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**Case Management System - KY Public Service Commission***Merchant Plant Applications Cases Before the Commission as of May 18, 2026***2021-00141**

RECEIVED: 02/03/22

FILED: 02/04/22

FINAL: 11/10/22

REOPENED:

SUSPENSION DATE:

CASE NATURE: Bluebird Solar LLC

**CASE CODE**

Merchant Plant - Board Decision Due

**HEARINGS:**

06/02/22

Formal Hearing

**INDEX OF EVENTS:**

12/19/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Status Update on Complaint Resolution Program

11/07/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Notification of Closing

10/11/24 Order Entered: 1. Bluebird Solar's request to transfer ownership and control of Bluebird Solar LLC to MN8 DevCo 3 LLC and to allow for tax equity investments is granted. 2. Within 14 days of the transaction closure, Bluebird Solar shall notify the Siting Board and reference this case in a post-case correspondence filing. 3. Nothing in this Order shall be construed as changing or alleviating the mitigation measures in the conditional grant of the construction certificate in this matter.

09/30/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Joint Status Report

09/26/24 POST CASE: Harrison Fiscal Court Response to Bluebird Solar LLC Motion

09/25/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Reply to County

09/18/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Proposed Order

09/13/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Motion for Approval of Transfer of Ownership

04/26/24 Order Entered: 1. Bluebird Solar's motion is granted. 2. The updated site plan to each adjustment are attached in the Appendix of this Order.

04/25/24 POST CASE: Todd Osterloh Bluebird Solar LLC Notice of Filing

03/28/24 POST CASE: M Todd Osterloh Bluebird Solar LLC Motion

11/06/23 POST CASE: M Todd Osterloh Bluebird Solar LLC Notice of Filing - Decommissioning Plan

09/12/23 Order Entered: 1. Bluebird Solar's motion is granted. 2. The revised final site plan is attached in the Appendix of this Order.

08/28/23 Order Entered: 1. Bluebird Solar's motion to approve a transfer of the projects assets to effectuate IRB financing is approved. 2. Bluebird Solar shall file a copy of the IRBs, lease agreements, assignments, and any other documents related to the agreement with Harrison County Fiscal Court with the Siting Board.

07/12/23 POST CASE: M Todd Osterloh Bluebird Solar LLC Motion for Approval of Final Site Plan

06/23/23 POST CASE: M Todd Osterloh Bluebird Solar LLC Motion for Approval of IRB Transfer

02/06/23 POST CASE: M Todd Osterloh Bluebird Solar LLC Notice of Filing

12/06/22 POST CASE: M Todd Osterloh Bluebird Solar LLC Notice of Filing

12/06/22 Order Entered: 1. Bluebird Solar's motion for a declaratory judgment is denied. 2. Bluebird Solar's request to make corporate transfers of the project to allow for tax equity investments is granted. 3. Bluebird Solar shall provide proof to the Siting Board that the Harrison County Fiscal Court was provided notice before any transfer of the project. 4. Bluebird Solar shall provide proof to the Siting Board when the transaction has been completed.

11/10/22 Order Enter: 1. Bluebird Solar's motion for confidential treatment is denied. 2. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection. 3. If Bluebird Solar objects to the Siting Board's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to 807 KAR 5:110, Section 5(4), or judicial review of this Order pursuant to KRS 278.712(5). Failure to exercise either of these statutory rights will be deemed as agreement with the Siting Board's determination of which materials should be granted confidential treatment. 4. Within 30 days of the date of service of this Order, Bluebird Solar shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment. 5. The designated material for which Bluebird Solar's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order in order to allow Bluebird Solar to seek a remedy afforded by law.

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10/14/22 M Todd Osterloh Bluebird Solar LLC Motion for Declaratory Order or in the Alternative for Approval of Anticipated Transactions

08/03/22 Final Order Entered: 1. Bluebird Solar's application for a Construction Certificate to construct an approximately 100 MW merchant solar electric generating facility in Harrison County, Kentucky is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A. 2. Bluebird Solar shall fully comply with the mitigation measures and conditions prescribed in Appendix A. 3. 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. 4. This case is closed and removed from the Siting Board's docket.

07/08/22 Notice of Filing Hearing Documents

07/01/22 Order Entered: 1. Bluebird Solar's petition 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 an indefinite period] 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 5:110, Section 5. 4. Bluebird Solar shall inform the Siting Board if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Bluebird Solar shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Bluebird Solar is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Siting Board shall deny the request for inspection.

06/16/22 M. Todd Osterloh Bluebird Solar LLC Response to the Siting Boards Post-Hearing Request for Information and Petition for Confidential Treatment

06/07/22 SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION TO BLUEBIRD SOLAR LLC

06/03/22 Order Entered: 1. Post-hearing data requests, if any, shall be filed on or before June 7, 2022. 2. Responses to post-hearing data requests shall be filed on or before June 16, 2022. 3. If desired, counsel for Bluebird Solar LLC (Bluebird Solar) may file a memorandum brief in support of Bluebird Solar's post-hearing position no later than seven days after the conclusion of the hearing. 4. This case shall stand submitted for a decision by the Siting Board effective 12:01 a.m. Eastern Daylight Time, June 17, 2022.

05/27/22 M Todd Osterloh Bluebird Solar LLC Response to Consultants Report

05/27/22 M. Todd Osterloh Bluebird Solar, LLC Notice of Filing Publication in Cynthiana Democrat

05/26/22 M. Todd Osterloh Bluebird Solar, LLC Notice of Witness Substitutions and Witness List

05/25/22 Order Entered: 1. Bluebird Solar's motion to allow witnesses to participate virtually in the June 2, 2022 hearing is granted. 2. Siting Board Staff shall contact participants with instructions for participating remotely. 3. Before May 27, 2022, counsel for Bluebird Solar shall arrange a technology test with Siting Board Staff to ensure that all required technology is working properly.

05/23/22 M. Todd Osterloh Bluebird Solar, LLC Motion for Hybrid Participation and In-Person Participation

05/20/22 Wells Engineering PSC Ky State Board on Electrical Generation and Transmission Siting Case NO. 2021-00141 Bluebird Solar Wells Engineering Final Report Attachment E Correction

05/20/22 Wells Engineering PSC Ky State Board on Electrical Generation and Transmission Siting Solar Generation Siting Final Report-Bluebird Solar

05/19/22 M. Todd Osterloh Bluebird Solar, LLC Notice of Filing of unredacted documents in response to the Staff's First Request for Information

05/18/22 M. Todd Osterloh Bluebird Solar, LLC Notice of Filing of the Cumulative Environmental Assessment

05/13/22 Order Entered: 1. Bluebird Solar's motion for confidential treatment of material terms of leases provided in response to Staff's First Request, Item 14, is granted in part and denied in part. 2. Bluebird Solar's motion for confidential treatment for the material terms of leases and the Real Estate Swap Agreement is granted and shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of the Siting Board. 3. Bluebird Solar's motion for confidential treatment for all other portions of the Real Estate Swap Agreement is denied. 4. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:110, Section 5. 5. Bluebird Solar shall inform the Siting Board if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment. 6. If a nonparty to this proceeding requests to inspect the material

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granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Bluebird Solar shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Bluebird Solar is unable to make such demonstration, the requested material shall be made available for inspection.

05/12/22 M Todd Osterloh Bluebird Solar LLC Notice of Filing - Certification of Responses  
 05/06/22 M Todd Osterloh Bluebird Solar LLC Response to Second Request for Information  
 04/20/22 SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION TO BLUEBIRD SOLAR LLC  
 04/08/22 M Todd Osterloh Bluebird Solar LLC Responses to Data Requests  
 03/24/22 SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION TO BLUEBIRD SOLAR LLC  
 03/24/22 Letter Filing Documents into the Record  
 03/11/22 Letter Filing Document into the Record  
 02/21/22 Order Entered: 1. The statutory deadline for the processing of this matter is 180 days from the application filing date. 2. A hearing on this matter shall be held on June 2, 2022, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding. 4. Bluebird Solar shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:110, Section 9. In addition, the notice of hearing shall include the following statement: "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 listing on the PSC website, psc.ky.gov." 5. Bluebird Solar shall file notice of the scheduled hearing with the Siting Board in accordance with the provisions set forth in 807 KAR 5:110, Section 9. 6. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted. 7. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

02/16/22 Letter Dated 02/11/22 Filing Document into the Record  
 02/09/22 Acknowledgement Letter of Application Fees  
 02/07/22 Deficiency cured letter  
 02/04/22 M Todd Osterloh Bluebird Solar LLC Application  
 02/03/22 Deficiency letter, information due 02/23/2022  
 02/03/22 M Todd Osterloh Bluebird Solar LLC Application  
 10/07/21 James W. Gardner Bluebird Solar LLC Renewed Notice of Intent  
 05/04/21 M Todd Osterloh Bluebird Solar LLC Notice of Filing Public Notice  
 05/04/21 M Todd Osterloh Bluebird Solar LLC Notice of Filing Public Notice  
 04/13/21 Order Entered: 1. Bluebird Solar's motion to approve form of public meeting is granted. 2. Within three days of the publication of the public notice, Bluebird 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 adjacent property owners, Bluebird Solar 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.

04/08/21 James W. Gardner Bluebird Solar LLC Motion to Approve Form of Public Meeting  
 03/25/21 No deficiency letter - Notice of Intent  
 03/24/21 James W. Gardner Bluebird Solar LLC Notice of Intent  
 03/24/21 Acknowledge Receipt of Filing  
 03/24/21 Bluebird Solar LLC Notice of Intent to File an Application for a Certificate of Construction for an Approximately 90 Megawatt Merchant Electric Solar Generating Facility in Harrison County, Kentucky pursuant to KRS 278.700 and 807 KAR 5:110 Using Electronic Filing Procedures