

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF STONEFIELD)	
SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 120)	
MEGAWATT MERCHANT ELECTRIC SOLAR)	CASE NO.
GENERATING FACILITY AND NONREGULATED)	2022-00011
TRANSMISSION LINE IN HARDIN COUNTY,)	
KENTUCKY PURSUANT TO KRS 278.700 AND)	
807 KAR 5:110)	

ORDER

On June 10, 2024, Stonefield Solar, LLC (Stonefield Solar) filed a response to the third notice of deficiency. Stonefield Solar stated it was requesting the three notices of deficiency¹ for the application that was tendered on August 19, 2022, be deemed either rescinded or cured without need for any further filing by Stonefield Solar.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 4(9)(a), provides a paper shall not be deemed filed with the commission until the paper: (1) Is physically received by the executive director at the commission's offices during the commission's official business hours; and (2) Meets all applicable requirements of KRS Chapter 278 and KAR Title 807. Commission regulation 807 KAR 5:110, Section 3, also states that a

¹ See Siting Board's First Notice of Deficiency Letter (filed Aug. 22, 2022), Siting Board's Second Notice of Deficiency Letter (filed Aug. 26, 2022), and Siting Board's Third Notice of Deficiency Letter (filed Oct. 10, 2022).

filing may be rejected for failing to comply with any administrative regulations set out in 807 KAR Chapter 5.²

Commission regulation 807 KAR 5:110, Section 2(1), provides that if an applicant fails to file an application within six months of the filing of the notice of the intent to file application, the notice shall automatically expire without further notice to the applicant.

BACKGROUND

The notice of intent to file an application in this matter was filed on June 9, 2022, with a statement that the application would be filed by July 11, 2022. The application was not tendered until August 19, 2022. A notice of deficiency was issued on August 22, 2022, August 26, 2022, and October 10, 2022. On June 10, 2024, Stonefield Solar filed a response to the third notice of deficiency. Stonefield Solar stated that the project parcels have now been rezoned to I-2 Heavy Industrial zones from R-2 residential.³ According to the response, the Hardin County Planning and Zoning Commission approved and recorded Stonefield Solar's development plan on April 17, 2024.⁴ Stonefield Solar concluded that the issues from the notice of deficiency issued on October 22, 2022, have been addressed.

FINDINGS

Having reviewed the matter and being otherwise sufficiently advised, the Commission finds that Stonefield Solar's application was tendered but not accepted for

² 807 KAR 5:110, Section 3(4).

³ Stonefield Solar's Response to Siting Board's Third Notice of Deficiency Letter at 4.

⁴ Stonefield Solar's Response to Siting Board's Third Notice of Deficiency Letter at 4.

filing within six months of the date of the notice of intent to file an application. Pursuant to 807 KAR 5:110, Section 2(1), the notice of intent that was filed on June 9, 2022 automatically expired. The application had been tendered but, due to the deficiency, was not accepted. The deficiency was not cured within six months and, as such, the application was not deemed filed. The application fee that submitted by Stonefield Solar will be refunded.

IT IS THEREFORE ORDERED that Stonefield Solar's notice of intent has expired.

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KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



Vice Chairman, Public Service Commission



Commissioner, Public Service Commission

by A.H.
with permission



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

*Gregory T Dutton
Frost Brown Todd, LLC
400 West Market Street
32nd Floor
Louisville, KENTUCKY 40202-3363