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Case Management System - KY Public Service Commission

Merchant Plant Applications Cases Before the Commission as of September 15, 2026

2023-00263 RECEIVED: 09/07/23 FILED: 09/07/23 FINAL: 03/05/24 REOPENED: SUSPENSION DATE:

CASE NATURE: Banjo Creek Solar LLC

CASE CODE
Merchant Plant - Board Decision Due

HEARINGS:

01/23/24	Formal Hearing
01/16/24	Public Meeting
01/16/24	Public Meeting

INDEX OF EVENTS:

05/21/24	Order Entered: 1. Banjo Creek motion for reconsideration and clarification is granted. 2. Mitigation Measure 31 in Appendix A to the Final Order is stricken and shall be replaced with the following: Banjo Creek did file a decommissioning plan with the Siting Board. If this decommissioning plan should change Banjo Creek shall submit an updated decommissioning plan pursuant to KRS 278.710(8). 3. Mitigation Measure 35 in Appendix A to the Final Order is stricken and shall be replaced with the following: Banjo Creek shall provide Graves County Fiscal Court contact information for individuals within the company that can be contacted with concerns. This shall include contact information for the general public to reach individuals that can address their concerns. Banjo Creek shall update this contact information yearly, or within 30 days of any change in contact information.
03/28/24	POST CASE: M Todd Osterloh Banjo Creek Solar LLC Motion for Clarification
03/12/24	POST CASE: Deborah Smith Public Comment
03/06/24	POST CASE: Deborah Smith Public Comment
03/06/24	POST CASE: Deborah Smith Public Comment
03/06/24	POST CASE: Teri Claeson Public Comment
03/05/24	Final Order Entered: 1. Banjo Creek's motion to strike is granted to the extent that the Commission will treat the Residents of Banjo Creek's Post-Hearing Brief as a public comment. 2. Banjo Creek's application for a construction certificate to construct an approximately 120 MW merchant solar electric generating facility and approximately 2,000-foot nonregulated transmission in Graves County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A. 3. Banjo Creek's application for construction of a 161 kV transmission line not to exceed 2,000 ft. is granted, subject to full compliance with the mitigation measures and conditions prescribed in Appendix A. 4. Banjo Creek shall fully comply with the mitigation measures and conditions prescribed in Appendix A. 5. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A, the measures in Appendix A shall control. 6. This case is closed and removed from the Siting Board's docket.
03/05/24	Order Entered: 1. All issues raised in Case No. 2023-00320 shall be transferred to and consolidated into Case No. 2023-00263. 2. Documents filed prior to entry of this Order in Case No. 2023-00320 shall be incorporated by reference into the record of Case No. 2023-00263. 3. Case No. 2023-00320 is closed and removed from the Commission's docket.
03/05/24	David Riley Residents of Banjo Creek Response to Motion to Strike
02/29/24	Notice of Filing Hearing Documents - January 23, 2024
02/26/24	Deborah Smith Public Comment
02/26/24	Nanetta Rogers Public Comment
02/19/24	Deborah Smith Public Comment
02/19/24	Jason Garland Public Comment
02/13/24	Deborah Smith Public Comment
02/12/24	Deborah Smith Public Comment
02/09/24	M Todd Osterloh Banjo Creek Solar LLC Motion to Strike
02/06/24	Deborah H. Smith Public Comment
02/05/24	Multiple Public Comments
02/02/24	M Todd Osterloh Banjo Creek Solar LLC Responses to Post-Hearing Data Requests
02/02/24	M Todd Osterloh Banjo Creek Solar LLC Leases
02/02/24	David Riley Residents of Banjo Creek Response and Objection to Banjo Creeks Post-Hearing Brief

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01/31/24	Jason Garland Public Comment
01/30/24	M Todd Osterloh Banjo Creek Solar LLC Brief
01/29/24	Sandy McEndree Public Comment
01/29/24	Deborah Smith Public Comment
01/28/24	M Todd Osterloh Banjo Creek Solar LLC Notice of Correction
01/26/24	SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION TO BANJO CREEK SOLAR LLC
01/25/24	Order Entered: 1. Corrections to filed testimony or the application, if any, shall be filed by January 30, 2024. 2. Post-hearing requests for information, if any, shall be filed on or before January 26, 2024. 3. Responses to post-hearing requests for information shall be filed on or before February 2, 2024. 4. Counsel for Banjo Creek shall file a memorandum brief in support of Banjo Creek's post-hearing position on or before January 30, 2024. 5. This case shall stand submitted for a decision by the Siting Board effective 12:01 a.m. Eastern Standard Time, February 3, 2024.
01/24/24	Melissa Johnson Public Comment
01/23/24	Order Entered: the Intervenor's motion to continue/reschedule the local public hearing is denied.
01/23/24	Multiple Public Comments
01/23/24	Multiple Public Comments
01/22/24	M Todd Osterloh Banjo Creek Solar LLC Supplemental Response to RFI 1-5
01/18/24	M Todd Osterloh Banjo Creek Solar LLC Response to Intervenors Motion
01/17/24	Multiple Public Comments
01/16/24	M Todd Osterloh Banjo Creek Solar LLC Witness List
01/16/24	David Riley Residents of Banjo Creek Objection to Virtual Hearing and Motion to Continue
01/16/24	Order Entered: 1. A local public hearing in this matter was scheduled for January 16, 2024, at 5:00 p.m. Central Standard Time will be held virtually.
01/12/24	M. Todd Osterloh Banjo Creek Solar LLC Notice of Public Hearing Publication
01/10/24	Order Entered: 1. Banjo Creek's petition for confidential treatment is granted in part and denied in part. 2. Banjo Creek's petition for confidential treatment for the material terms of leases provided in response to Siting Board's Staff's First Request, Item 1, is granted. 3. Banjo Creeks petition for confidential treatment for the remaining portions of the leases 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. 5. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:110, Section 5. 6. Banjo Creek shall inform the Siting Board if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment. 7. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Banjo Creek shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Banjo Creek is unable to make such demonstration, the requested material shall be made available for inspection.
01/09/24	M. Todd Osterloh Banjo Creek Solar LLC Banjo Creek Notice of Filing Publication
01/08/24	M Todd Osterloh Banjo Creek Solar LLC Response to Consultants Report
12/15/23	Collin Abell Wells Engineering Wells Engineerings final report on Banjo Creek Solar.
12/11/23	M Todd Osterloh Banjo Creek Solar LLC Response to Second Request for Information
11/20/23	Order Entered: 1. A local public hearing in this matter is scheduled for January 16, 2024, at 5 p.m. Central Standard Time, at the Graves County Public Library, 601 N. 17?? Street, Mayfield, Kentucky 42066. 2. Banjo Creek shall give timely notice of this local public hearing in a newspaper of general circulation in Graves County as required by 807 KAR 5:110, Section 9(2). 3. Banjo Creek shall submit proof of the notice to the public at least three days prior to January 16, 2024.
11/17/23	SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION TO BANJO CREEK SOLAR LLC
11/14/23	M Todd Osterloh Banjo Creek Solar LLC Notice of Filing
11/13/23	Order Entered: 1. Banjo Creek's motion for reconsideration is granted. 2. The designated material is granted confidential treatment by this Order and shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:110, Section 5. 4. Banjo Creek shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been

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	granted confidential treatment has not expired, Banjo Creek shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Banjo Creek is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
10/26/23	M Todd Osterloh Banjo Creek Solar LLC Motion for Reconsideration
10/20/23	M Todd Osterloh Banjo Creek Solar LLC Responses to Initial Request for Information
10/06/23	Order Entered: 1. Banjo Creek's motion for confidential treatment is denied. 2. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection. 3. If Banjo Creek objects to the Siting Board's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to 807 KAR 5:110, Section 5(4), or judicial review of this Order pursuant to KRS 278.712(5). Failure to exercise either of these statutory rights will be deemed as agreement with the Siting Board's determination of which materials should be granted confidential treatment. 4. Within 30 days of the date of service of this Order, Banjo Creek shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment. 5. The designated material for which Banjo Creek's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order in order to allow Banjo Creek to seek a remedy afforded by law.
10/06/23	Letter Filing Document into the Record
10/05/23	SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION TO BANJO CREEK SOLAR LLC
10/04/23	David Riley Residents of Banjo Creek Motion and Request for Local Public Hearing
10/04/23	David Riley Residents of Banjo Creek Residents of Banjo Creek - Certification and Notice of Election of Use of Electronic Filing Procedures
10/03/23	Order Entered: 1. The Residents of Banjo Creeks' motion to intervene is granted. 2. The Residents of Banjo Creek are entitled to the full rights of a party and shall be served with the Siting Board's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Residents of Banjo Creek shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. The Residents of Banjo Creek shall adhere to the procedural schedule set forth in the Siting Board's Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Residents of Banjo Creek shall file a written statement with the Siting Board that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.
09/27/23	Order Entered: 1. The statutory deadline for the processing of this matter is 180 days from the application filing date. 2. The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding. 3. Banjo Creek shall respond to all requests for information propounded by Siting Board Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
09/20/23	Residents of Banjo Creek Request for Intervention
09/08/23	No deficiency letter
09/07/23	M Todd Osterloh Banjo Creek Solar LLC Application
09/07/23	Acknowledgement Letter of Application Fees
08/04/23	No deficiency letter - Notice of Intent
08/03/23	M Todd Osterloh Banjo Creek Solar LLC Notice of Intent
08/02/23	Acknowledge Receipt of Filing
08/02/23	Banjo Creek Solar LLC Notice of Intent to File an Application for Certificate of Construction for an Approximately 120 Megawatt Merchant Electric Solar Generating Facility in Graves County, Kentucky pursuant to KRS 278.700 and 807 KAR 5:110 Using Electronic Filing Procedures

Total Number of Cases: 1