

# Supreme Court passes on Ohio solar farm appeal; Developers remain ‘committed’

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Cleveland.com

COLUMBUS, Ohio – The Ohio Supreme Court dismissed a case Wednesday asking the court to reverse a state board’s rejection of a permit to build a solar farm in Greene County.

The court didn’t explain itself beyond noting the participating justices unanimously dismissed the case for lack of jurisdiction. The ruling isn’t necessarily the court’s last word, but at minimum adds to the timeline, legal hurdles, and economic uncertainty for Vesper Energy, the parent company behind the Kingwood Solar project.

Regardless, Juan Suarez, chief development officer and vice president at Vesper Energy, indicated plans to soldier on.

“The Ohio Supreme Court’s ruling on Kingwood Solar is procedural, prolonging the schedule for the final ruling,” he said. “Vesper Energy is committed to Kingwood Solar, and we look forward to resolution with the Ohio Supreme Court, the Ohio Power Siting Board, and our community partners.”

In December 2022, the Ohio Power Siting Board [rejected](#) Kingwood Solar’s application for a permit. While Kingwood met the technical and environmental requirements, the board found the facility will not “serve the public interest, convenience and necessity,” as state law requires.

The board based its decision on the mostly negative feedback from a November 2021 public hearing in which about 75% of the 68 speakers opposed the project, and opposition from township and county elected officials.

The facility is projected to generate 175 megawatts of solar energy via hundreds of thousands of solar panels on 1,200 acres of private land, whose owners struck deals with developers. It predates a new Ohio law that gives local governments explicit powers to kill renewable projects within their borders – a power they do not wield over oil, gas or coal developments.

After a power siting board ruling, parties can seek a “rehearing” on the matter. In Kingwood’s case, the board agreed Feb. 7 to [grant a rehearing](#) “for the purpose of affording the [OPSB] more time to consider the issues raised.” The ruling offered no further detail or timeline, and it was the board’s last word on the matter before Kingwood appealed to the Supreme Court in April.

The Supreme Court's ruling narrows the path to development for Kingwood, which originally [hoped to break ground in June 2022](#), though it remains viable. The OPSB could reverse its rejection of a permit. Or it could affirm its decision, which Kingwood could once again appeal to the Ohio Supreme Court.

The siting board has not yet scheduled a new hearing. [Cleveland.com](#)/The Plain Dealer have reached out to the board for comment on the timeline of the Kingwood rehearing.

The Utility Scale Solar Electric Coalition of Ohio, via its lobbyist Will Hinman, declined to comment on the court's ruling.

The proposed Kingwood project falls near the Cedarville home of Gov. Mike DeWine. Last year he told the Ohio Capital Journal he [wouldn't take a position on the project](#) given it's "in my backyard." His son, Supreme Court Justice Pat DeWine, recused himself from the Kingwood case without offering his reasoning. Kingwood isn't the only solar farm blocked from developing due to an alleged failure to "serve the public interest, convenience and necessity." The Supreme Court is currently reviewing appeals of [Birch Solar in Allen and Auglaize counties](#), a 300 megawatt project that ran into local political opposition at the power siting board.