

**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING
CASE NO. 2020-00417**

JOHN PITT AND STEVE BALDWIN, Intervening Parties

In the Matter of:
ELECTRONIC APPLICATION OF HORUS
KENTUCKY 1 LLC FOR A CERTIFICATE
OF CONSTRUCTION FOR AN APPROXIMATELY
69.3 MEGAWATT MERCHANT ELECTRIC
SOLAR GENERATING FACILITY IN SIMPSON
COUNTY, KENTUCKY

WITNESS LIST ON BEHALF OF JOHN PITT AND STEVEN BALDWIN

Come now the Intervening Parties, John Pitt and Steve Baldwin, by and through counsel, and for their Witness List, provide the following individuals who they expect to present at the Hearing in this matter, scheduled for November 15, 2021:

1) John Pitt. It is anticipated that Mr. Pitt will testify that he is a resident of Simpson County, Kentucky, and has a shared interest in property located at 172 Hendricks Road, Franklin, Kentucky, which is in close proximity to the real property upon which Horus Kentucky 1, LLC intends upon placing the solar generating facility located on Tyree Chapel Road, Franklin, Kentucky, which is at issue in this matter. Mr. Pitt will testify that the land in this portion of Simpson County is primarily used for agricultural purposes, including the property that he has shared interest in, and the solar generating facility is not in conformity with the use of the land or surrounding lots, or applicable zoning regulations. Mr. Pitt will further testify that both conditional use permits associated with this land, granted by the Franklin-Simpson County Planning & Zoning

Adjustment Board was appealed by him to the Simpson Circuit Court, and the actions are not final, and are still pending, subject to further appellate review.

Mr. Pitt will testify that in the application for the construction and installation of solar panels, there were no limiting conditions regarding scope, size or acreage of the proposed solar generating facility, and that there were several neighbors that objected to the granting of the conditional use permit or the proposed placement of the solar generating facility on Tyree Chapel Road at the public hearing before the Franklin-Simpson County Planning & Zoning Adjustment Board. Further, Mr. Pitt will testify that there are several application flaws, procedural flaws and errors in the conditional use permit that is still under appeal, and Mr. Pitt's interest in the surrounding properties will be significantly harmed and devalued if the proposed solar generating facility is allowed to be placed as proposed, as the same would significantly alter the basic agricultural zoning character of the 434-acres, as well as the surrounding properties, would increase traffic substantially, would cause a nuisance in both noise and traffic, and certainly is not conforming with the neighboring properties that Mr. Pitt envisioned when he obtained a shared interest in property close to the proposed location of the solar generating facility.

Mr. Pitt will testify as to his reasoning for objecting and intervening in this matter, and will request that this Board not grant the application sought in this matter.

2) Steve Baldwin. It is anticipated that Mr. Baldwin will testify that he is a resident of Simpson County, Kentucky, and has a shared interest in property located at 172 Hendricks Road, Franklin, Kentucky, which is in close proximity to the real property upon which Horus Kentucky 1, LLC intends upon placing the solar generating facility

located on Tyree Chapel Road, Franklin, Kentucky, which is at issue in this matter. Mr. Baldwin will testify that the land in this portion of Simpson County is primarily used for agricultural purposes, including the property that he has shared interest in, and the solar generating facility is not in conformity with the use of the land or surrounding lots, or applicable zoning regulations. Mr. Baldwin will further testify that both conditional use permits associated with this land, granted by the Franklin-Simpson County Planning & Zoning Adjustment Board was appealed by him to the Simpson Circuit Court, and the actions are not final, and are still pending, subject to further appellate review.

Mr. Baldwin will testify that in the application for the construction and installation of solar panels, there were no limiting conditions regarding scope, size or acreage of the proposed solar generating facility, and that there were several neighbors that objected to the granting of the conditional use permit or the proposed placement of the solar generating facility on Tyree Chapel Road at the public hearing before the Franklin-Simpson County Planning & Zoning Adjustment Board. Further, Mr. Baldwin will testify that there are several application flaws, procedural flaws and errors in the conditional use permit that is still under appeal, and Mr. Baldwin's interest in the surrounding properties will be significantly harmed and devalued if the proposed solar generating facility is allowed to be placed as proposed, as the same would significantly alter the basic agricultural zoning character of the 434-acres, as well as the surrounding properties, would increase traffic substantially, would cause a nuisance in both noise and traffic, and certainly is not conforming with the neighboring properties that Mr. Baldwin envisioned

when he obtained a shared interest in property close to the proposed location of the solar generating facility.

Mr. Baldwin will testify as to his reasoning for objecting and intervening in this matter, and will request that this Board not grant the application sought in this matter.

3) Beth Ann Fiss, Simpson Circuit Court Clerk, Simpson County Justice Center, 101 N. Court Street, Franklin, KY 42134, (270) 586-4241, (270) 586-8910. To certify and testify to the record and posture of the cases of Simpson Circuit Court, Case No. 21-CI-00064, *Steven Baldwin & John Baldwin v. Franklin-Simpson County Planning & Zoning Adjustment Board, Roger Hoffman Summers Hodges Farm, LLC and Horus Kentucky 1, LLC* and Simpson Circuit Court, Case No. 21-CI-00135, *Steven Baldwin & John Baldwin v. Franklin-Simpson County Planning & Zoning Adjustment Board, Roger Hoffman Summers Hodges Farm, LLC, Summers Rosdeutscher Farm, LLC and Horus Kentucky 1, LLC*, and that the same are currently under further review, appeal, and are still pending and not final.

4) Filings Clerk, Kentucky Public Service Commission, P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615, (502) 564-3940, To certify and testify to the record and posture of Case No. 2020-00417, in the matter of Electronic Application of Horus Kentucky 1 LLC for a Certificate of Construction for an Approximately 69.3 Megawatt Merchant Electric Solar Generating Facility in Simpson County, Kentucky.

This the 4 day of November 2021.

Respectfully submitted,
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DAVID F. BRODERICK
BRANDON T. MURLEY

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing was filed electronically with the Kentucky Public Service Commission by using the Commission's eFiling system, and that a true and exact copy of the same was sent via electronic mail to:

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*Co-Counsel for Defendants Roger Hoffman,
Summers Hodges Farm, LLC and Horus
Kentucky I, LLC*

This the 4 day of November 2021.

DAVID F. BRODERICK
BRANDON T. MURLEY