

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

In the Matter of the Application of AEUG Madison)
Solar, LLC, for a Construction Certificate to Construct) **Case No. 2020-00219**
a Merchant Electric Generating Facility)

MOTION TO REOPEN CASE

AEUG Madison Solar, LLC (“AEUG Madison”), by counsel, respectfully moves the Siting Board for an order reopening this case to address certain issues raised in AEUG Madison’s Petition for Reconsideration and Clarification that have not been resolved by the Siting Board. In support of its motion, AEUG Madison states as follows:

On June 9, 2021, the Siting Board approved a certificate to construct an approximately 100-megawatt alternating current photovoltaic electricity generation facility situated on land in Madison County (the “Project”), requiring compliance with certain mitigation measures. On July 9, 2021, AEUG Madison submitted a Petition for Reconsideration, Clarification and for a formal conference with the members of the Siting Board (“Petition for Reconsideration”), in order to seek clarification of certain conditions presented in the Siting Board’s Order.

On September 23, 2021, AEUG Madison filed a Motion for Expedited Review, in which AEUG Madison identified a set of issues raised in the Petition for Reconsideration that AEUG Madison sought definitive resolution prior to the start of construction.¹ In that Motion for Expedited Review, AEUG Madison did not intend to withdraw or waive other issues raised in the

¹ In its Motion for Expedited Review, AEUG Madison also moved to withdraw its request for a formal conference. AEUG Madison believes that the Siting Board has sufficient information in the record of this case to grant its requests without the need for a formal conference, but it would also welcome such a conference to enable a dialogue on these specific mitigation measures if the Siting Board desires to hold one.

Petition for Reconsideration that were not addressed in the Motion for Expedited Review. AEUG Madison specifically stated: “All other issues presented in the Petition for Reconsideration can be reserved to a later date for decision.” See Motion for Expedited Review at 2. In the proposed order tendered with the Motion for Expedited Review, AEUG Madison proposed an ordering paragraph stating, “Matters presented in AEUG Madison’s Petition for Reconsideration that are not addressed in this Order shall be reserved by the Siting Board and an order regarding those issues shall be issued at a later date.” See Proposed Order at ¶ 7.

The Siting Board issued an order on AEUG Madison’s Motion for Expedited Review on October 18, 2021. In that order, it addressed the three issues (working hours, potential damage to roads, and equipment placement) that were addressed in the Motion. But the Siting Board ordered the case to be closed and removed from the docket without addressing the remaining issues presented in the Petition for Reconsideration (visual buffers, glare study, compliance with CUP requirements, and decommissioning bond). AEUG Madison presumes that the Siting Board’s closure of the case was unintentional.

Accordingly, AEUG Madison respectfully requests the Siting Board to reopen the case and issue a decision on the remaining issues presented in the Petition for Reconsideration.

Respectfully submitted,

/s/ M. Todd Osterloh

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