

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF CRAB RUN)	
SOLAR, LLC FOR A CERTIFICATE OF)	CASE NO.
CONSTRUCTION FOR AN UP TO 45)	2025-00276
MEGAWATT ELECTRIC SOLAR GENERATING)	
FACILITY IN MARION COUNTY, KENTUCKY)	

ORDER

This matter arises upon multiple letters requesting to intervene in this proceeding.¹ On December 19, 2026, Crab Run Solar, LLC (Crab Run Solar) filed an application for a construction certificate to construct a merchant electric generating facility in Marion County, Kentucky. Based on a review of the letters, the Siting Board will treat them as motions to intervene in accordance with KRS 278.712 and 807 KAR 5:110, Section 4.

On January 30, 2026, Crab Run Solar, LCC (Crab Run Solar) filed a motion requesting leave to re-issue notice pursuant to KRS 278.706(2).² Crab Run Solar requested approval to re-issue letters sent to adjacent landowners of the proposed site and re-publish the proposed general public notice for publication in a newspaper of general circulation.³ On February 17, 2026, the Siting Board issued an order that permitted Crab Run Solar to re-issue notice to residents to request intervention or request a local public meeting within 30 days of the reissued notice publication date in the

¹ <https://psc.ky.gov/Case/ViewCaseFilings/2025-00276/Public>.

² Crab Run Motion for Leave to Reissue Notice of Application (filed on Jan. 29, 2026).

³ Crab Run Motion for Leave to Reissue Notice of Application at 2.

newspaper of general circulation in the county or, for adjacent landowners, the date of mailing.⁴ On February 27, 2026 Crab Run Solar filed a notice of compliance that provided evidence that the re-issued notice letter were sent to adjacent landowners to the proposed project site, and the reissued notice of the filing of the application was published in the newspaper of general circulation.⁵ The re-issued notice was published in the paper on February 25, 2026.⁶ Pursuant the Siting Board order issued on February 17, 2026, adjacent landowners had 30 days to request intervention.⁷

REQUESTS TO INTERVENE

From March 13, 2026, until March 19, 2026, the following person filed requests for leave to intervene:

- Aundrea Mattingly George: Ms. George stated that she was the daughter of Richard and Angela Mattingly who own land that will border the proposed solar farm.
- C. Tiffiney Mattingly: Ms. Mattingly stated that her parents' home and farmland have been in the family for multiple generations and they have significant concerns regarding the impact of the proposed Crab Run Solar Project, as it borders the proposed project.

⁴ Ky. Siting Board Order (filed Feb. 17, 2026).

⁵ Notice of Compliance (filed on Feb. 27, 2026).

⁶ Notice of Compliance, Attachment A (filed on Feb. 27, 2026).

⁷ Ky. Siting Board Order at 3 (filed Feb. 17, 2026).

- Eleanor Mills George: Ms. George stated that she was the granddaughter of Richard and Angela Mattingly who own land that will border the proposed solar farm.
- Brian Mattingly: Mr. Mattingly stated that he was the son of Richard and Angela Mattingly who own land that will border the proposed solar farm.
- Matthew Morris: Mr. Morris stated that he resides with his parents who own land that will border the property of the land proposed for the solar farm.
- Ann Taylor Morris: Mrs. Morris stated that he resides with her parents who own land that will border the property of the land proposed for the solar farm.
- Blake Thomas: Mr. Thomas stated that he resides with his parents who own land that will border the property of the land proposed for the solar farm.
- Olivia Thomas: Mrs. Thomas stated that she is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Bobby Thomas: Mr. Thomas stated that he is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Robert Thomas: Mr. Thomas stated that he is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Terri L. Miles: Mr. Miles stated that he is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Richard Mattingly: Mr. Mattingly stated that he is a property owner and owns land that will border the property of the land proposed for the solar farm.

- Mary Angela Mattingly: Mrs. Mattingly stated that she is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Brian and Kim Thompson: Mr. and Mrs. Thompson stated that they are property owners and own land that will border the property of the land proposed for the solar farm.
- Susan Spalding: Ms. Spalding stated that she is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Glenn Russell: Mr. Russell stated that he is a property owner and owns land that will border the property of the land proposed for the solar farm.
- Kathy Dow: Ms. Dow stated that she is a property owner and owns land that will border the property of the land proposed for the solar farm.

LEGAL STANDARD

The regulatory standard for permissive intervention, set forth in 807 KAR 5:110, Section 4, is twofold. The regulation requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding; or (2) that the party's participating in the proceeding will assist the board in reaching its decision and would not unduly interrupt the proceeding.

DISCUSSION AND FINDINGS

Intervention pursuant to KRS 278.712 and 807 KAR 5:110, Section 4 is permissive and not mandatory and is within the sound discretion of the Siting Board. In exercising its discretion to determine permissive intervention, the Siting Board follows 807 KAR 5:110, Section 4(2), which requires a person seeking intervention to show that the person

has a special interest in the proceeding or that the person's participation will assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding.

The letters that were filed into the record to intervene in these proceedings can be divided into three different categories: (1) adjacent landowners to the proposed project; (2) family members who reside in the same residence with the adjacent landowners; and (3) family members of adjacent landowners. The adjacent landowners did not provide a basis for intervention but simply stated that the land they own is adjacent to the proposed project.

In Crab Run Solar's application for approval of the proposed project a list of adjacent landowners was provided.⁸ Based on this list, the Siting Board was able to review whether the residents who requested intervention were located in close proximity of the proposed facility and may be considered adjacent landowners. The Siting Board finds that the adjacent landowners requesting intervention, as listed below, have a special interest in this matter as a result of the proximity of their properties to the proposed project. However, the Siting Board is unable to make a determination as to the ownership interest of Brian Mattingly. The Siting Board notes that, should Mr. Mattingly be an adjacent landowner, he should be granted intervention. Mr. Mattingly will be required to file a statement confirming ownership in property adjacent to the Project.

In addition, based upon a review of the remaining requests, the requests for intervention that fall into Category 2 or 3, as mentioned above, were silent as to a basis for intervention that meets the regulatory standard. Having considered the requests, the Siting Board finds that the persons in these categories did not articulate a special interest

⁸ Application, Tab 3.

in this proceeding nor did they show they are likely to assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding. Therefore, the Siting Board concludes that the requests to intervene, as set forth below, that fall under Category 2 or 3 are denied.

The Siting Board notes that, even though some residents have been denied intervention, there is still the opportunity to participate in this proceeding. They can review all public documents filed in this case and monitor the proceedings via the case docket on the Kentucky Public Service Commission's website. In addition, they may file comments as frequently as they choose and those comments will be entered into the record of this case. A formal evidentiary hearing has been scheduled for April 28, 2026. At the beginning of this evidentiary hearing those who were not granted intervenor status will be permitted to make a public comment.

In order to allow intervenors an opportunity to submit data requests, the Siting Board finds that the procedural schedule should be amended. Any intervenors who wish to submit data requests to Crab Run Solar must submit the data requests in writing by April 10, 2026. Crab Run Solar will have until April 17, 2026, to file responses to the intervenors' requests for information. Intervenors will have the opportunity to present evidence that they wish for the Siting Board's consideration in this matter. Intervenors will also be able to questioning witnesses during the evidentiary hearing.

Typically, intervenors are represented by counsel. The Siting Board would like to remind intervenors that, since they are not represented by counsel, the Siting Board Staff is not permitted to answer any legal questions. Intervenors will be expected to comply

with the procedural schedule set forth in this Order as well as any subsequent Order of the Siting Board.

Based on the above, the Siting Board finds that right to intervene shall be granted to the adjacent landowners as listed herein and denied for the other requests. Movants should be granted full rights of a party in this proceeding pursuant to 807 KAR 5:011 Section 4. The Siting Board directs the Movants to the Commission's July 22, 2021 Order in Case No. 2020- 00085⁹ regarding filings with the Siting Board.

IT IS THEREFORE ORDERED that:

1. The requests to intervene are granted to:
 - a. Olivia Thomas
 - b. Bobby Thomas
 - c. Robert Thomas
 - d. Terri L. Miles
 - e. Richard Mattingly
 - f. Mary Angela Mattingly
 - g. Brian and Kim Thompson
 - h. Susan Spalding
 - i. Glenn and Lynn Russell
 - j. Kathy Dow

2. The requests to intervene are denied to:

⁹ Case No. 2020-00085, Electronic Emergency Docket Related to the Novel Coronavirus COVID19 (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

- a. Aundrea Mattingly George
- b. C. Tiffney Mattingly Deopere
- c. Eleanor Mills George
- d. Matthew Morris
- e. Anne Taylor Morris
- f. Blake Thomas

3. Within 3 days from the date of this Order, Brian Mattingly shall file a sworn statement into the record confirming his ownership interest in 480 Arthur Mattingly Road, Lebanon, Kentucky 40033. If Mr. Mattingly is the owner of this residence he is granted intervention. If Mr. Mattingly is not the owner, the request for intervention is denied.

4. The Movants are entitled to the full rights of a party and shall be served with the Siting Board's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

5. The Movants shall adhere to the procedural schedule set forth in the Siting Board's January 7, 2026 Order as amended herein.

6. The Intervenors that have been granted intervention shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

7. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Movants shall file a written statement with the Siting Board that:

- a. Certifies that they, or their agent, possess the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

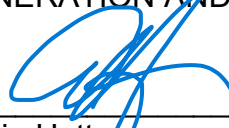
8. If adjacent landowners would like to submit data responses, all requests must be filed into the record by April 10, 2026. Crab Run Solar will have until April 17, 2026 to submit responses.

9. All provisions of the Siting Board's January 7, 2026 Order that are in conflict with provisions of this Order are vacated, and all other provisions not in conflict with the provisions of this Order shall remain in effect.

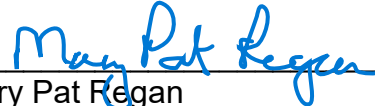
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Entered on this 3rd day of April, 2026.

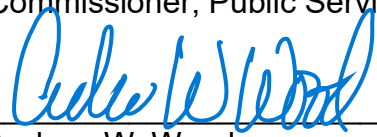
KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



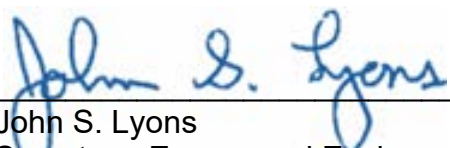
Angie Hatton
Chairman, Public Service Commission



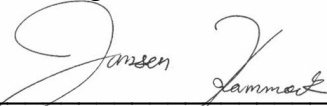
Mary Pat Regan
Commissioner, Public Service Commission



Andrew W. Wood
Commissioner, Public Service Commission



John S. Lyons
Secretary, Energy and Environment Cabinet,
or her designee



Jansen Hammock
Secretary, Cabinet for Economic Development,
or his designee

ATTEST:



Linda C. Bridwell, PE
Executive Director
Public Service Commission
on behalf of the Kentucky State Board on
Electric Generation and Transmission Siting

Service List for 2025-00276

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Lebanon, KY 40033-9105

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Kathy Dow
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Terri Miles
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Glenn Russell
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Brian Thompson
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