

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

In the Matter of:

<i>Electronic</i> Application of Telesto Energy)	
Project LLC for Certificate of Construction)	Case No.
for an approximately 110 Megawatt Mer-)	2022-00096
chant Electric Solar Generating Facility in)	
Hardin County, Kentucky)	

Response to Deficiency Letter

Telesto Energy Project LLC (“Telesto”) is in receipt of a deficiency letter filed in this case referring to “the amended application” and citing a deficiency with respect to the KRS 278.706(2)(h) requirement of proof of service of the Application. The letter states: “Per information provided in application, the chairman of local Planning and Zoning Commission was not served.” It requests submission within 10 days of information to cure the cited deficiency.

Telesto respectfully suggests that there is no deficiency. The initial, unamended Application points to and contains a Certificate of Service (p.8) that is proof of service on the County Judge Executive and “the chief officer of [the] public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located” by email to a respectively-authorized address therefor. Mr. Adam King, as the Director of the Hardin County Planning & Development Commission, is the chief executive/administrative officer of the Planning Commission. Even if he were not, he is the expressly designated person on behalf of the Planning Commission and its chair to receive service (at the authorized email address) of the voluminous materials. Telesto notes that service on Mr. King rather than on the Planning Commission Chair was tacitly found sufficient for the Rhudes Creek Application filed September 7, 2022 (p.3), in which service on the Chair was described as “via Adam King.”

The undersigned contacted PSC representatives about the perceived service deficiency, but has not yet had the opportunity to discuss the matter with them. Rather than let another day pass when the Planning Commission Chair could be served separately (if duplicatively) and any deficiency cured, the undersigned represents and certifies that she sent Mr. Mark Hinton an email to an address disclosed for him — at 3:23 P.M. EDT, today, June 27, 2022 —that provided him with a true and correct copy of the Application and all the accompanying filings in the same manner and method as in the email service addressed to the Judge Executive and Mr. King. Mr. Hinton sent a reply and inquiry six (6) minutes later, showing that the email had been actually received by him. Therefore, if there was a deficiency (which Telesto denies), it has been cured.

Respectfully submitted

/s/ Katherine K. Yunker

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Counsel for Applicant,

Telesto Energy Project LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Response was served this 27th day of June, 2022, via electronic mail upon the following at an email address authorized for such service

Harry L. Berry, Judge Executive of Hardin County

Adam C. King, AICP, Director of the Hardin County Planning & Development
Commission

and, in an abundance of caution against the appearance of any deficiency of service, on Mark Hinton, Chair, Hardin County Planning & Development Commission, at a personal email address disclosed to the undersigned.

/s/ Katherine K. Yunker

Attorney for Applicant