

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

In the Matter of:

ELECTRONIC APPLICATION OF SOUTH FORK	)	
SOLAR, LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY 45-	)	CASE NO.
MEGAWATT MERCHANT ELECTRIC SOLAR	)	2026-00256
PHOTOVOLTAIC GENERATING FACILITY IN	)	
NICHOLAS COUNTY, KENTUCKY PURSUANT	)	
TO KRS 278.700, ET SEQ., AND 807 KAR 5:110	)	

ORDER

On Friday, September 25, 2026, South Fork Solar, LLC (South Fork Solar), filed a motion for deviation from 807 KAR 5:001, Section 8 and 807 KAR 5:110 Section 2 Subsection 1.

LEGAL STANDARD

Paragraph (3) of Section 8 of 807 KAR 5:001, established electronic filing procedures, and states in relevant part

All papers shall be filed with the commission by uploading an electronic version using the commission's E-Filing System at <http://psc.ky.gov>. In addition, the filing party shall file one (1) copy in paper medium with the commission as required by subsection (12)(a)2. of this section.

Administrative regulation 807 KAR 5:110 Section 2(1) sets forth the following related to the Siting Board,

At least thirty (30) days but no more than six (6) months prior to filing an application to construct a carbon dioxide transmission pipeline, merchant electricity generating plant, or nonregulated electric transmission line, an applicant shall file at the offices of the Public Service Commission, 211 Sower

Boulevard, Frankfort, Kentucky 40602, a Notice of Intent to File Application.

Administrative regulation 807 KAR 5:001 Section 22 provides that

For good cause show, the Commission may permit deviations from these rules.

However, 807 KAR 5:110 does not contain a similar provision.

MOTION

On September 4, 2026, South Fork Solar emailed a notice of election of use of electronic filing procedures and a notice of intent to file application for a certificate of construction (NOI).¹ South Fork Solar stated that an email was received on September 4, 2026, at 3:02 p.m. that stated:

We've received your filing and a case number will be provided shortly. Please do not hesitate to contact us in the event you have any questions.²

South Fork Solar continued by stating that at 3:51 p.m. another email was received that stated:

Case No. 2026-00256 has been established. The document Notice of Intent to File Application for Certificate of Construction will need to be filed via our e-file portal.³

South Fork Solar argued that, in the past, the NOI had been accepted in other proceedings via email and not the e-file portal, therefore, the notice that the NOI had to

¹ South Fork Solar's Motion for Deviation (filed Sept. 25, 2026) at 1.

² South Fork Solar's Motion for Deviation at 1.

³ South Fork Solar's Motion for Deviation at 1.

be filed using the e-file portal was missed.⁴ Counsel became aware that the NOI had not been posted on September 23, 2026.⁵

South Fork Solar requested that the NOI be deemed filed on September 4, 2026, so that an application can be filed on October 5, 2026.⁶ South Fork Solar stated that, if the NOI is not deemed filed on September 4, 2026, notice will have to be re-issued.⁷ South Fork Solar requested that, if this request is denied, in the alternative, the Siting Board grant a deviation and it be allowed to file its application less than 30 days after filing its NOI.⁸ South Fork Solar also argued that, in several cases the Siting Board has granted deviations from filing and procedural requirements.⁹

DISCUSSION AND FINDINGS

Having considered the motion, the Siting Board denies the request in its entirety as discussed below.

South Fork Solar cited to two prior cases as examples of the Siting Board granting deviations from filing and procedural requirements. In Case No. 2025-00276, the applicant, Crab Run Solar, LLC, failed to include language related to individuals being allowed to intervene in the proceedings in the published notice and the letters to the

⁴ South Fork Solar's Motion for Deviation at 2.

⁵ South Fork Solar's Motion for Deviation at 2.

⁶ South Fork Solar's Motion for Deviation at 4.

⁷ South Fork Solar's Motion for Deviation at 4.

⁸ South Fork Solar's Motion for Deviation at 4.

⁹ South Fork Solar's Motion for Deviation at 3.

adjoining landowners.¹⁰ The Siting Board did grant a motion for leave to allow for notice to be re-issued by the applicant.¹¹ The Siting Board notes that this request allowed residents to receive notice of their right to intervene in the proceedings and did not require a deviation of any regulation.

In the other case cited by South Fork Solar, Case No. 2020-00226,¹² the applicant requested to deviate from the Commission's filing procedures set forth in an Order in response to Covid.¹³ According to that motion, the filing was too large to be uploaded utilizing the e-filing system.¹⁴ The Siting Board granted a deviation, citing to 807 KAR 5:001 Section 8 and noting that 5:001 is referenced broadly by 807 KAR 5:110 Section 3(4) regarding filings, in regards to the uploading of files in response to Siting Board Staff's Second Request for information.¹⁵

The Siting Board find that both of these cases are distinguishable from the facts in this matter. South Fork Solar was notified within one hour of receiving the initial email to file the NOI via the e-file portal, and it did not. Under the facts given rise to the motion, the Siting Board does not find that good cause to grant a deviation has been established.

¹⁰ Case No. 2025-00276, *Electronic Application of Crab Run Solar, LLC for a Certificate of Construction for an Up to 45 Megawatt Electric Solar Generating Facility in Marion County, Kentucky* (filed Jan. 29, 2026), Crab Run Solar's Motion for Leave to Reissue Notice of Application at 2.

¹¹ Case No. 025-00276, (Ky. Siting Board Feb. 17, 2026), Order.

¹² Case No. 2020-00226, *Electronic Application of Mt. Olive Creek Solar, LLC for a Certificate of Construction for An Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Russell County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (filed on Aug.3, 2021), Mt. Olive Creek's Motion to Deviate from Filing Procedures at 1.

¹³ Case No. 2020-00226, Aug. 3, 2021 Mt. Olive Creek's Motion to Deviate from Filing Procedures at 1.

¹⁴ Case No. 2020-00226, Aug. 3, 2021 Mt. Olive Creek's Motion to Deviate from Filing Procedures at 1.

¹⁵ Case No. 2020-00226, (Ky. Siting Board Sept. 10, 2021), Order.

Moreover, the Siting Board does not have the authority to grant the deviation offered as an alternative because in the motion, 807 KAR 5:110 Section 2 does not broadly reference 807 KAR 5:001 nor does 807 KAR 5:110 contain a section allowing the Siting Board to deviate from the regulations set forth in the regulation.

In conclusion, the Siting Board finds that South Fork's motion for deviation from the electronic filing requirements in 807 KAR 5:001 Section 8 and be deemed filed on September 4, 2026, should be denied. Additionally, South Fork's request for deviation from 807 KAR 5:110 Section 2(1) should also be denied.

IT IS THEREFORE ORDERED that:

1. South Fork Solar's motion for deviation from the electronic filing requirements and to deem the notice of intent filed on September 4, 2026, is denied.
2. South Fork Solar's request for deviation that would allow South Fork Solar to file its application less than 30 days after filing its notice of intent is denied.

Entered on this 2nd day of October, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING



Angie Hatton
Chair, Public Service Commission



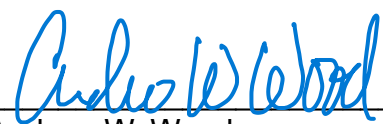
John Lyons
Secretary, Energy and Environment
Cabinet, or his designee



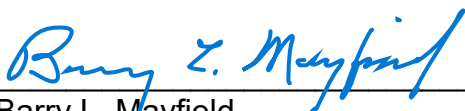
Mary Pat Regan
Vice Chair, Public Service Commission



Jeff Noel
Secretary, Cabinet for Economic
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Andrew W. Wood
Commissioner, Public Service Commission



Barry L. Mayfield
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ATTEST:



Justin McNeil
Executive Director
Public Service Commission
on behalf of the Kentucky State Board on
Electric Generation and Transmission Siting

Service List for Case 2026-00256

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