, the Applicant is also expected to make payments through a road use maintenance agreement, which will include \$500,000 to Clinton Township and \$300,000 to Miller Township to repair and enhance roadways. Direct Testimony of Craig Adair, Company Exhibit 16, Tr. at 21:11-14, 65:19-22. The Applicant has also committed to make voluntary payments of \$300,000 to the Homer Fire District, \$210,000 to the Knox County Soil and Water Conservation District, \$100,000 to the Knox County Engineer’s Office, and \$7,500 per year to the Knox County Career Center. *Id.* at 66:1-7. Finally, through a Good Neighbor Program, the Applicant is offering project neighbors a choice of \$15,000 as a one-time payment or \$850 per year, escalating by 2% each year, to help offset electric bill payments. *Id.* at 66:16-23.

**B. The Project Offers Substantial Environmental Benefits**

In addition to economic benefits, the Project also offers substantial environmental benefits, while posing minimal risk of environmental harm. At the highest level, it must be

emphasized that the Project will have a net positive impact on the environment. As Staff concluded, “This project would be expected to represent a reduced environmental impact when compared to the current land use of agricultural plant production.” Staff Report at 33. Furthermore, while this Project, like any construction Project, will inevitably involve some adverse environmental impacts, these impacts are unlikely to be significant. As Staff concluded, “the project is unlikely to pose a significant adverse impact to existing land use, cultural resources, recreational resources, or wildlife.” *Id.* at 35.

Staff found that the Project is expected to have a reduced environmental impact compared to existing uses of the land “due to the reduction of [the] tilling [that is currently] leading to erosion and sedimentation,” as well as the “reduc[tion] [of] fertilizer and pesticide application,” which will result by shifting from current agricultural activities to a focus on solar generation and sheep grazing. *Id.* at 33 Reducing sedimentation and erosion, as well as fertilizer and pesticide use, will yield significant benefits for the soil and for water quality. *See* Direct Testimony of Ralph Downard, Company Exhibit 20, Tr. at 2 (explaining that “the permanent vegetation called for by the [vegetation management plan] will support the long-term health of the soil in the Project area by mitigating erosion”); *id.* (explaining that the vegetation management plan “will allow natural processes to occur that will rehabilitate the soils within the Project that have been depleted by long-term agricultural use”); Direct Testimony of Barry Fagan, Company Exhibit 23, Tr. at 15 (explaining that “[n]egative impacts to the already impaired receiving waters should be reduced as fewer pollutants are transported by stormwater runoff and bound up with mobilized sediment”); *id.* (explaining that “[r]eceiving water quality will also benefit from the reduction in fertilized application, and herbicide and pesticide use”).

The Project also contains design features that will benefit the local ecosystem. For



example, the Applicant’s vegetation management plan will “incorporate pollinator plantings in the perimeter landscaping outside of the fence.” *Id.* at 33. The perimeter habitat created by these plantings will “enhance the visual appeal of the project, enrich local wildlife habitat, benefit the local farming community, increase plant diversity, and discourage invasive species.” *Id.*

To ensure that these benefits are realized, the Stipulation sets a goal of “planting a minimum of 70 percent of the impacted project area in beneficial vegetation,” using plant species recommended by the Ohio Department of Natural Resources (ODNR) or otherwise approved by ODNR. *See* Stipulation, Condition 25. The Stipulation further provides that the vegetation management plan “shall follow the Ohio Solar Site Pollinator Habitat Planning and Assessment Form with a minimum score of 80 points,” thus ensuring that the Project supports beneficial insect species. *Id.*

On the other side of the equation, the environmental harms of the Project are relatively insignificant. While Staff found that the Project will involve some temporary and permanent environmental impacts, it concluded that “the project is unlikely to pose a significant adverse impact to existing land use, cultural resources, recreational resources, or wildlife.” Staff Report at 35. For example, Staff found that while “[a]pproximately 0.27 acres of temporary stream impacts would occur from the installation of access roads and collection lines,” “[l]ess than 0.01 acre of permanent impacts would be anticipated from the construction of an access road.” *Id.* at 28-29 (emphasis added). Moreover, Staff found that “[a]ll anticipated temporary and permanent stream impacts would occur within lower quality ephemeral and intermittent streams,” and not within any high-quality, ecologically important streams. *Id.* at 29. Likewise, Staff found that none of the Project site’s 19.2 acres of wetlands are high-quality Category 3 wetlands. *Id.* While the Project is expected to cause temporary impacts to approximately 0.75 acres of those

wetlands, it will cause permanent impacts to only 0.01 acres of wetlands. *Id.*

**C. The Project Protects the Long-Term Viability of Farmland and Incorporates Ongoing Agricultural Activities into Its Design**

Finally, in addition to offering significant economic and environmental benefits, the Project provides substantial opportunities for agriculture in the short-term and substantial protections for agriculture in the long-term. These measures help to ensure that the Project is compatible with the priorities of the region and that it makes efficient and responsible use of high-value farmland.

In the short-term, the Applicant has entered into a letter of intent with a local sheep grazing company run by two Mount Vernon residents, Brad and Katie Carothers, to provide vegetation management services at the site. Robertson Tr. at 6:20-23. In total, the Project would support grazing by approximately 3,000 ewes, which would produce 4,800 lambs per year, at an estimated value of \$675,000 per year. *Id.* at 18.

This sheep-grazing plan helps to maximize the efficient use of the land. It also offers several distinct benefits. First, it will reduce the need for the use of diesel-powered grass-cutting equipment at the Project site by relying instead on sheep, which efficiently convert vegetation into meat. Direct Testimony of Camren Maierle, Company Exhibit 18, Tr. at 5. Second, it will generate significant agricultural output, including \$675,000 per year in lambs. Staff Report at 18. Third, as previously discussed, it will create and support local jobs in the agricultural sector. *Id.* Fourth, it will mitigate the amount of agricultural land that is taken out of agricultural production. As Mr. Robertson testified, “the project will not convert our property into something that is not farmland, it will just temporarily change the agricultural use.” Robertson Tr. at 7:1-3.

In the long-term, the Project also helps to ensure that the land will remain viable for growing crops in the future. As Mr. Robertson testified, when he was first approached by the

Applicant about the possibility of a lease, he and his cousin Richard Piar, raised concerns about this issue with the Applicant, who was responsive to these concerns and agreed to address them:

Before entering into a lease, Richard and I spoke many times with Open Road. We explained during these conversations that it is very important to us that the soil and drainage be protected throughout the life of the project so that it can be returned to growing crops at the end of the project. Open Road was responsive to this concern, and we decided that we would be comfortable participating. Many of the guarantees that we hoped to get from Open Road, such as limiting topsoil disturbance and promising to restore drain tile, are part of the conditions proposed in the Staff Report of Investigation.

*Id.* at 3:23-4:7. Critically, the conditions for protecting topsoil and drain tile that were proposed in the Staff Report of Investigation have been incorporated into the Stipulation. With respect to topsoil, Condition 23(b) of the Stipulation “firmly limits grading to no more than 20 percent” of “the agricultural lands within the project area” and sets a goal of grading “no more than 5 percent” of that area. With respect to drain tile, Condition 22 requires the Applicant to “avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems.” Perhaps more importantly, Condition 22 further provides that “damaged field tile systems shall be promptly repaired or rerouted to at least original conditions or modern equivalent at the Applicant’s expense to ensure proper drainage.” These provisions and others help to ensure that the land will remain suitable for farming in the future.

### **CONCLUSION**

The Frasier Solar Project is good for Knox County and the State of Ohio. In particular, the Project offers many economic and environmental benefits, as well as significant opportunities for ongoing agricultural activities and substantial protections for the long-term viability of agricultural land on site. It will manifestly serve the public interest, convenience, and necessity. For the foregoing reasons, the Board should adopt the Stipulation and grant the Project

a Certificate of Environmental Compatibility and Public Need.

Dated: September 16, 2024

Respectfully submitted,

/s/ Matthew Eisenson

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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: September 16, 2024

Matthew Eisenson  
Matthew Eisenson

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Summary: Brief Initial Brief of Ethan Robertson in Support of the Joint Stipulation and Recommendation electronically filed by Mr. Matthew B. Eisenson on behalf of Robertson, Ethan Mr..