

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Application of AEUG Fleming Solar, LLC, for a	)	
Construction Certificate to Construct an	)	Case No. 2020-00206
Approximately 188 Megawatt Merchant Electric	)	
Generating Facility in Fleming County, Kentucky		
Pursuant to KRS 278.700 and 807 KAR 5:110		

MOTION FOR CLARIFICATION

AEUG Fleming Solar, LLC (“AEUG Fleming”) respectfully requests clarification and modification of Mitigation Measure No. 6 contained in Appendix A of the Order issued May 24, 2021 in Case No. 2020-00206. Specifically, Mitigation Measure No. 6 currently states:

The security fence surrounding the property boundary must be installed prior to any electrical installation work. The substation will have its own separate security fences installed.

Since issuance of the Order, this condition has been interpreted by AEUG Fleming to mean that the permanent perimeter security fence must be installed prior to energization and operation of the facility. Recently, it has been suggested that the plain language could also be interpreted to prohibit installation of any electrical facilities, including underground collection system trenches and cables, before completion of the entire perimeter fence.

The latter interpretation creates a practical construction sequencing issue. Portions of the underground collection system must be installed in locations that intersect or extend beyond the final permanent fence alignment. As a result, installation of the complete perimeter fence cannot reasonably occur until portions of the underground electrical work have been completed.

AEUG Fleming respectfully submits that allowing underground electrical installation prior to completion of the permanent perimeter fence will not create additional safety risks, provided that appropriate temporary controls are maintained throughout construction. The underground collection system remains de-energized during construction, presents no electrical hazard to the public, and does not create conditions materially different from other routine underground utility construction activities.

To ensure public safety during construction, AEUG Fleming will implement the following measures:

- No portion of the electrical collection system, equipment, or associated infrastructure will be energized until the permanent perimeter security fence has been installed.
- All construction access points will continue to be controlled in accordance with the approved access control and signage requirements.
- Open trenches will either be backfilled at the end of each workday or protected by temporary fencing, barricades, warning signage, or equivalent safety measures.
- Construction areas will remain under contractor control with restricted public access.
- The project substation will continue to be protected by separate dedicated security fencing as required by the Order.
- Applicable OSHA, NESC, and industry construction safety practices will be followed throughout construction.

Accordingly, AEUG Fleming requests that Mitigation Measure No. 6 be revised to clarify the intended safety objective while preserving reasonable construction sequencing flexibility, and proposes the following language:

Permanent perimeter security fencing shall be installed prior to energization and commencement of commercial operation of the facility. Electrical collection

systems, conduits, cables, and other electrical infrastructure may be installed prior to completion of the permanent perimeter fence, provided that all such facilities remain de-energized and that appropriate temporary safety controls, including backfilling of trenches, temporary fencing, barricades, signage, or other equivalent protective measures, are maintained throughout construction. The substation shall be secured by its own dedicated security fencing prior to energization.

AEUG Fleming respectfully requests an expedited clarification and/or adoption of its proposed language regarding the perimeter fencing by October 1, 2026 to ensure that its current construction schedule may remain in place.

Dated: September 21, 2026

Respectfully submitted,



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