

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF WEIRS CREEK)
SOLAR, LLC FOR A CERTIFICATE TO)
CONSTRUCT AN APPROXIMATELY 150)
MEGAWATT MERCHANT SOLAR ELECTRIC)
GENERATING FACILITY IN WEBSTER COUNTY)
AND HOPKINS COUNTY, KENTUCKY)
PURSUANT TO KRS 278.700 AND 807 KAR)
5:110)

CASE NO.
2024-00099

ORDER

On June 6, 2024, Weirs Creek Solar, LLC (Weirs Creek Solar) filed an application requesting a Construction Certificate for a merchant solar generating facility and related transmission line in Webster and Hopkins counties, Kentucky. Subsequent to the application being filed, the Siting Board timely received two requests for a local public hearing from residents of Webster and Hopkins counties, Kentucky.¹ However, one request made by Rev. Gene A. Cole purported to represent other parties in requesting the local public hearing and in requesting intervention in this matter. The Siting Board will address both requests in this Order.

REQUEST FOR A PUBLIC HEARING

KRS 278.712(1) states that “[t]he [Siting] board may convene a local public hearing upon receipt of a request by not less than three (3) interested persons that reside in a county . . . in which the facility is proposed to be constructed.” Siting Board regulation

¹ Two public comments filed June 20, 2024 (Rev. Gene Cole and Timothy Melton).

807 KAR 5:110, Section 8(2), requires that the requests for a local public hearing be made in writing no later than 30 days after a completed application is filed.

Pursuant to KRS 278.712(1), the Siting Board finds that a local public hearing shall be scheduled on October 9, 2024, at 5 pm Central Daylight Time at the Hopkins County Fiscal Court Room, 56 North Main Street, Madisonville, Kentucky 42431. The Siting Board will schedule the local hearing despite the two requests for a local public hearing not meeting the technical threshold of three requests in KRS 278.712(1), as one request purports to represent multiple parties. Weirs Creek Solar shall give public notice of the local public hearing as required in 807 KAR 5:110, Section 9(2). Weirs Creek Solar shall submit proof to the Siting Board of such notice at least three days prior to the October 9, 2024 local public hearing.

Siting Board regulation 807 KAR 5:110, Section 8(3)(b), requires that the Siting Board provide notice of the local public hearing to the Webster and Hopkins County Judge Executives at least 14 days prior to the hearing date. The Siting Board finds that a copy of this Order shall be served upon Hopkins County Judge Executive Jack Whitfield, Jr. and Webster County Judge Executive Steve Henry.

REQUEST TO INTERVENE

In addition to requesting a local public hearing, Rev. Cole requested to intervene on behalf of four other parties. Those parties are as follows: Corinth Baptist Church, Timothy Melton, Corinth Baptist Church Cemetery, Cole Family Farms, LLC.²

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. 807 KAR 5:001, Section 4(11), requires a person to set forth in the

² Public comment filed by Rev. Gene Cole.

motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Commission regulation 807 KAR 5:001 Section 4(4), states that “[a] person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2).”

Based on a review of the request, the Siting Board finds that Rev. Cole failed to satisfy the requirements of 807 KAR 5:001 Section 4(11). The Siting Board finds that the movant has failed to demonstrate a special interest in the proceeding that is not otherwise adequately represented or that the movant is likely to present issues or develop facts that will assist the Siting Board in considering this matter without unduly complicating the proceedings, for the reasons discussed below.

Rev. Cole did not include information outlining his special interest in the case outside of the general interest of all local residents. In addition, nothing in Rev. Cole’s request to intervene indicated that he is likely to present issues or develop facts that will assist the Siting Board in considering the matter without unduly complicating the proceedings.

In addition, Rev. Cole does not appear to be licensed to practice law in the Commonwealth of Kentucky and as such, has failed to comply with the requirements set forth in 807 KAR 5:001 Section 4(4) to represent other parties. Rev. Cole will have an opportunity to participate in this proceeding even though he is not granted intervenor

status. Rev. Cole can review all public documents filed in this case and monitor the proceedings via the Commission's website: <https://psc.ky.gov/Case/ViewCaseFilings/99>. Rev. Cole may attend the local public hearing on this matter outlined in this Order, as well as the hearing to be held on October 15, 2024, at the Public Service Commission located at 211 Sower Blvd., Frankfort, Kentucky. In addition, Rev. Cole may file comments as frequently as he chooses, and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that:

1. A local public hearing in this matter is scheduled for October 9, 2024, at 5 pm Central Daylight Time, at the Hopkins County Fiscal Court Room, 56 North Main Street, Madisonville, Kentucky 42431.
2. Weirs Creek Solar shall give timely notice of this local public hearing in a newspaper of general circulation in both Hopkins and Webster counties as required by 807 KAR 5:110, Section 9(2).
3. Weirs Creek Solar shall submit proof to the Siting Board of the notice to the public at least three days prior to the October 9, 2024 hearing.
4. Rev. Cole's request to intervene is denied.

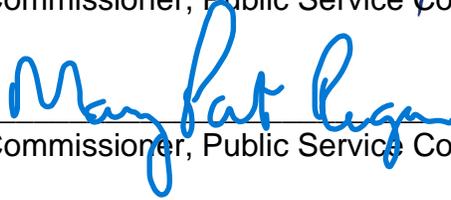
KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



Chairman, Public Service Commission



Commissioner, Public Service Commission



Commissioner, Public Service Commission

*By Aff
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

ENTERED
SEP 13 2024
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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