

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF GREEN RIVER )  
SOLAR, LLC FOR A CERTIFICATE TO )  
CONSTRUCT AN APPROXIMATELY 200 )  
MEGAWATT MERCHANT SOLAR ELECTRIC )  
GENERATING FACILITY IN BRECKINRIDGE )  
COUNTY AND MEADE COUNTY, KENTUCKY )  
PURSUANT TO KRS 278.700 AND 807 KAR )  
5:110 )

CASE NO.  
2020-00387

ORDER

On August 25, 2023, Green River Solar, LLC (Green River Solar) filed a motion requesting the Siting Board issue a declaratory order that Green River Solar does not need to file an additional application for a nonregulated transmission line for transmission line that will interconnect the project with the Big River Electric Corporation (BREC) Meade 161 kV substation.

DISCUSSION AND FINDINGS

KRS 278.702(3) allows the Siting Board to promulgate administrative regulations to implement the provisions of KRS 278.700-278.716. The regulations governing the Siting Board procedures do not allow for declaratory orders.<sup>1</sup> However, Green River Solar raised an issue in its motion the Siting Board believes should be addressed; therefore, the Siting Board will consider the motion.

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<sup>1</sup> 807 KAR 5:100 and 807 KAR 5:110.

Green River Solar was previously granted a certificate of construction for a merchant solar generating facility.<sup>2</sup> The solar facility will include a transmission line that interconnects the project with the BREC Meade 161 kV substation.<sup>3</sup> Green River Solar indicated that it would like the Siting Board to issue an order on whether an application for a nonregulated transmission line pursuant to KRS 278.714.

Green River Solar stated the transmission line will be 161 kV and less than 350 feet in length.<sup>4</sup> The transmission line will only be on two parcels of land; one that is leased by Green River Solar for the project and one owned by BREC.<sup>5</sup> The parcel of land owned by BREC, and where the substation is located, is directly adjacent to the location project site. The proposed right of way (ROW) is 50 feet on either side of the centerline. Green River Solar stated the transmission line, and its appurtenances, will be constructed and operated following the National Electric Safety Code.<sup>6</sup> Green River Solar stated the project will not cross any parcel of land that is not part of the project, the sole purpose of the transmission line will be to connect Green River Solar to the BREC switchyard, and the transmission line is ancillary to the development of the solar project.<sup>7</sup>

Green River Solar argued that KRS 278.714 was intended for applications of transmission lines that are far greater in scope and length than the small line planned for

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<sup>2</sup> Order (Ky. Siting Board Dec. 12, 2021).

<sup>3</sup> Order (Ky. Siting Board Dec. 12, 2021) at 3 and 21. *See also*, Application for Declaratory Order (filed Aug. 25, 2023) at 2.

<sup>4</sup> Application for Declaratory Order at 2.

<sup>5</sup> Application for Declaratory Order at 2.

<sup>6</sup> Application for Declaratory Order at 2.

<sup>7</sup> Application for Declaratory Order at 3.

the project.<sup>8</sup> Green River Solar also argued the transmission line for this project is similar to other projects the Siting Board has approved without requiring a separate application for a nonregulated transmission line.<sup>9</sup>

Based upon the motion and being otherwise sufficiently advised, the Siting Board finds the transmission line to be constructed by Green River Solar does not require a separate application for a nonregulated transmission line. The transmission line in this instance can be considered an associated structure of the project because of the transmission line's short length and proximity to the BREC substation. Additionally, the transmission line will not cross any properties that are not connected with the project.

IT IS THEREFORE ORDERED that:

1. Green River Solar's motion is granted.
2. Green River Solar is not required to file a separate application for a nonregulated transmission line for the transmission line to interconnect the project with the BREC Meade 161 kV substation.

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<sup>8</sup> Application for Declaratory Order at 2.

<sup>9</sup> Application for Declaratory Order at 3–4.

KENTUCKY STATE BOARD ON ELECTRIC  
GENERATION AND TRANSMISSION SITING

*Neil P. Bl*

Chairman, Public Service Commission

*John*

Vice Chairman, Public Service Commission

*May Pat Reagin*

Commissioner, Public Service Commission

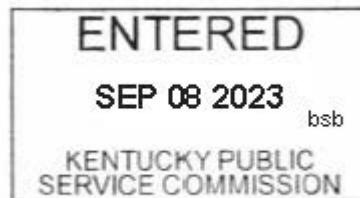
*by KAC  
w/permission*

*John*

Secretary, Energy and Environment Cabinet,  
or her designee

*Sydney*

Secretary, Cabinet for Economic Development,  
or his designee



ATTEST:

*May Small for*

Executive Director  
Public Service Commission  
*on behalf of* the Kentucky State  
Board on Electric Generation  
and Transmission Siting

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