

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING)	
SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 80)	CASE NO.
MEGAWATT MERCHANT ELECTRIC SOLAR)	2020-00370
GENERATING FACILITY IN FLEMING COUNTY,)	
KENTUCKY PURSUANT TO KRS 278.700 AND)	
807 KAR 5:110)	

ORDER

The matter is before the Siting Board upon a motion filed by Fleming Solar, LLC (Fleming Solar) on February 22, 2021. The motion requests approval to conduct a second public meeting as well as approval of the proposed format of the second public meeting. In support of the motion, Fleming Solar states that, pursuant to the Siting Board's November 19, 2020 Order, a public meeting was conducted in the format that had been approved by the Siting Board to take into account the public gathering and social distancing requirements that were in place due to the COVID-19 State of Emergency. Subsequent to that public meeting, which was held on December 11, 2020, Fleming Solar informs that it has entered into an agreement with a landowner to incorporate an additional parcel of land consisting of 65 acres into its proposed project site. This new parcel creates two new adjoining properties to the proposed solar facility site. The motion notes that KRS 278.706(2)(f) requires that a public meeting be scheduled and conducted in the county where the proposed facility will be constructed. That statute also requires notice of the meeting to be mailed to all owners

of property adjoining the proposed facility. The motion states that personal notice of the December 11, 2020 public meeting was not provided to the new adjoining property owners. Accordingly, Fleming Solar now proposes to hold another public meeting, specifically for the purpose of providing opportunity for the new adjoining landowners to participate. The motion notes that because a public meeting in compliance with the Commission's November 19, 2020, Order has already been held, Fleming Solar proposes the following format for the second public meeting:

1. Two weeks prior to the second meeting, Fleming Solar will publish notice in the *Flemingsburg Gazette*, and will mail notice to the two new adjoining property owners. The notice will not be mailed to the landowners who previously were mailed notice of the December 11, 2020 meeting.
2. The notice mailed to the new adjoining landowners will specifically request that they contact Fleming Solar two or more days prior to the scheduled meeting to notify if they want to attend the meeting in-person. If no new adjoining landowner, or member of the public, notifies Fleming Solar that they wish to participate in-person, the public meeting will solely be a virtual meeting. If a landowner or member of the public wishes to participate in-person, the public meeting will be projected for viewing "live" at a physical location in Fleming County to be communicated to each individual who signs up to attend in person, at which a Fleming Solar representative will be present and a mechanism will be provided for any in-person attendees to address questions to Fleming Solar.
3. The notice published in the *Flemingsburg Gazette* will indicate that the meeting will be held virtually unless an in-person meeting is requested, and will communicate instructions for how to notify Fleming Solar at least two days in advance in order to request an in person meeting. All notices of and advertisements for the public meeting will specify how the public can access and participate in the public meeting via the online virtual platform.
4. All representatives and experts making presentations for Fleming Solar at the public meeting will do so via a live "virtual" platform (such as Cisco Webex).

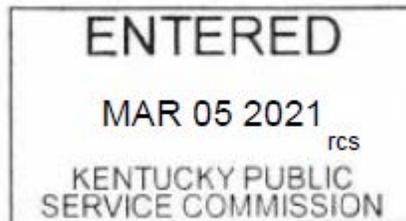
5. The virtual platform used for the public meeting will allow members of the public to view the public meeting live, online, without cost, by registering with a valid email address, and will allow participants to ask representatives of Fleming Solar questions about the project, either orally or in writing.

Having reviewed the motion and being otherwise sufficiently advised, the Siting Board finds that Fleming Solar's request is reasonable and should be approved. The Siting Board notes that the second public meeting will allow Fleming Solar to comport with the notice requirements of KRS 278.706(2)(f) with respect to the new adjoining property owners and the proposed format is reasonable in light of the current public gathering limitations and social distancing requirement imposed during the COVID-19 State of Emergency in Kentucky.

IT IS THEREFORE ORDERED that:

1. Fleming Solar's motion for a second public meeting and the proposed format of the second public meeting is granted.
2. Within three days of the publication of the public notice, Fleming Solar shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format.
3. Within three days of the mailing of the notice to the new adjacent property owners, Fleming Solar shall submit a copy of the notice of the public meeting format that is required to be provided to the new adjacent property owners to the solar project.

By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:


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

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