

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

**RESPONSE TO MOTION REGARDING HEARING PROCEDURES**

Come now the Intervening Parties, John Pitt and Steve Baldwin, by and through counsel, and for their Response to Motion Regarding Hearing Procedures, filed at 2:55:24 p.m., state as follows:

Intervenors object to the Motion Regarding Hearing Procedures and to the request that neither party be allowed to cross-examine witnesses. As intervenors herein, Mr. Baldwin and Mr. Pitt are parties to this case, and should be allowed, pursuant to 807 KAR 5:110, specifically in Section 6, to object to the admission of evidence before the Board, which would include cross-examining witnesses in this matter. The information filed recently by Intervenors was filed to show the Board that in fact the appellate review of the conditional use permits is not final, and the same are still pending before the Simpson Circuit Court or the Kentucky Court of Appeals. Clearly, whether this project is in compliance with any local zoning regulations is probative, and relevant to this proceeding, as the application process requires a statement of compliance with the same.

Interveners certainly intend upon cross-examining witnesses, but do not intend upon confusing the Board or unduly interrupting these proceedings in any form or fashion. Interveners specifically take objection to any insinuation that there would be any inappropriate use of the proceedings in this matter besides stating their objections to the application sought herein, and the reasoning for the same.

Further, in their Request to Intervene, Interveners set forth that this project changes the character and nature of the agricultural use of the property, and has affected, injured and aggrieved them with interests/ownership of property in direct proximity to the project. They sought and were granted leave to intervene to object to this process moving forward, and assert their interests in this matter, and have said objections heard before this Board. That is specifically what they intend upon doing, and cannot continue to do so should they not have the right to cross-examine witnesses in this matter.

For these reasons, and specifically because the applicable regulations allow Interveners the right to object to evidence in the proceeding herein, since they were granted leave to intervene, the request for hearing procedures from Applicant should and must be denied.

This the 12<sup>th</sup> day of November 2021.

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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 12<sup>th</sup> day of November 2021.



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DAVID F. BRODERICK  
BRANDON T. MURLEY