

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF SEBREE	)	
SOLAR II, LLC FOR A CERTIFICATE TO	)	
CONSTRUCT AN APPROXIMATELY 150	)	CASE NO.
MEGAWATT SOLAR ELECTRIC GENERATING	)	2022-00131
FACILITY IN HENDERSON COUNTY,	)	
KENTUCKY PURSUANT TO KRS 278.700 AND	)	
807 KAR 5:110	)	

ORDER

On August 19, 2022, Sebree Solar II, LLC (Sebree Solar II) filed a motion requesting the Siting Board grant a deviation from the proof of notice requirement in 807 KAR 5:110, Section 9(2).

LEGAL STANDARD

KRS 278.706(2) outlines the necessary information which must be included in an application for a certificate of construction of a merchant generating facility. KRS 278.706(2)(f)(1) details the requirements for a local public meeting that is to be held at least 90 days before the filing of an application for a certificate of construction. KRS 278.706(2)(f)(2) provides the information that must be contained in the notice for the public meeting. KRS 278.706(2)(f)(3) requires the applicant to provide any direct mailings about the project and the informational meeting.

Commission regulation 807 KAR 5:110, Section 8 allows an individual to request a local public information meeting in writing no later than 30 days after the application for a certificate of construction has been filed. Commission regulation 807 KAR 5:110,

Section 9(2) requires the applicant provide proof to the Siting Board that the public has been provided notice of local public information meeting that is being held pursuant to a request by an individual in a newspaper of general circulation in the county where the merchant generating facility is proposed to be located.

### DISCUSSION AND FINDINGS

Sebree Solar II stated that it held a public information meeting on July 27, 2022. Sebree Solar II included evidence that notice of the public information meeting was published in the *Henderson Gleaner*, the *Providence Journal Enterprise*, and the *Sebree Banner* on July 13, 2022, and July 20, 2022. Additionally, Sebree Solar II included a list of the property owners that received notice of the meeting by letter and included the mail confirmations. Sebree Solar II stated that it did not provide proof of the notice of the public information meeting to the Siting Board pursuant to 807 KAR 5:110, Section 9(2) three days before the meeting and requested the Siting Board grant a deviation from the proof of notice requirement.

Having considered the motion, the Siting Board finds the request for deviation of 807 KAR 5:110, Section 9(2) is denied. The requirement in 807 KAR 5:110, Section 9(2) to provide proof of notice to the Siting Board of a local public information meeting is only when the meeting is held pursuant to a written request for a public information meeting as allowed by 807 KAR 5:110, Section 8. Sebree Solar II held a public information meeting as required by KRS 278.706(2)(f)(1)-(3) to demonstrate the applicant's public involvement. Local public meetings held pursuant to KRS 278.706(2)(f) do not require proof of notice to the Siting Board before the hearing but should be included in the application materials.

IT IS THEREFORE ORDERED THAT Sebree Solar II's motion for deviation is denied.

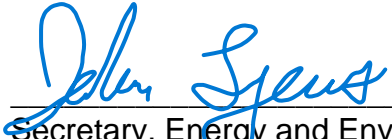
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KENTUCKY STATE BOARD ON ELECTRIC  
GENERATION AND TRANSMISSION SITING

  
Chairman, Public Service Commission


Vice Chairman, Public Service Commission

  
Commissioner, Public Service Commission

*Per KTC  
w/permissions*  
  
Secretary, Energy and Environment Cabinet,  
or her designee

  
Secretary, Cabinet for Economic Development,  
or his designee

ATTEST:

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

ENTERED  
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KENTUCKY PUBLIC  
SERVICE COMMISSION

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