



# Dylan F. Borchers

Partner



Dylan Borchers has a practice that focuses on energy infrastructure development, regulatory proceedings, and energy policy.

Dylan has represented developers of new generation facilities totaling more than 7,000 MW of new electricity capacity in Ohio before the Ohio Power Siting Board. These projects include six new natural gas combined cycle power plants, four utility scale wind farms, and over one dozen utility scale solar facilities. He is also heavily engaged in Ohio's growing solar sector, representing multiple developers of utility scale solar projects, as well as multiple behind the meter projects. He represents a variety of clients, including trade associations, municipal aggregators, electric vehicle charging companies and suppliers in adjudicatory hearings, rulemakings and other proceedings before the Public Utilities Commission of Ohio. Dylan has also represented a number of energy storage projects, including the developer of the country's largest municipal combined solar and battery project.

He was formerly employed in management consulting with the technology and business consulting firm Accenture. Dylan was also commissioned as an Army officer and received his honorable discharge in 2008. Outside of his energy practice, Dylan frequently volunteers as pro bono counsel, with an emphasis on providing legal support to veterans in need.

---

## CONTACT INFORMATION

614.227.4914  
dborchers@bricker.com

## COLUMBUS OFFICE

Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291

614.227.2300 main  
614.227.2390 fax

---

## INDUSTRIES & PRACTICES

Manufacturing  
Oil & Gas  
Regulatory Law  
Environmental Law  
Energy

## Bar Admissions & Activities

- Admitted, State of Ohio
- Admitted, State of Kentucky
- Admitted, State of West Virginia
- Member, Ohio State Bar Association; Columbus Bar Association

## Education

- Michigan State University, Institute of Public Utilities' Regulatory Studies Program for utility regulators emphasizing economic, accounting, finance and policy theories related to utility regulation, 2012
- The Ohio State University (J.D., 2013), Managing Editor, *Ohio State Journal on Dispute Resolution*; Winner, K. William Kolbe Law Student Writing Competition; Moritz Merit Scholar
- Wright State University (B.A., Political Science, *summa cum laude*, 2007) Army ROTC Distinguished Military Graduate; Senior Honors Fellow

## Awards & Recognition

- Columbus Lawyer of the Year, Best Lawyers in America (Energy Regulatory Law, 2023)



## Dylan F. Borchers

Partner

- Listed, Best Lawyers in America (Energy Regulatory Law), 2023
- Rising Star, *Ohio Super Lawyers* (Energy & Natural Resources), 2016–2023
- Listed, *Best Lawyers in America* (Energy Regulatory Law), 2021–2022
- Recipient, Environmental Law Award from the Ohio State Bar Association for his winning paper titled, "Electric Aggregation and the Story of Ohio's Move to Competitive Retail Electric Markets," 2013
- Winner, K. William Kolbe Writing Competition, ABA Section of Public Utility, Communications and Transportation Law, 2012

## Presentations & Published Works

- Presenter, "Driving Development: The Regulatory and Policy Landscape for Renewable Energy at the State Level," Young Energy Professionals Workshop: The Energy Transition Sessions, December 2021
- Presenter, "Solar Energy in Ohio", Ohio State Bar Association 35th Annual Ohio Environment, Energy and Resources Law Seminar, October 2020
- Speaker, "Energy Utilities: Property Taxation and Public Finance Implications," Winter Conference of the County Auditors Association of Ohio, November 2019
- Speaker, "Quick Talk: Ohio Market Update" (with J. Caleb Bell), Solar and Energy Storage Midwest, November 2019
- Presenter, "Natural Gas Power Plant Generation in Ohio," Utica Summit VII, October 2019
- Speaker, "Access to Markets in the Ohio Power Generation Sector", Ohio Oil and Gas Association (OOGA), Annual Meeting, March 2019
- Presenter, "Renewable Energy: Charting Ohio's Path to a Clean Energy Future," Ohio Public Interest Environmental Law Conference, September 2018
- Presenter, "Ohio's Competitive Electric Market and New Power Plant Development," Ohio Chemistry Technology Council (OCTC), 30th Annual Conference, April 2018
- Speaker, "Energy Development Panel," Ohio State Business Law Journal Symposium, Energy, Environment, and the Economy, April 2018
- Presenter, "Buildings & Energy: Legal Complexities and Financing," Association of Independent Colleges and Universities of Ohio (AICUO), Buildings and Energy Symposium, March 2018
- Author, "The ABCs of Solar PPAs for Public Sector Entities," Ohio Township News, November/December 2017
- Speaker, "Electric Utility Rate Regulation Issues Impacting Utility Fuel Usage," EMLF Kentucky Mineral Law Conference, October 2017
- Speaker, "Renewable energy, energy efficiency and advanced energy provisions in AEP and FirstEnergy PPA decisions," Ohio Green Energy Policy Conference, 2016
- Speaker, "Overview of PUCO Cases and Implications for Green Energy in Ohio," Ohio's Green Energy Future Conference, November 2016
- Author, "Volatile Energy Prices and Regulatory Upheaval: Why Every Municipality Should Consider Aggregation as a Service to Residents," 2013



# Dylan F. Borchers

Partner

- Author, "Electric Aggregation and Ohio's Move to Competitive Retail Electric Markets," Ohio State Bar Association Environment, Energy and Resources Law, 2013
- Speaker, "Implementing State-Level Feed-In Tariffs Without Federal Preemption – How Ohio Can Use a Revitalized PURPA to Drive Renewable Energy Development," Ohio State Bar Association Environment, Energy and Resources Law Conference, 2012
- Author, "New Opportunities for State-Level Feed-In Tariffs: Using a Revitalized PURPA to Encourage Renewable Energy Development Through State Level Feed-In Tariffs," American Bar Association Section on Public Utility Communications and Transportation Law, 2012

## Professional & Community Activities

- Member, Solar Toolkit Subcommittee, Mid-Ohio Regional Planning Commission, 2019-Present
- Member, Ohio Electric Vehicle Steering Committee, Clean Fuels Ohio
- Member, Solar Energy Industries Association
- Recognized by the White House for community service with the Yellow Ribbon Fund, an organization supporting wounded veterans and their families
- YWCA Family Center Pro Bono Legal Clinic
- Pro Bono work through the Columbus Bar Association's Military Task Force

## Experience

### Energy generation facility counsel

---

Represent Apex Power Group before the Ohio Power Siting Board (OPSB) for the proposed Guernsey Power Station, a 1650-megawatt, natural gas-fired energy generation facility. In 2017, the project received approval to construct and operate the facility. Our team continues to provide substantial regulatory, legislative, tax, permitting and real estate counsel. In addition, we resolved issues involving interconnection with the local transmission company and the Ohio Department of Natural Resources.

### Wind energy certification and project modification

---

Represent Hog Creek Wind Farm before the Ohio Power Siting Board. The project successfully received a certificate to construct and operate a wind farm of up to 66 megawatts. We recently assisted in amending the OPSB certificate to incorporate new turbine technology and advised the project in due diligence to support its sale to a major U.S. energy company.

### OPSB certificate for Ohio wind project

---

Represented 6011 Greenwich Windpark before the Ohio Power Siting Board. In August 2014, the OPSB granted the project a certificate to construct and operate a 60-megawatt wind project in Huron County, Ohio. The firm continued to represent the project against a landowner opposition group, culminating in a successful dismissal of the challenge at the Ohio Supreme Court.



## Dylan F. Borchers

*Partner*

### Advanced energy and energy project structuring

---

Assisted a college with various aspects of environmental regulation, including advanced energy and energy efficiency developments, power purchase agreements and leasing arrangements, in order to help them take full advantage of various financing opportunities.

### Oil and gas transactional assistance

---

Provided representation to a bank trustee controlling nearly 4,000 acres of mineral rights in eastern Ohio. Beginning with the negotiation of an above-market-value oil and gas lease, which resulted in an initial payment to the trust of tens of millions of dollars, we provided related legal services, including the completion of title curative work, lease maintenance activities and the negotiation of ancillary agreements.

### \$40 million natural gas pipeline siting

---

Represent NRG Ohio Pipeline Co. LLC, a subsidiary of NRG Energy, Inc., in the siting of a high-pressure natural gas pipeline, 24 inches in diameter and 20 miles in length. The pipeline will supply NRG's Avon Lake generation facility, which is being converted from a coal-fired plant to natural gas-fired plant. As part of this process, we assisted NRG in the formation of this pipeline subsidiary and represented the pipeline company through the permitting procedures of the Ohio Power Siting Board. After a fully-litigated proceeding, the client obtained its required certificate from the Ohio Power Siting Board in 2015. Obtaining this certificate was crucial to the future viability of the NRG plant in Avon Lake. The pipeline gives the company an alternative to \$422 million in pollution control devices that would have been necessary to comply with federal Environmental Protection Agency pollution guidelines. Most recently, we have been working with NRG to assist with its easement acquisition efforts, including both voluntary easement negotiations and assistance with state court eminent domain proceedings.

### Oil and gas lease negotiation in southeastern Ohio

---

Formed and worked with the Southeastern Ohio Landowners Association (SEOLA) to combine the acreage of landowners in five southeastern counties in order to negotiate oil and gas leases with multiple energy companies. SEOLA blossomed into the longest-lasting and most successful landowners group in Ohio with a dozen deals closed with eight different oil and gas companies, involving approximately 70,000 acres and more than \$300 million in upfront, per-acre bonus payments to SEOLA landowners.

### \$860 million Oregon Clean Energy Center

---

Successfully assisted Oregon Clean Energy LLC in the acquisition of a certificate from the Ohio Power Siting Board in May 2013 to begin construction on the 799-megawatt Oregon Clean Energy Center, a natural gas-fired combined-cycle generating facility located in Oregon, Ohio. Our firm continues to provide significant tax, real estate and construction counsel on the project. Additionally, we are representing the project before the OPSB to amend its certificate to reflect changes in facility design.



## Dylan F. Borchers

Partner

### Construction and operation of an 800 MW natural gas-fired combined-cycle

---

Provided comprehensive legal counsel to Clean Energy Future regarding the construction and operation of an 800 MW natural gas-fired combined-cycle power plant in northeast Ohio (Lordstown, Mahoning County, Ohio). We successfully represented the client through all phases of the Ohio Power Siting Board, including public hearings, OPSB staff investigations and an adjudicatory hearing, which resulted in the issuance of a certificate from the OPSB. In addition to the regulatory work, the firm served as Ohio counsel responsible for assisting with a closing in excess of \$890 million of debt and equity financing for the construction of the project. This transaction involved extensive counsel on real estate, environmental and tax issues, including: real estate due diligence; title curative work; property acquisition and easement negotiations; document preparation; and work with lenders, equity investors, oil and gas companies, and the title insurer on title commitment and title insurance policy matters. Bricker continues to serve as Ohio counsel on the project, providing advice on all state regulatory, environmental and real estate matters.

### Power purchase agreement litigation

---

Represented the largest governmental retail energy aggregator in the country in a utility regulatory litigation matter valued at over \$1 billion opposing an energy company's electric security plan, which involved a novel regulatory proposal permitting affiliate power purchase agreements.

### API government affairs and lobbying activities

---

Represent API-Ohio, a state affiliate office of the American Petroleum Institute in governmental affairs and policy work before the Ohio General Assembly, the Governor's Office and related statewide executive agencies. The firm has participated in high-profile and successful lobbying efforts regarding proposed legislative changes to the oil and gas severance tax and other oil and gas statutes in Ohio. In addition, we played an active role in numerous rule-makings before the Ohio Department of Natural Resources, including the horizontal well-site construction rules and emergency/incident notification rules. The firm has also been involved in negotiating various rule packages before Ohio EPA, the Ohio Department of Commerce and the Public Utilities Commission of Ohio relating to incident notifications, air emissions from compressors and other facilities, and call before you dig procedures.

### Electric generation plant

---

Assisted in closing in excess of \$500 million of debt and equity financing for the construction of an Ohio-based 800 MW electric generation plant on behalf of an energy company. This transaction involved dozens of parties including lenders, equity investors, land sellers, railroads, gas pipeline companies, governmental entities, a title insurer and others.