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**Case Management System - KY Public Service Commission***Merchant Plant Applications Cases Before the Commission as of May 15, 2026***2020-00226**

RECEIVED: 05/07/21

FILED: 05/07/21

FINAL: 11/03/21

REOPENED:

SUSPENSION DATE:

CASE NATURE: Mt Olive Creek Solar, LLC

**CASE CODE**

Merchant Plant - Board Decision Due

**HEARINGS:**

09/28/21 Formal Hearing  
 09/15/21 Public Meeting  
 09/08/21 Formal Hearing

**INDEX OF EVENTS:**

05/14/26 Order Entered: 1. Mt. Olive Creek's final site plan and construction schedule is approved. 2. Mr. Olive Creek shall provide a copy of this order, the final site plan, and the construction schedule to the Judge Executive and the Russell County Fiscal Court.

04/21/26 POST CASE: Rebecca Price Mt Olive Creek Solar, LLC Motion for Approval of Final Site Plan and Final Construction Schedule

04/21/26 POST CASE: Rebecca Price Mt Olive Creek Solar, LLC Notice of Substitution of Counsel

06/16/22 POST CASE: Gregory T. Dutton Mt Olive Creek Solar Final Decommissioning Plan

11/03/21 Final Order Entered: 1. Mt Olive Creek's application for a Certificate to Construct an approximately 60 MWac merchant solar electric generating facility in Russell County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and condition prescribed in Appendix A. 2. Mt Olive Creek's motion for deviation from the 2,000 foot setback requirement is granted in part, such that a 150-foot setback requirement shall apply to each of the six neighborhoods that lie within 2,000 feet of the Project site: Neighborhood A at 150 feet from the Project, Neighborhood B at 160 feet from the Project, Neighborhood C at 550 feet from the Project, Neighborhood D at 720 feet from the Project, Neighborhood E at 180 feet from the Project, and Neighborhood F at 1,030 feet from the Project. In addition, the setbacks and requirements listed in Appendix A, mitigation measure 28 apply. 3. Mt Olive Creek shall fully comply with the mitigation measures and conditions prescribed in Appendix A. 4. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A, the measures in Appendix A shall control. 5. This case is closed and removed from the commission's docket.

10/28/21 Acknowledgement Letter of Additional Application Fees

10/22/21 Order Entered: 1. Mt Olive Creek's motion for an extension of time is granted. 2. Mt Olive Creek shall remit the supplemental application fee of \$38,903.74 to the Siting Board no later than five (5) days following service of this Order.

10/13/21 Notice of Filing Hearing Documents

10/12/21 Gregory Dutton Mt Olive Creek Solar LLC Response to Post-Hearing Request for Information

09/29/21 SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION TO MT OLIVE CREEK SOLAR, LLC

09/29/21 Order Entered: 1. Post-hearing data requests, if any, shall be filed on or before September 29, 2021. 2. Responses to post-hearing data requests shall be filed on or before October 12, 2021. 3. This case shall stand submitted for a decision by the Siting Board effective 12:01 a.m., October 13, 2021.

09/28/21 Gregory Dutton Mt Olive Creek Solar LLC Motion for Extension of Time

09/23/21 Memo Filing Document into the Record

09/23/21 Gregory Dutton Mt Olive Creek Solar LLC Notice of Transfer

09/23/21 Gregory Dutton Mt Olive Creek Solar LLC Public Notice

09/22/21 Order Entered: Mt. Olive Creek is assessed a supplemental application fee of \$38,903.74, which shall be remitted to the Board no later than September 27, 2021.

09/17/21 Order Entered: 1. Mt. Olive Creek's July 11, 2021 motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Siting Board. 3. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. Mt. Olive Creek shall inform the Siting Board if the designated material granted confidential treatment becomes publicly available or no longer

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qualifies for confidential treatment.

09/13/21 Gregory Dutton Mt Olive Creek Solar LLC Affidavit Regarding Informational Forum

09/10/21 Gregory Dutton Mt Olive Creek Solar LLC Public Notice of Public Meeting

09/10/21 Order Entered: 1. Mt. Olive Creek's motion to deviate from filing requirements is granted. 2. Mt. Olive Creek's response to Staff's Second Request, Item 18, is accepted for filing as of August 3, 2021.

08/31/21 Order Entered: 1. A public hearing in this matter shall be scheduled for September 15, 2021, at 5:00 p.m. Central Daylight Time, or 6:00 p.m. Eastern Daylight Time, at the Russell County Courthouse, 410 Monument Square, Suite 204, Jamestown, Kentucky 42629. 2. The Applicant shall give adequate public notice of this rescheduled hearing pursuant to 807 KAR 5:110, Section 9.

08/31/21 Order Entered: 1. Mt. Olive Creek Solar, LLC, shall appear on Tuesday, September 28, 2021, at 1:30 p.m. Eastern Daylight Time, in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purposes of presenting evidence. 2. Mt. Olive Creek Solar, LLC, shall give notice of the hearing in compliance with 807 KAR 5:110, Section 9(1). In addition, the notice of hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov."; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time the notice is mailed or publication is requested, Mt. Olive Creek Solar, LLC, shall forward a duplicate of the notice and request to the Commission. 3. Pursuant to 807 KAR 5:110, Section 6(7), a digital video transcript shall be made of the hearing.

08/27/21 Gregory Dutton Mt Olive Creek Solar LLC Response to Consultants Report

08/16/21 Letter Filing Document into the Record

08/11/21 Letter Filing Document into the Record

08/03/21 Gregory Dutton Mt Olive Creek Solar LLC Response to Second Request for Information

07/19/21 SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION TO MT. OLIVE CREEK SOLAR, LLC

07/15/21 Gregory Dutton Mt Olive Creek Solar LLC Supplemental Response to Requests for Information

07/11/21 Gregory Dutton Mt Olive Creek Solar LLC Motion for Confidential Protection

07/11/21 Gregory Dutton Mt Olive Creek Solar LLC Supplemental Response to Initial RFI

07/07/21 Gregory Dutton Mt Olive Creek Solar LLC Response to Initial Requests for Information

06/18/21 SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION TO MT OLIVE CREEK SOLAR, LLC

06/11/21 Response E-mails to Multiple Comments

06/11/21 Carrie S. Pendleton Request for Public Hearing

06/11/21 Elvin Tiller Request for Public Hearing

06/10/21 Cameron Tiller Request for Public Hearing

06/08/21 Order Entered: The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding.

05/28/21 Gregory Dutton Mt Olive Creek Solar LLC Notice of Substitution of Counsel

05/27/21 Memo Filing Document into the Record

05/24/21 M Todd Osterloh Mt Olive Creek Solar, LLC Supplemental Information

05/21/21 Memo Filing Executive Order into the Record

05/19/21 James W. Gardner Mt Olive Creek Solar, LLC Motion for Deviation

05/12/21 No deficiency letter

05/10/21 Acknowledgement Letter of Application Fees

05/07/21 James W. Gardner Mt Olive Creek Solar, LLC Application for Certificate of Construction

12/01/20 James W. Gardner Mt Olive Creek Solar, LLC Renewed Notice of Intent

09/29/20 M Todd Osterloh Mt Olive Creek Solar, LLC Notice of Filing - Public Notice

09/28/20 Order Entered: 1. Mt Olive Creek'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, Mt Olive Creek 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 adjacent property owners, Mt Olive Creek shall submit a copy of the notice of the public meeting format that is required to be provided to new adjacent property owners to the solar project.

09/18/20 M Todd Osterloh Mt Olive Creek Solar, LLC Motion to Approve Format of Second Meeting

07/24/20 James W. Gardner Mt Olive Creek Solar, LLC Public Notice for Public Meeting

07/21/20 Order Entered: 1. Mt Olive Creek's motion to approve form of public meeting is granted. 2. Within three days of the publication of the public notice, Mt Olive Creek shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format.

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3. Within three days of the mailing of the notice to adjacent property owners, Mt Olive Creek 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.

07/15/20 James W. Gardner Mt Olive Creek Solar, LLC Motion for Approval of Form of Public Meeting

07/10/20 No deficiency letter

07/10/20 James W. Gardner Mt Olive Creek Solar, LLC Notice of Intent

07/10/20 Acknowledge Receipt of Filing

07/10/20 Mt Olive Creek Solar, LLC Notice of Intent to File an Application for a Certificate of Public Convenience and Necessity to Construct an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Russell County, Kentucky pursuant to KRS 278.700 and 807 KAR 5:110 Using Electronic Filing Procedures

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Total Number of Cases: 1