

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

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING)	
SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	
80 MEGAWATT MERCHANT ELECTRIC)	Case No. 2020-00370
SOLAR GENERATING FACILITY IN FLEMING)	
COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.700 AND 807 KAR 5:110)	

**FLEMING SOLAR LLC'S
MOTION TO APPROVE FORM OF SECOND PUBLIC MEETING**

Fleming Solar, LLC (“Fleming Solar”) moves the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) pursuant to KRS 278.704(4) for approval of the form of a second public meeting required by KRS 278.706(2)(f).

On November 16, 2020, Fleming Solar filed a Notice of Intent to File an Application under KRS 278.706 to construct an approximately 80 megawatt solar electric generating facility in unincorporated Fleming County, Kentucky (the “Project”). At that time, the Project was expected to consist of approximately 770 acres. Recently, Fleming Solar entered into agreement with a landowner to incorporate a portion of that landowner’s property, approximately sixty-five acres in size, into the Project (the “Addition”). Incorporating the Addition into the Project boundary, coupled with minor size reductions elsewhere, increased the expected size of the Project to approximately 830 acres.

On December 11, 2020, Fleming Solar conducted a virtual public information meeting regarding the Project with a live broadcast at the Fleming County Fiscal Court Meeting Room.

The meeting format was approved by the Board in its November 19, 2020 Order¹ and was consistent with the guidelines and directives in place relating to the on-going COVID-19 pandemic. Fleming Solar sent letters regarding the December 11, 2020 meeting to the owners of all parcels adjacent to the original 770 acre Project boundary and published notice of the meeting in the *Flemingsburg Gazette*. Approximately 10 individuals participated in the December 11 meeting online and 6 individuals attending in person.

Incorporating the Addition into the Project boundary creates two new adjacent landowners who did not receive adjacent landowner notice letters for the December 11, 2020 public information meeting. Fleming Solar proposes to hold another public information for the purpose of providing the landowners adjacent to the Addition an opportunity to receive information about and provide comments on the Project. Fleming Solar proposes the following format for this second public meeting:

1. Two weeks prior to the second meeting, Fleming Solar will cause to be published another notice in the *Flemingsburg Gazette*, and will mail notice to property owners adjoining the Addition. The notice will not be mailed to the landowners who previously were mailed notice of the December 11, 2020 meeting.
2. The notice mailed to the new adjoining landowners will specifically request that they contact Fleming Solar two or more days prior to the scheduled meeting to advise if they want to attend the meeting in-person. If no landowner adjoining the Addition, or member of the public, notifies Fleming Solar that they wish to participate in-person, the public meeting will solely be a virtual meeting. If a landowner or member of the public wishes to participate in-person, the public meeting will be projected for viewing “live” at a physical location in Fleming County to be communicated to each individual who signs up to attend in person, at which a Fleming Solar representative will be present and a mechanism will be provided for any in-person attendees to address questions to Fleming Solar.
3. The notice published in the *Flemingsburg Gazette* will indicate that the meeting will be held virtually unless an in-person meeting is requested, and will communicate instructions for how to notify Fleming Solar at least two days in advance in order to request an in-

¹ See, Order, *In the Matter Of: Electric Application of Fleming Solar, LLC for a Certificate of Construction for an Approximately 80 Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* at 4, Case No. 2020-00370 (Ky. P.S.C. Nov. 19, 2020).

person meeting. All notices of and advertisements for the public meeting will specify how the public can access and participate in the public meeting via the online virtual platform.

4. All representatives and experts making presentations for Fleming Solar at the public meeting will do so via a live “virtual” platform (such as Cisco Webex).
5. The virtual platform used for the public meeting will allow members of the public to view the public meeting live, online, without cost, by registering with a valid email address, and will allow participants to ask representatives of Fleming Solar questions about the project, either orally or in writing.

The format and method for conducting the public meeting outlined above provides the “new” adjoining landowners with multiple options for “attending” the public meeting and receiving information about the project, including a mechanism for attending the public meeting at a physical location, and therefore satisfies both the letter and the spirit of the requirements of KRS 278.706(2)(f). The proposed method also accommodates the health and safety concerns raised by the current COVID-19 State of Emergency. Finally, Fleming Solar’s proposed format for conducting a second public meeting is consistent in substance with a second meeting format recently approved by the Siting Board.²

Fleming Solar plans to hold the second public information meeting on March 18, 2021. In order to ensure that the two week advance notice requirement in KRS 278.706(2)(f)(2) can be met, the newspaper advertisement for the in-person office hours and the virtual public information meeting must be submitted by March 1, 2021 for publication on March 3, 2021. Accordingly, Fleming Solar respectfully requests an order prior to March 1, 2021.

² See, Order, *In the Matter of: Electric Application of Mt Olive Creek Solar, LLC for a Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Russell County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* at 3, Case No. 2020-00226 (Ky. P.S.C. Sept. 28, 2020).

WHEREFORE, Fleming Solar respectfully requests an order declaring that methods described above for providing information and receiving comments on the Project satisfy the requirement of a public meeting in Fleming County established by KR 278.706(2)(f).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. Gish', enclosed within a large, loopy blue oval.

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