

COMMONWEALTH OF KENTUCKY

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF)
SEBREE SOLAR, LLC FOR A CERTIFICATE)
TO CONSTRUCT AN APPROXIMATELY 250)
MEGAWATT MERCHANT SOLAR ELECTRIC) CASE NO. 2021-00072
GENERATING FACILITY AND AN)
APPROXIMATELY 4.85 MILE)
NONREGULATED ELECTRIC TRANSMISSION)
LINE IN HENDERSON COUNTY, KENTUCKY)
AND WEBSTER COUNTY, KENTUCKY)
PURSUANT TO KRS 278.700, ET SEQ. AND)
807 KAR 5:110, ET SEQ.)

**SEBREE SOLAR LLC'S
MOTION FOR REHEARING RULING**

Comes now Sebree Solar LLC, (“Sebree”), by and through counsel, and does hereby respectfully request the Siting Board to issue an Order granting the Motion for Rehearing previously filed in this docket on March 1, 2022, respectfully stating as follows:

Sebree tendered its Application to construct a 250 MW merchant electric solar generating facility in Henderson County and an approximately 4.85 mile nonregulated electric transmission line in Henderson County and Webster County (the “Project”) with the Siting Board on August 13, 2021. The Siting Board issued its Final Order on February 9, 2022. The February 9th Order included thirty-two conditions attaching to the construction certificate. On March 1, 2022, Sebree filed its Motion for Rehearing addressed to eight of the Siting Board’s conditions. In its motion, Sebree stated its purpose was:

[T]o prevent unnecessary cost, delay or inefficiency in the development of the proposed project, to maintain consistency with


the conditions already applicable to the Project by virtue of mandates imposed by the Henderson City-County Planning Commission and to avoid what amount to serious impairments of Sebree's ability to finance the Project.¹

Most of the Siting Board's conditions relate to the design and construction of the Project and, without finality on these subjects, the Project risks additional costs and delays. In several respects, the conditions imposed by the Siting Board conflict, or are inconsistent, with the solar ordinance previously enacted by the Henderson County Fiscal Court. In addition, one of the Siting Board's conditions relates to restrictions on future transfers of ownership, control or the right to control the Project, which gives rise to considerable additional risk by injecting uncertainty into financing the Project. All of these issues are material to the continued development of the Project.

WHEREFORE, on the basis of the foregoing, Sebree respectfully requests the Siting Board to grant the Motion for Rehearing previously filed on March 1, 2022 for the reasons set forth therein.

This 15th day of July, 2022.

Respectfully submitted,



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¹ Sebree Motion for Rehearing, p. 2 (March 1, 2022).