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**Case Management System - KY Public Service Commission***Merchant Plant Applications Cases Before the Commission as of June 29, 2026***2022-00272**

RECEIVED: 06/23/23

FILED: 06/23/23

FINAL: 12/13/23

REOPENED:

SUSPENSION DATE:

CASE NATURE: Hummingbird Energy, LLC

**CASE CODE**

Merchant Plant - Board Decision Due

**HEARINGS:**

10/24/23 Formal Hearing

**INDEX OF EVENTS:**

- 12/22/23 Order Entered: 1. Hummingbird Energy's motion for confidential treatment is denied. 2. The Siting Board's September 22, 2023 Order is amended to grant confidential treatment for a period of 40 years. 3. All other provisions of the Siting Board's September 22, 2023 Order that are not in conflict with the terms of this Order shall remain in effect.
- 12/13/23 Final Order Entered: 1. Hummingbird Energy's application for a construction certificate to construct an approximately 200-MW merchant solar electric generating facility in Fleming County, Kentucky, and an approximately 300-foot nonregulated electric transmission line in Fleming County is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A to this Order. 2. Hummingbird Energy's motion for deviation from the setback requirements in KRS 278.704(2) is granted. Hummingbird Energy shall comply with the setbacks prescribed in the mitigation measures in Appendix A to this Order. 3. Hummingbird Energy shall fully comply with the mitigation measures and conditions prescribed in Appendix A to this Order. 4. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A to this Order, the measures in Appendix A shall control. 5. This case is closed and removed from the Siting Board's docket.
- 11/28/23 Notice of Filing Hearing Documents
- 11/14/23 Pierce Stevenson Hummingbird Energy LLC Responses to Siting Board Staffs Post-Hearing Request for Information
- 10/31/23 Pierce Stevenson Hummingbird Energy LLC Brief in Support of Post-Hearing Positions
- 10/30/23 SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION TO HUMMINGBIRD ENERGY, LLC
- 10/26/23 Order Entered: 1. Post-hearing requests for information, if any, shall be filed on or before October 30, 2023. 2. Responses to post-hearing requests for information shall be filed on or before November 14, 2023. 3. This case shall stand submitted for a decision by the Siting Board effective 12:01 a.m. Eastern Standard Time, November 15, 2023.
- 10/23/23 Pierce Stevenson Hummingbird Energy LLC Second Motion for Confidential Protection
- 10/23/23 Pierce Stevenson Hummingbird Energy LLC Motion for Reconsideration
- 10/20/23 Gregory T. Dutton Hummingbird Energy LLC Applicants Response to Consultant Report
- 10/17/23 Pierce Stevenson Hummingbird Energy LLC Witness List for Evidentiary Hearing Scheduled October 24, 2023
- 10/16/23 Pierce Stevenson Hummingbird Energy LLC Notice of Public Notice of Evidentiary Hearing
- 10/12/23 Susan Walker Harvey Economics Co This document provides a review of the Site Assessment Report for the proposed Hummingbird Energy, LLC solar facility.
- 10/09/23 Multiple Public Comments
- 10/04/23 Pierce Stevenson Hummingbird Energy LLC Notice of Witness Substitution
- 10/03/23 Pierce Stevenson Hummingbird Energy LLC Response to Siting Board Staffs Third Request for Information
- 09/29/23 Pierce Stevenson Hummingbird Energy LLC Responses to Second Request for Information
- 09/28/23 SITING BOARD STAFF'S THIRD REQUEST FOR INFORMATION TO HUMMINGBIRD ENERGY, LLC
- 09/22/23 Order Entered: 1. Hummingbird Solar's motion for confidential treatment is granted in part and denied in part. 2. Hummingbird Solar's motion for confidential treatment for the material terms of leases provided in response to Siting Board Staff's First Request, Item 1 is granted. 3. Hummingbird Solar's motion for confidential treatment for the remaining portions of the leases is denied. 4. Hummingbird Solar's motion for confidential treatment for the email addresses and phone numbers of the property owners in the leases is granted. 5. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public

## Case Management System - KY Public Service Commission

*Merchant Plant Applications Cases Before the Commission as of June 29, 2026*

inspection for ten years or until further Order of this Siting Board. 6. 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. 7. Hummingbird 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.

09/15/23 SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION TO HUMMINGBIRD ENERGY, LLC

09/08/23 Pierce Stevenson Hummingbird Energy LLC Second Set of Supplemental Responses to Siting Board Staffs First Request for Information

08/25/23 Pierce Stevenson Hummingbird Energy LLC Supplemental Responses to Siting Board Staffs First Request for Information

08/18/23 Pierce Stevenson Hummingbird Energy LLC Responses to First Request for Information

08/04/23 SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION TO HUMMINGBIRD ENERGY, LLC

08/01/23 Order Entered: 1. The statutory deadline for the processing of this matter is 180 days from the application filing date. 2. The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding. 3. Hummingbird Solar shall respond to all requests for information propounded by Siting Board Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

4. Pursuant to 807 KAR 5:110, Section 3(4), any party filing a paper with the Siting Board shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Siting Board directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Siting Board.

07/12/23 Pierce Stevenson Hummingbird Energy LLC Motion for Deviation from Setback Requirements

06/26/23 No deficiency letter

06/26/23 Jake Mazelin Public Comment

06/23/23 Pierce Stevenson Hummingbird Energy LLC Application and Exhibits for a Certificate of Construction

03/06/23 No deficiency - Second Renewed Notice of Intent

03/06/23 Pierce Stevenson Hummingbird Energy LLC Second Renewed and Restated Notice of Intent

11/28/22 No deficiency - Renewed Notice of Intent

11/28/22 Pierce Stevenson Hummingbird Energy LLC Renewed and Restated Notice of Intent

11/23/22 Letter Filing Executive Order 2022-803 into the Record

10/14/22 Pierce Stevenson Hummingbird Energy LLC Response to Notice of Deficiency

10/06/22 Deficiency letter, information due 10/16/2022

10/04/22 Acknowledgement Letter of Application Fees

09/30/22 Pierce Stevenson Hummingbird Energy LLC Application and Exhibits for Certificate of Construction

08/17/22 No deficiency letter - Notice of Intent

08/16/22 Pierce Stevenson Hummingbird Energy LLC Notice of Intent to File Application

08/16/22 Pierce Stevenson Hummingbird Energy LLC Name Correction Letter

08/12/22 Acknowledge Receipt of Filing

08/12/22 Hummingbird Solar, LLC Notice of Intent to File an Application for a Certificate of Construction for a Merchant Electric Solar Generating Facility in Kentucky pursuant to KRS 278.700 and 807 KAR 5:110 Using Electronic Filing Procedures

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Total Number of Cases: 1