

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MARTIN)	
COUNTY SOLAR PROJECT, LLC FOR A)	
CERTIFICATE OF CONSTRUCTION FOR)	
AN APPROXIMATELY 200 MEGAWATT)	Case No. 2021-00029
MERCHANT ELECTRIC SOLAR GENERATING)	
FACILITY IN MARTIN COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700 AND)	
807 KAR 5:110.)	

**MARTIN COUNTY SOLAR PROJECT’S MOTION FOR APPROVAL OF MODIFIED
PUBLIC HEARING AND NOTICE**

Comes now Martin County Solar LLC, by counsel, pursuant to KRS 278.706(2)(f) and other applicable law, and does hereby tender its Motion for Approval of Modified Public Hearing and Notice. In support thereof, Martin County Solar Project, LLC (“Martin County Solar”) states as follows:

Martin County Solar previously filed its Notice of Intent to file an Application to construct a 200-megawatt ("MW") merchant solar electric generating facility in Martin County, Kentucky. Per KRS 278.702(2)(f), a public meeting must be scheduled and conducted in the county where the proposed facility will be constructed at least ninety (90) days prior to filing the Application. In light of the State of Emergency arising from the COVID-19 global pandemic, Kentucky Governor Beshear has issued numerous Executive Orders and official statements that limit in-person activities and encourage teleconferences as a replacement. Pursuant to the Governor’s communications and out of concern for the safety and health of the general public of Martin County and the Martin County Solar staff, Martin County Solar now moves the Siting Board for permission to deviate from the statutorily prescribed meeting requirements.

The Kentucky Siting Board has previously approved alternative public notice and input procedures where the Siting Board has determined that the procedures meet the requirements of KRS 278.702(2)(f) while also protecting the public's health and safety.¹ Martin County Solar now proposes to follow Commission precedent by informing the public and securing public input via the following procedures:

1. A website dedicated to the project, which provides the following information:
 - a. The proposed project location;
 - b. The size of the project, both in terms of megawatts and acres;
 - c. The project's interconnection partner;
 - d. The date, time, and necessary log-in information for the upcoming virtual meeting;
 - e. Martin County Solar team members; and
 - f. The relevant information should the public wish to contact the Martin County Solar team.

2. A virtual public meeting is currently scheduled to be held on February 10, 2021, at 6 pm local time. The purpose of the meeting is to provide information to the public

¹ See e.g. *In the Matter of the Electronic Application of Caldwell Solar, LLC for a Certificate of Construction for an Approximately 200 Megawatt Merchant Electric Solar Generating Facility in Caldwell County, Kentucky*, Case No. 2020-00244, Order, (Ky. P.S.C. Aug. 5, 2020); *In the Matter of Electronic Application of Henderson County Solar LLC for a Certificate of Construction for an Approximately 50 Megawatt Merchant Electric Solar Generating Facility in Henderson County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-00391, Order (Ky. P.S.C. Dec. 15, 2020); *In the Matter of the Electronic Application of McCracken County Solar LLC for a Certificate of Construction for an approximately 60 Megawatt Merchant Electric Solar Generating Facility in McCracken County, Kentucky Pursuant to KRS 278,700 and 807 KAR 5:110*, Case No. 2020-00392, Order, (Ky. P.S.C. Dec. 18, 2020); *In the Matter of Electronic Application of Meade County Solar LLC for a Certificate of Construction for an Approximately 40 Megawatt Merchant Electric Solar Generating Facility in Meade County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-00390, Order (Ky P.S.C. Jan. 6, 2021); *In the Matter of the Electronic Application of Green River Solar, LLC for a Certificate to Construct an Approximately 200 Megawatt Merchant Solar Electric Generating Facility in Breckinridge County and Meade County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-0037, Order (Ky P.S.C. Jan. 7, 2021).

regarding the Martin County Solar Project, and to take feedback and comments from the public regarding the proposal. Publication of the meeting will be made in the local newspaper at least two weeks in advance, via direct notice to landowners abutting the proposed project, and through the Martin County Solar website.

In addition to the procedural public notice and input requirements, KRS 278.702(2)(f) also requires that the public meeting be held ninety (90) days prior to filing an application for a merchant electric generating facility. Martin County Solar respectfully requests approval to modify this time to allow for the public meeting to occur no sooner than sixty (60) days prior to the filing of the application. Given the online and electronic nature of the public meeting and the anticipated feedback, Martin County Solar anticipates that sixty (60) days should still be ample enough time for the public to submit any comments it wishes and for Martin County Solar to analyze those comments and account for such feedback in its proposed application. Martin County Solar has already taken the following actions to inform the public about the project and provide opportunities for feedback on the proposal:

1. Martin County Fiscal Court meeting on March 10, 2020 where a presentation was given on the generalities of the proposed project.
2. Martin County Fiscal Court Meeting on December 2, 2020 where the various tax incentives and economic impact of the project were discussed.
3. A site visit was held on December 8, 2010 with the County Judge-Executive, the Deputy Judge-Executive, and reporters from the Lexington Herald and WSAZ. The same day, WSAZ did a news story on the proposed project, which may be viewed here: <https://www.wsaz.com/2020/12/09/solar-power-farm-bringing-nearly-300-jobs-to-martin-county>. On December 22, 2020, the Lexington Herald published their news story

on the proposed project, which may be viewed here:

<https://www.kentucky.com/news/state/article247670115.html>.

4. Martin County Board of Education meeting held January 11, 2021, and streamed live via YouTube, where the project was discussed and questions answered.

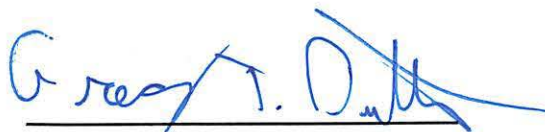
Given the impending date of the proposed public meeting (February 10, 2021), Martin County Solar respectfully requests a ruling on this motion as soon as practicable.

WHEREFORE, based on the justification provided above, Martin County Solar Project requests the Siting Board issue an order granting the following:

1. Approval of the alternative public notice and input procedures as provided for herein, and
2. Approval to file the Martin County Solar Project application no sooner than sixty (60) days following the public meeting described herein.

Respectfully submitted,

FROST BROWN TODD LLC



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