

SEP 20 2023

PUBLIC SERVICE
COMMISSION

**COMMONWEALTH OF KENTUCKY
KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING
CASE NO. 2023-00263**

IN RE: BANJO CREEK SOLAR, LLC

REQUEST FOR LEAVE TO INTERVENE

Come now the individuals listed below, by counsel, and pursuant to 807 KAR 5:001 § 4(11), and request for leave to intervene and be granted status as intervening parties in Case No. 2023-00263. For ease of reference, these individuals will be collectively referred to as “Residents of Banjo Creek.”

On September 7, 2023, the applicant, Banjo Creek Solar, LLC, filed its application with the Board for the proposed construction of an approximately 120-megawatt electric generating facility in Graves County, Kentucky (the “solar farm”). The Residents of Banjo Creek requesting intervention by way of this Motion are property owners and residents living immediately adjacent to or in the immediate vicinity of the proposed solar farm and are:

- (1) David and Jessica Jeffress, 10772 State Route 564, South Farmington, Kentucky 42040;
- (2) David and Sandy McEndree, 10642 State Route 564, South Farmington, Kentucky 42040;
- (3) Justin and Carissa Jackson, 11113 State Route 564, South Farmington, Kentucky 42040;
- (4) Mitchell Ivy, 10877 State Route 564, South Farmington, Kentucky 42040;
- (5) Jan Hartsfield, 745 Wilferd Road, Farmington, Kentucky 42040;
- (6) Jody Hartsfield, 545 Wilferd Road, Farmington, Kentucky 42040; and
- (7) Jake and Lindee Hartsfield, 966 Wilfred Road, Farmington, Kentucky 42040.

Under 807 KAR 5:001 § 4(11)(a), the Residents of Banjo Creek are required to “state his or her interest in the case” and “how intervention is likely to present issues or develop facts that

will assist the commission in fully considering the matter[.]” As for the “interest” requirement, undersigned counsel states that each of the Residents of Banjo Creek have residences that will be immediately adjacent to and abutted by the proposed solar farm on multiple sides. The solar photovoltaic panels, supporting structures, transmissions lines, connections, and conversion and inversion equipment will be located in close proximity to their homes, property, and other structures. Some of the foregoing individuals have minor children living with them. The Residents of Banjo Creek have an interest in ensuring that appropriate and reasonable setbacks, vegetation screening, noise mitigation, dust suppression, construction plans, traffic routes, decommissioning requirements, and other ameliorating elements are incorporated into the proposed solar farm so as to minimize the project’s impact on their homes, property values, health and safety, and nature of the community and surrounding area.

As for “assisting the commission,” undersigned counsel states that intervention by Residents of Banjo Creek will allow them to express their approvals, concerns, ideas, contributions, and suggestions to the Board (through counsel) in a way that allows for direct communication and cooperation from individuals actually on the ground and living in the community that may be altered or otherwise affected by the construction of the proposed solar facility.

In Case No. 2020-00417 (Horus Kentucky 1, LLC), a request to intervene by two similarly situated individuals was granted by the Board. (*See Request for Intervention*, dated May 11, 2021; *Order Granting Intervention*, dated Jun. 24, 2021). The Residents of Banjo Creek submit that they are similarly situated and should likewise be granted status as intervenors in this matter.

In accordance with 807 KAR 5:001 § 8, undersigned counsel is willing to and will elect to receive filing of all materials and correspondence electronically by email sent to

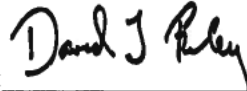
driley@kentuckylawyers.com with a copy also sent to his assistant, Erica Spicer, by email to espicer@kentuckylawyers.com.

WHEREFORE, the Residents of Banjo Creek pray that the Board grant their motion and permit them to intervene in this matter.

This the 18th day of September, 2023.

Respectfully submitted,

GRUMLEY, RILEY & STEWART, P.S.C.

By: 
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CERTIFICATE OF SERVICE

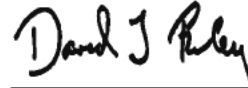
Undersigned counsel hereby certifies that on the 18th day of September, 2023, a true and correct copy of the foregoing was served via email on the following:

Hon. James W. Gardner
Hon. Todd Osterloh
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Graves County Judge/Executive
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To the extent not receiving electronic service, a true and correct copy of the same was mail to the following via first class mail on the same date listed above:

Kentucky Public Service Commission
Electric Generation and Transmission Siting Board
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615



David T. Riley