

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

In the Matter of the Application of Horseshoe Bend)
Solar, LLC for a Construction Certificate to Construct) **Case No. 2020-00190**
a Merchant Electric Generating Facility)

MOTION TO APPROVE FORM OF PUBLIC MEETING

Comes Horseshoe Bend Solar, LLC (hereinafter, the “Applicant”) pursuant to KRS 278.706(2)(f) and the Public Service Commission’s Order dated March 16, 2020 (the “Order”) in the case entitled “Electronic Emergency Docket Related to the Novel Coronavirus COVID-19”, No. 2080-00085, and for its Motion to approve the format for its Public Meeting, states as follows:

1. Horseshoe Bend Solar, LLC will be the Applicant for approval of a Siting Board Application, the notice of intent to file of which was filed pursuant to 807 KAR 5:110, Section 2 on June 12, 2020 in Case No. 2020-00190.
2. Pursuant to KRS 278.706(f)(1) a public meeting must be scheduled and conducted in the county where the proposed facility will be constructed.
3. Because of the COVID -19 pandemic, the Public Service Commission in its Order limited in-person activities at the Commission and encouraged teleconferences instead.
4. In the Order, the PSC relied on the Executive Order 2020-215 by Governor Beshear, who declared a State of Emergency. He further issued directives limiting and restricting in-person meetings and out-of-state travel. These limitations affect the ability of Horseshoe Bend Solar, LLC to travel and conduct in-person meetings.

5. The Siting Board in the Application of Turkey Creek Solar, LLC, Case No. 2020-00040 recognized the difficulties of proceeding in this time of COVID -19 and extended the time by which the Siting Board would process that case, in part because of the difficulty of interstate travel.

6. Accordingly, the Applicant proposes to conduct its “public meeting” in Green County as follows:

- (a) All representatives and experts making presentations for the Applicant at the public meeting will do so via a live “virtual” platform (such as Zoom);
- (b) The virtual platform used for the public meeting will allow members of the public to view the public meeting live, on-line, without cost, by registering with a valid email address, and will allow participants to ask representatives of the Applicant questions about the project, either orally or in writing;
- (c) The public meeting will be projected for viewing “live” at a physical location in Green County to be designated in the notices of and advertisements for the public meeting (most likely the Green County Fiscal Court meeting room), at which a representative of the Applicant will be present and a mechanism will be provided for any in-person attendees to address questions to representatives of the Applicant;
- (d) All notices of and advertisements for the public meeting will (i) specify how the public can access and participate in the public meeting via the on-line virtual platform, (ii) encourage the public to participate in the public meeting virtually, NOT in-person, (iii) specify that in-person attendance at

the public meeting will be consistent with guidelines and directives from the CDC and the Office of the Governor in effect at the time of the meeting regarding such meetings, including, but not limited to, social distancing and the requirement that masks be properly worn at all times, and (iv) specify that in order to allow for social distancing, the number of attendees at the in-person meeting will be limited and spaces allocated to the public on a first-come, first-served basis, and include instructions for how to sign-up for the available spaces.

- (e) In addition, the Applicant will make a large-scale (24 inches by 36 inches) layout map of the proposed Horseshoe Bend solar facility, which otherwise would have been made available to the public for inspection at a public meeting, available to the public by displaying the map in the entrance to the Green County Fiscal Court for the three business days prior to the public meeting, and will include this information in the notices of and advertisements for the public meeting.

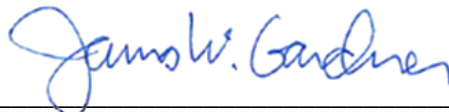
7. The format and method for conducting the public meeting outlined in paragraph 6 hereof provides members of the public with multiple options for “attending” the public meeting and receiving information about the project, including a mechanism for attending the public meeting at a designated physical location, and therefore satisfies both the letter and the spirit of the requirements of KRS 278.706(2)(f), while also accommodating the health and safety concerns raised by the current COVID-19 State of Emergency. Because all of the above methods will be employed by Applicant and all will be described in the newspaper and in a letter notice to

all adjacent landowners, Applicant requests an Order from the Siting Board that based on the facts that collectively the above activities satisfy the requirements of KRS 278.706(2)(f).

8. Further, the meeting is scheduled in the Green County Fiscal Courtroom on July 16, 2020. In order to satisfy the two week advance notice requirement, the notice must be delivered to the newspaper by June 26. Accordingly the Applicant requests an order no later than June 24, 2020.

WHEREFORE, the Applicant moves the Siting Board to issue an order by June 24, 2020 declaring that the format and method of conducting the public meeting described in paragraph 6 above satisfies the requirement of a “public meeting” in the county as required by KRS 278.706(2)(f).

Respectfully submitted,



STURGILL, TURNER, BARKER & MOLONEY, PLLC
JAMES W. GARDNER
M. TODD OSTERLOH
333 W. Vine Street, Suite 1500
Lexington, Kentucky 40507
Telephone No.: (859) 255-8581
Fax No. (859) 231-0851
tosterloh@sturgillturner.com
jgardner@sturgillturner.com

ATTORNEYS FOR HORSESHOE BEND SOLAR, LLC