

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

In the Matter of the Application of Fleming Solar, LLC)
for a Construction Certificate to Construct) **Case No. 2020-00370**
a Merchant Electric Generating Facility)

MOTION TO APPROVE FORM OF PUBLIC MEETING

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

1. Fleming 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 November 16, 2020 in Case No. 2020-00370.
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 Fleming Solar, LLC to travel and conduct in-person meetings.

5. The Siting Board in the Application of Turkey Creek 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 Fleming 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 Cisco WebEx);
- (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 Fleming County to be designated in the notices of and advertisements for the public meeting (most likely the Fleming 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 or by calling a number (audio participation), (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 Fleming 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 Fleming County Fiscal Court the day of the public meeting, and will include this information in the notices to owners of property adjoining the proposed project.

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 will be scheduled in the Fleming County Fiscal Courtroom on December 11, 2020. In order to satisfy the two week advance notice requirement, the notice must be delivered to the newspaper by November 20, 2020. Accordingly, the Applicant requests an order no later than November 18, 2020.

9. This Motion is nearly identical to that approved by the Siting Board in Horseshoe Bend Solar, LLC , 2020-00190 on June 23, 2020.

WHEREFORE, the Applicant moves the Siting Board to issue an order by November 18, 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,



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