

COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY STATE BOARD ON  
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN	)	
BOBWHITE SOLAR, LLC FOR A CERTIFICATE	)	
OF CONSTRUCTION FOR AN APPROXIMATELY	)	CASE NO.
96 MEGAWATT MERCHANT SOLAR ELECTRIC	)	2020-00208
GENERATING AND STORAGE FACILITY IN	)	
MARION COUNTY, KENTUCKY PURSUANT TO	)	
KRS 278.704	)	

ORDER

On June 26, 2020, Northern Bobwhite Solar, LLC (Northern Bobwhite) filed a notice of intent to file an application for a Certificate of Construction for an approximately 96 MW solar and energy storage facility to be located near Lebanon, Marion County, Kentucky.<sup>1</sup> Also, on June 26, 2020, Northern Bobwhite filed a motion requesting approval of a public meeting format. The motion requests approval for a proposed format of a public meeting that would be conducted to conform to the current public gathering limitations and social distancing requirements imposed during the COVID-19 State of Emergency in Kentucky. Northern Bobwhite states that the proposed public meeting format would also satisfy the public meeting requirement set forth in KRS 278.706(2)(f) and requests a declaration regarding the same.

In particular, Northern Bobwhite proposes the following format in conducting a public meeting as required by KRS 278.706(2)(f):

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<sup>1</sup> In its Notice of Election of Use of Electronic Filing Procedures, Northern Bobwhite indicates that the filing of the application would occur no later than December 24, 2020.

1. Project Website – By July 10, 2020, Northern Bobwhite will launch a website accessible to the public which would contain the following key information on the solar project:

- a. PowerPoint presentation of the project;
- b. Date, time, and other details of a subsequent public information meeting;
- c. Date time, and location of an in-person “office hours” for dissemination of relevant information to the public regarding the solar project;
- d. A map showing the project area, facility layout, aerial imagery, and parcel information for all participating properties;
- e. Contact information and instructions for submitting questions and comments regarding the project;
- f. Summary of frequently asked questions and responses;
- g. Instructions on how to request more information, including paper copies of the PowerPoint presentation.

2. In-Person “Office Hours” – On July 30, 2020,<sup>2</sup> from 10 a.m. until 3 p.m., Northern Bobwhite will conduct an in-person discussion for the public at a location to be determined near Lebanon, Kentucky. Any member of the public will have an opportunity to ask questions about the project and obtain information. The In-Person Office Hours will comport with any social distancing and public gathering requirements.

3. Virtual Public Information Meeting – On July 30, 2020, from 6 p.m. until 8 p.m., Northern Bobwhite and its subject matter experts will host a live presentation with a question and answer session which would be accessible to the public either by the internet or by telephone. The virtual public information meeting will be capable of hosting up to 300 participants, will allow the public to view a presentation from Northern Bobwhite representatives, and will allow the public to ask any questions related to the project.

Northern Bobwhite asserts that the proposed public meeting format provides the public with multiple options to receiving information about the proposed solar facility, including in-person and virtual meetings, and therefore satisfies the requirements of KRS 278.706(2)(f), while accommodating the health and safety concerns raised by the

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<sup>2</sup> On June 29, 2020, Northern Bobwhite filed a notice updating the dates for the “In-Person Office Hours” and the “Virtual Public Information Meeting.” Originally, these two items were scheduled for July 23, 2020. However, the Marion Fiscal Court changed its meeting to occur on July 23, 2020, which necessitated a change in the dates for the “In-Person Office Hours” and the “Virtual Public Information Meeting.”

current COVID-19 State of Emergency. Northern Bobwhite further asserts that it will publish notice of all three aspects of its public outreach efforts and mail notice to all owners of property adjoining the proposed solar facility as required by KRS 278.706(2)(f)(2).

Having reviewed the motion and being otherwise sufficiently advised, the Siting Board finds that the protocols and process proposed by Northern Bobwhite to schedule and conduct its public meeting is consistent with the language and intent of KRS 278.706(2)(f). We note that KRS 278.706(2)(f) requires a completed application to include, among other things, a report identifying the various public outreach engagements performed by the applicant prior to the filing of an application. In particular, KRS 278.706(2)(f) provides, in relevant parts, as follows.

(2) A completed application shall include the following:

- (a) A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including:
  - 1. The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;
  - 2. Evidence that notice of the time, subject, and location of the public meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting;

The process and protocols proposed by Northern Bobwhite for its public meeting strikes a balance in being able to provide information on the solar project development in Marion County and to receive comment from the public on the project as required by KRS 278.706(2)(f) and doing so in a manner that takes into account the current public

gathering limitations and social distancing requirements imposed by the COVID-19 State of Emergency in Kentucky. Accordingly, Northern Bobwhite's motion should be approved as proposed. The Siting Board expects the details of the public meeting that will be reported in the application will mirror the format that has been proposed in the motion.

IT IS THEREFORE ORDERED that:

1. Northern Bobwhite's motion for approval of a public meeting format is granted.
2. Within three days of the publication of the public notice, Northern Bobwhite shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format, including information on the project website (including the web address), the "In-Person Offices Hours" (including the location), and the virtual public meeting.
3. Within three days of the mailing of the notice to adjacent property owners, Northern Bobwhite 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.

By the Kentucky State Board on Electric  
Generation and Transmission Siting



ATTEST:

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

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