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Case Management System - KY Public Service Commission

Merchant Plant Applications Cases Before the Commission as of September 10, 2026

2020-00370 RECEIVED: 05/28/21 FILED: 05/28/21 FINAL: 01/10/22 REOPENED: 12/14/21
SUSPENSION DATE:

CASE NATURE: Fleming Solar, LLC

CASE CODE
Merchant Plant - Board Decision Due

HEARINGS:
09/29/21 Formal Hearing

INDEX OF EVENTS:

01/10/22	Order Entered: 1. Fleming Solar's motion for clarification is granted. 2. Mitigation measure 10 in the Siting Board's November 24, 2021 Final Order is eliminated and replaced with the following mitigation measure: 10. Fleming Solar shall implement planting of native evergreen species as a visual buffer to mitigate visual viewshed impacts, in areas where those viewshed impacts occur from residences or roadways directly adject to the Project and there is not adequate existing vegetation. 3. Mitigation measure 22 in the Siting Board's November 24, 2021 Final Order is eliminated and replaced with the following mitigation measure: 22. Fleming Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any traffic related noise concerns during the construction phase and develop measures that would address noise concerns. 4. Mitigation measure 27 in the Siting Board's November 24, 2021 Final Order is eliminated and replaced with the following mitigation measure: 27. Fleming Solar shall implement a Customer Complaint Resolution Program to address any complaints from surrounding landowners.
12/14/21	Kenneth J Gish Jr Fleming Solar, LLC Motion for Clarification
11/24/21	Final Order Entered: 1. Fleming Solar's application for a Certificate to Construct an approximately 80 MWac merchant solar electric generating facility in Fleming County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and condition prescribed in Appendix A. 2. Fleming Solar's motion for deviation from the 2,000-foot setback requirement is granted in part, such that a 300-foot setback requirement shall apply to each of the six neighborhoods that lie within 2,000 feet of the Project site: Neighborhood A at 362 feet from the Project, Neighborhood B at 426 feet from the Project, Neighborhood C at 415 feet from the Project, Neighborhood D at 800 feet from the Project, Neighborhood E at 1,800 feet from the Project, and Neighborhood F at approximately 2,000 feet from the Project. In addition, the setbacks and requirements listed in Appendix A, mitigation measure 28 apply. 3. Fleming Solar shall fully comply with the mitigation measures and conditions prescribed in Appendix A. 4. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A, the mitigation measures in Appendix A shall control. 5. This case is closed and removed from the commission's docket.
11/23/21	Acknowledgement Letter of Additional Application Fees
11/17/21	Order Entered: Fleming Solar is assessed a supplemental application fee of $30,000, which shall be remitted to the Siting Board within five days of entry of this Order.
10/28/21	Kenneth J Gish Jr Fleming Solar, LLC Notice of Filing of Redacted Property Agreements
10/13/21	Notice of Filing Hearing Documents
10/11/21	Kenneth J Gish Jr Fleming Solar, LLC Fleming Solars Response to Staffs PHDR
10/04/21	Order Entered: 1. Post-hearing data requests, if any, shall be filed on or before October 1, 2021. 2. Responses to post-hearing data requests shall be filed on or before October 12, 2021. 3. This case shall stand submitted for a decision by the Siting Board effective 12:01 a.m., October 13, 2021.
10/01/21	SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION TO FLEMING SOLAR, LLC
09/27/21	Order Entered: 1. Fleming Solar's July 23, 2021 motion for confidential treatment for is granted in part and denied in part. 2. Fleming Solar's July 23, 2021 motion for confidential treatment for site control agreements, including leases, easement agreements, and purchase options that Fleming Solar is granted solely for the material terms of the lease as defined within this Order. 3. Fleming Solar's July 23, 2021 motion for confidential treatment for all non- material terms of the leases and easement agreements contained in its responses to Staff's First Request is denied. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Siting Board.

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	5. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:001, Section 13(9). 6. Fleming Solar shall inform the Siting Board if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment.
09/24/21	Kenneth J Gish Jr Fleming Solar, LLC Notice of Publication of Hearing Notice
09/13/21	Kenneth J Gish Jr Fleming Solar, LLC Response to Consultant Report
08/31/21	Susan Walker Harvey Economics Company This document provides a review of the Site Assessment Report for the proposed Fleming Solar Facility submitted to the Kentucky State Board on Electric Generation and Transmission Siting.
08/26/21	Memo Filing Document into the Record
08/20/21	Kenneth J Gish Jr Fleming Solar, LLC Fleming Solars Response to Staffs 2nd Data Requests
08/12/21	Order Entered: 1. The hearing date in the procedural schedule in the July 1, 2021 Order is stricken and replaced with the following: Public Hearing to be held in Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of cross-examination .....09/29/2021. 2. Fleming Solar, LLC shall appear on Wednesday, September 29, 2021, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room of the Kentucky Public Service Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence on its Application. 3. All other provisions of the Siting Board's July 1, 2021 Order that are not in conflict with the terms of this Order shall remain in effect.
08/05/21	SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION TO FLEMING SOLAR LLC
07/23/21	Kenneth J Gish Jr Fleming Solar, LLC Fleming Solars Response to First Data Requests
07/09/21	SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION TO FLEMING SOLAR, LLC
07/01/21	Order Entered: The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding.
06/29/21	Corrected Memo Filing Documents into the Record
06/29/21	Memo Filing Documents into the Record
06/23/21	No deficiency letter
06/01/21	Acknowledgement Letter of Application Fees
05/28/21	Kenneth J Gish Jr Fleming Solar, LLC Application for Construction Certificate
04/26/21	Kenneth J Gish Jr Fleming Solar, LLC Renewed Notice of Intent
04/09/21	Response E-mail to Tommy W. Whisman
04/06/21	Response E-mail to Cliff Applegate
04/02/21	Response E-mails to Multiple Comments
03/29/21	Response E-mails to Multiple Comments
03/17/21	Response E-mail to Tommy W. and Wilhemina Whisman
03/12/21	Kenneth J Gish Jr Fleming Solar, LLC Notice of Compliance
03/05/21	Order Entered: 1. Fleming Solar's motion for a second public meeting and the proposed format of the second public meeting is granted. 2. Within three days of the publication of the public notice, Fleming Solar shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format. 3. Within three days of the mailing of the notice to the new adjacent property owners, Fleming Solar shall submit a copy of the notice of the public meeting format that is required to be provided to the new adjacent property owners to the solar project.
02/22/21	Kenneth J Gish Jr Fleming Solar, LLC Motion for Approval of Form of Second Public Meeting
11/25/20	Dickinson Wright PLLC Fleming Solar, LLC Notice of filing relevant documents as required in the Siting Boards November 19, 2020 Order approving form of public meeting.
11/19/20	Order Entered: 1. Fleming Solar's motion to approve form of public meeting is granted. 2. Within three days of the publication of the public notice, Fleming Solar shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format. 3. Within three days of the mailing of the notice to adjacent property owners, Fleming Solar shall submit a copy of the notice of the public meeting format that is required to be provided to owners of property adjacent to the solar project.
11/17/20	NOI No deficiency letter
11/16/20	Dickson Wright PLLC Fleming Solar, LLC Motion to approve the Public Meeting format for Fleming Solar, LLC
11/16/20	Dickson Wright PLLC Fleming Solar, LLC Notice of Intent to File Application of Fleming Solar, LLC for Certificate of Construction for an approximately 80 Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky.

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11/10/20	Acknowledge Receipt of Filing
11/10/20	Fleming Solar, LLC Notice of Intent to File an Application for a Certificate of Construction for an Approximately 80 Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky pursuant to KRS 278.200 and 807 KAR 5:110 Using Electronic Filing Procedures

Total Number of Cases: 1