

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF)	
THOROUGHbred SOLAR, LLC FOR A CERTIFICATE)	
TO CONSTRUCT A 50 MEGAWATT MERCHANT)	
SOLAR ELECTRIC GENERATING FACILITY IN)	CASE NO. 2022-00115
HART COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.700, ET SEQ. AND 807 KAR 5:110, ET SEQ.)	

THOROUGHbred SOLAR, LLC'S APPLICATION
FOR A CONSTRUCTION CERTIFICATE

Comes now Thoroughbred Solar, LLC (“Thoroughbred” or “Applicant”), by counsel, pursuant to KRS 278.700, *et seq.*, 807 KAR 5:110, and other applicable law, and hereby submits its Application for a Construction Certificate to construct a 50 megawatt (“MW”) merchant solar electric generating facility in Hart County, Kentucky (“Project”), respectfully stating as follows:

I. INTRODUCTION

1. Thoroughbred is a wholly-owned affiliate of Leeward Renewable Energy (“LRE”). LRE is a leading North American independent power produce, focused on building sustainable solutions for clean, renewable energy. LRE, headquartered in Dallas, Texas, currently owns and operates an expanding portfolio of 24 renewable energy facilities across 9 states, with a total installed capacity of more than 2,500 megawatts (“MW”) and more than 20 gigawatts (“GW”) in development spanning over 100 additional projects. Thoroughbred plans to develop, construct, and operate the Project over its entire operating life.

2. Thoroughbred proposes to construct the Project, a solar electric generating facility that will be capable of generating approximately 50 MW of electricity from a solar array within a

total Project site of approximately 530 acres. This acreage is located entirely within Hart County. The Project includes approximately 130,000 photovoltaic solar panels, associated racking, 15 inverters,¹ and a project substation transformer that will tap an overhead 69 kv transmission line owned by East Kentucky Power Cooperative (“EKPC”).

II. FILING REQUIREMENTS

3. Pursuant to KRS 278.706(2)(a), Applicant’s name, address, and telephone number are as follows:

Thoroughbred Solar, LLC
6688 N. Central Expressway, Suite 500
Dallas, Texas 75206
(214) 515-1100

Thoroughbred is a foreign limited liability company organized under the laws of Delaware on February 24, 2022 that is registered, in good standing, and authorized to conduct business within the Commonwealth of Kentucky. A statement of Thoroughbred’s corporate information and a copy of Thoroughbred’s authorization to conduct business within the Commonwealth of Kentucky are attached hereto and incorporated herein as **Exhibit 1**.

4. Pursuant to KRS 278.706(2)(b), the Project is to be located on a site encompassing approximately 530 acres that is located in an unincorporated area near the city of Munfordville and town of Rowletts, Kentucky. A full description of the Project site, including a map showing the distance of the Project from residential neighborhoods, residential structures, and public and private parks within a two-mile radius of the proposed facility, is attached hereto and incorporated herein as **Exhibit 2**.

¹ The Notice of Intent filed in May 2022 indicates 17 inverters. Further Project design has resulted in a revision down to 15 inverters.

5. Pursuant to KRS 278.706(2)(c), a statement and evidence that the requisite public notice has been timely given is attached hereto and incorporated herein as **Exhibit 3** (the “Notice”). The Notice: (a) includes the location of the proposed solar generating facility; (b) includes a general description of the Project; (c) confirms that the Project is subject to approval by the Electric Generation and Transmission Siting Board (“Board”); and (d) provides the telephone number and address of the Public Service Commission (“PSC”). Thoroughbred further affirms that this Notice was given in the prescribed statutory manner within thirty (30) days immediately preceding the Application filing to landowners whose property borders the Project site and to the general public.

6. Pursuant to KRS 278.706(2)(d), a certification that the Project will be in compliance with all local ordinances and regulations concerning noise control and local planning and zoning ordinances, if any, is attached hereto and incorporated herein as **Exhibit 4**.

7. Pursuant to KRS 278.706(2)(e), Thoroughbred states that the Project will not be located on the site of a former coal processing plant, nor will it use on-site waste coal as a fuel source. The Project does not involve the construction or use of an exhaust stack or wind turbine. Hart County’s Planning Commission has not adopted any applicable setback requirements. Therefore, the setback requirements contained in KRS 278.704(3) apply to the Project, as set forth in the statement regarding coal facilities and setbacks attached and incorporated herein as **Exhibit 5**. Hart County does not have a zoning commission.

8. Pursuant to KRS 278.706(2)(f), Thoroughbred has engaged in extensive efforts to involve the public in activities and educational efforts involving the Project prior to filing this Application. A summary of and evidence supporting these efforts are set forth in **Exhibit 6**, which is attached hereto and incorporated herein.

9. Pursuant to KRS 278.706(2)(g), a summary of the efforts Thoroughbred has made to locate the proposed facility on a site where existing electric generation facilities are located is attached hereto and incorporated herein as **Exhibit 7**.

10. Pursuant to KRS 278.706(2)(h), Thoroughbred has sent a copy of the Application to the Judge/Executive of Hart County; the Administrative Officer of the Hart County Planning Commission; the Mayors of Munfordville and Horse Cave, Kentucky; and the Hart County District 1 Magistrate. A copy of the service cover letter to these public officials is attached hereto and incorporated herein as **Exhibit 8**.

11. Pursuant to KRS 278.706(2)(i), an analysis of the Project's projected effect on the electric transmission system in Kentucky, including feasibility and system impact study reports, is attached hereto and incorporated herein as **Exhibit 9**.

12. Pursuant to KRS 278.706(2)(j), an analysis and report of the Project's economic impact upon the local region and state is attached hereto and incorporated herein as **Exhibit 10**.

13. Pursuant to KRS 278.706(2)(k), a statement regarding any violations of federal or state environmental laws, rules or administrative regulations – whether judicial or administrative – on the part of Thoroughbred or any person with an ownership interest in Thoroughbred, which have resulted in a criminal conviction or civil or administrative fines exceeding five thousand dollars (\$5,000), is attached hereto and incorporated herein as **Exhibit 11**. There are no such violations of which Thoroughbred is aware.

14. Pursuant to KRS 278.706(2)(l), a Site Assessment Report as delineated in KRS 278.708, is attached hereto and incorporated herein as **Exhibit 12**. Included within the Site Assessment Report as Attachment N is a copy of the Cumulative Environmental Assessment tendered to the Kentucky Energy and Environment Cabinet on October 12, 2022, in compliance

with KRS 224.10-280.

15. In a motion filed concurrently herewith and incorporated herein by reference, Thoroughbred is seeking a deviation from the setbacks contained in KRS 278.704(2) and KRS 278.706(2)(e) for the Project, pursuant to KRS 278.704(4).

III. FILING FEE

16. Pursuant to KRS 278.706(3), KRS 278.716 and 807 KAR 5:100, Section 1, the nameplate capacity of the Project is 50 MW. Accordingly, Thoroughbred is required to submit an application fee of Fifty Thousand (\$50,000) for the solar electric generation facility. Thoroughbred is tendering a check in the amount of \$50,000 to be deposited into the Kentucky Public Service Commission's "Siting Fund," created pursuant to KRS 278.716.

IV. CONCLUSION

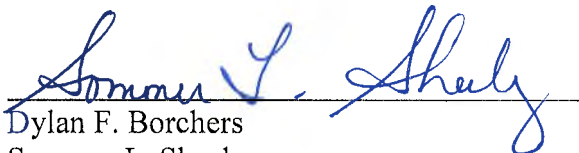
17. The Project fully complies with all requirements in KRS 278.700, *et seq.* and, by having the unique ability to leverage LRE's experience, resources, and commitment to the communities it serves, Thoroughbred is perfectly suited to develop the solar facility within Hart County.

WHEREFORE, on the basis of the foregoing, Thoroughbred respectfully requests the Board to:

1. Grant a Construction Certificate for the Project; and
2. Award any and all other relief to which Thoroughbred Solar, LLC might be entitled.

Done this 11th day of October, 2022.

Respectfully submitted,


Dylan F. Borchers
Sommer L. Sheely
BRICKER & ECKLER LLP

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Columbus, OH 43215-4291
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Counsel for Thoroughbred Solar, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Application was served by U.S.

Mail, postage pre-paid, on October 11, 2022, addressed to the following:

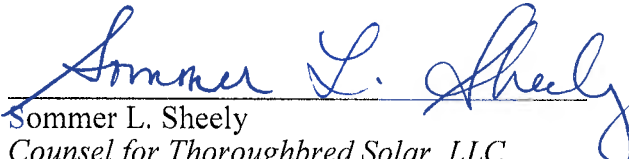
Joe Choate
Hart County Judge/Executive
Hart County Courthouse
P.O. Box 490
Munfordville, KY 42765

Greg Nichols
County Administrative Officer
Hart County Planning Commission
P.O. Box 490
Munfordville, KY 42765-0490

Mayor John Johnson
Munfordville City Hall
111 Main Street
P.O. Box 85
Munfordville, KY 42765

Mayor Randall Curry
City of Horse Cave
P.O. Box 326
121 Woodlawn Avenue
Horse Cave, KY 42749

Gary Gardner
Magistrate # 1
505 Elk Street
Munfordville, KY 42765


Sommer L. Sheely
Counsel for Thoroughbred Solar, LLC

**Kentucky State Board on Electric Generation and Transmission Siting
Thoroughbred Solar, LLC – Case No. 2022-00115
Application – Table of Contents**

Filing Requirement	Description	Witness	Exhibit
KRS 278.706(2)(a)	Corporate information and certificate of ability to conduct business in Kentucky.	Rob Kalbouss	1
KRS 278.706(2)(b)	A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility.	Rob Kalbouss	2
KRS 278.706(2)(c)	Evidence of public notice.	Rob Kalbouss	3
KRS 278.706(2)(d)	A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances.	Rob Kalbouss	4
KRS 278.706(2)(e)	Statements regarding location on the site of a former coal processing facility, use of on-site waste coal as a fuel source and compliance with local setback requirements.	Rob Kalbouss	5
KRS 278.706(2)(f)	Summary of public involvement efforts.	Rob Kalbouss	6
KRS 278.706(2)(g)	A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located.	Rob Kalbouss	7
KRS 278.706(2)(h)	Proof of service of a copy of the application upon local officials.	Rob Kalbouss	8
KRS 278.706(2)(i)	An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky.	Rob Kalbouss	9
KRS 278.706(2)(j)	An analysis of the proposed facility's economic impact on the affected region and the state.	Rob Kalbouss	10
KRS 278.706(2)(k)	Statement of no environmental violations.	Rob Kalbouss	11
KSR 278.706(2)(l)	Site Assessment Report.	Rob Kalbouss	12