

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

In the Matter of:

ELECTRONIC APPLICATION OF HORUS)	
KENTUCKY 1 LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
69.3 MEGAWATT MERCHANT ELECTRIC)	2020-00417
SOLAR GENERATING FACILITY IN SIMPSON)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

ORDER

A hearing in the above-styled matter was held by video on Monday, November 15, 2021, at 1:30 p.m. Eastern Standard Time. At the conclusion of the witness testimony, Siting Board counsel requested to file post-hearing data requests.

From the bench during the hearing, the Siting Board denied a motion to limit the ability to cross-examine witnesses that was filed on November 12, 2021, by Horus Kentucky 1 LLC (Horus Kentucky 1). In the motion, Horus Kentucky 1 requested to limit the ability to cross-examine witnesses to only the Siting Board members. As a basis for the motion, Horus Kentucky 1 alleged that intervenors, John Pitt and Steve Baldwin, intend to raise issues being litigated in a civil action that are outside the scope of this proceeding. In their response, Mr. Pitt and Mr. Baldwin asserted they would conduct cross-examination on probative matters that are within the scope of the proceeding. During the hearing, Horus Kentucky 1 was afforded the opportunity to reply orally to Mr. Pitt and Mr. Baldwin's response to the motion. In denying the motion, the Siting Board explained that Mr. Pitt and Mr. Baldwin were granted full intervention, which includes the

ability to conduct cross-examination of witnesses. The Siting Board further explained that Mr. Pitt and Mr. Baldwin, in requesting intervention, agreed that their participation would not unduly disrupt or complicate the proceedings. For these reasons, the Siting Board found that all parties should be afforded the opportunity to cross-examine witnesses, and that cross-examination should be limited to issues that the Siting Board has statutory authority to rule on, including compliance with local planning and zoning ordinances, and compatibility with scenic surroundings.

IT IS THEREFORE ORDERED that:

1. Horus Kentucky 1's motion to limit cross-examination is denied.
2. Post-hearing data requests, if any, shall be filed on or before November 17, 2021.
3. Responses to post-hearing data requests shall be filed on or before November 30, 2021.
4. Pursuant to 807 KAR 5:110, Section 7, the parties may file a memorandum brief no later than seven days after the conclusion of the November 15, 2021 hearing.

By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style and is positioned above the printed name and title.

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

Case No. 2020-00417

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