

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

**In the Matter of the Application of Glover Creek Solar,)
LLC, for a Construction Certificate to Construct a) Case No. 2020-00043
Merchant Electric Generating Facility)**

NOTICE OF TRANSFER OR ALTERNATIVELY TO APPROVE TRANSFER

Applicant Glover Creek Solar, LLC, (“Glover Creek Solar”) by counsel, hereby provides the Siting Board notice of the transfer of its membership interests from Carolina Solar Energy, III, LLC, a North Carolina limited liability company, to Pine Gate Renewables, LLC, (“Pine Gate”) a North Carolina limited liability company. Additionally, Applicant states as follows:

1. The transfer of membership interests occurred on August 6, 2021.
2. To the best of Glover Creek Solar’s knowledge and belief, no statute or regulation requires that the Applicant provide notice to the Siting Board, but the Applicant seeks to be transparent with the Siting Board in providing this notice.
3. The transfer of membership interests does not change the fact that Glover Creek Solar is the Applicant currently holding a construction certificate from the Siting Board.
4. KRS 278.710(3) requires that a “person” which has obtained a construction permit shall not transfer rights nor obligations . . . without first obtaining approval from the Siting Board. In the case at hand Glover Creek Solar was granted the certificate on September 23, 2020. Glover Creek Solar was owned by Carolina Solar, LLC, which conveyed all of its membership interests in Glover Creek to Pine Gate. The “person” (i.e., Glover Creek Solar) did not convey any of its

assets generally, nor did it convey its ownership interest in the Siting Board certificate. Accordingly, the Siting Board approval was not necessary.

5. Alternatively, if the Siting Board determines that approval is necessary, Glover Creek Solar states that the approval be granted pursuant KRS 278.710(3) because:

- (a) The acquirer has a good environmental compliance history:

Neither Pine Gate, Glover Creek Solar, nor any entity with ownership interest in the Project, has violated any state or federal environmental laws or regulations. There are no pending actions against Glover Creek Solar, nor any entity with ownership interest in the Project.

- (b) Pine Gate has the financial, technical, and managerial capacity to meet the obligations imposed by the terms of the approval or has the ability to contract to meet these obligations. Pine Gate with nearly 150 full-time employees is headquartered in Asheville, NC with offices in Charlotte, NC, Midland, MI, Raleigh, NC and Jacksonville, FL. Pine Gate has a strategic partnership with Blue Ridge Power, a large Engineering, Procurement and Construction firm with another 132 full-time employees. Pine Gate's milestones include: 770 MW of operational assets, 12 GW in development, 79 operating sites in 15 states and over \$2 billion in capital raised.

- (c) SolarCulture is Pine Gate's trademarked initiative to protect and preserve the land on which the solar farms exist to help native plants and animals thrive. From animal-permeable fencing to pollinator habitats and native seed plantings to housing the largest farm apiary in the United States, Pine

Gate collaborates with environmental organizations to pursue the development of SolarCulture initiatives for all projects.

Accordingly, Pine Gate satisfies the statutory requirements and its acquisition of Glover Creek from Carolina Solar should be approved.

Respectfully submitted,

/s/ M. Todd Osterloh
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