

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF)	
SEBREE SOLAR II, LLC FOR A CERTIFICATE)	
TO CONSTRUCT AN APPROXIMATELY 150)	
MEGAWATT MERCHANT SOLAR ELECTRIC)	CASE NO. 2022-00131
GENERATING FACILITY IN HENDERSON)	
COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.700, ET SEQ. AND 807 KAR 5:110)	

SEBREE SOLAR II, LLC'S
VERIFIED APPLICATION FOR A
CONSTRUCTION CERTIFICATE

Comes now Sebree Solar II, LLC (“Sebree II”), by counsel, pursuant to KRS 278.700, *et seq.*, 807 KAR 5:110, 807 KAR 5:120, and other applicable law, and does hereby tender its Application for the award of a Certificate to construct an approximately 150 Megawatt (“MW”) merchant solar electric generating facility in Henderson County, Kentucky (the “Project”), respectfully stating as follows:

I. INTRODUCTION

1. Sebree II is an affiliate of NextEra Energy Resources, LLC (“NEER”), a leading wholesale power generator, operating power plants and offering a diverse fuel mix to utilities, retail electricity providers, power cooperatives, municipal electric providers and large industrial companies. NEER is the world’s largest generator of renewable energy from the wind and the sun, having invested billions of dollars – with plans to invest even more – in energy infrastructure across North America. NEER entered the solar generation business in 1989 and has significantly

expanded its solar development to approximately 3,629 MW of utility and small-scale operating assets. NEER's unparalleled experience, resources and commitment to the communities it serves assures that the Project will be a lasting benefit to Henderson County. Indeed, NEER is already developing a 250 MW solar facility near the proposed Project.

2. Sebree II proposes to construct the Project – a solar electric generating facility that will be capable of generating approximately 150 MWs of electricity from a solar array occupying a total of approximately 1,000 acres. This acreage is located entirely within Henderson County. The Project includes approximately 400,000 photovoltaic solar panels, associated racking, 51 inverters and a project substation transformer that will connect via a 161 kV transmission line to the existing Reid EHV Substation owned by Big Rivers Electric Corporation. This permitted and approved 161kV transmission line will also service the Sebree Solar, LLC (“Sebree”) project, which received a Construction Certificate under Case Number 2021-00072 on February 9, 2022

II. FILING REQUIREMENTS

3. Pursuant to KRS 278.706(2)(a), KRS 278.714(2)(a), 807 KAR 5:120, Section 2(1)(a) and 807 KAR 5:001 Section 14, the applicant's name and address are as follows: Sebree Solar II, LLC, 700 Universe Boulevard, Juno Beach, Florida 33408. Sebree II's telephone number is: (561) 365-5956. Sebree II is a foreign limited liability company organized under the laws of Delaware on April 1, 2022 that is registered, in good standing and authorized to conduct business within the Commonwealth of Kentucky. A copy of Sebree II's authorization to conduct business within the Commonwealth of Kentucky is 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 1,000 acres that is near the town of Robards, Kentucky. A more detailed 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** of the supporting materials.

5. Pursuant to KRS 278.706(2)(c) and KRS 278.714(2)(e), evidence that the requisite public notice has been timely given is attached hereto and incorporated herein as **Exhibit 3** of the supporting materials (“Notice”). The attached Notice: (a) includes the location of the proposed solar generating facility and appurtenances thereto; (b) a general description of the Project; (c) confirms that the Project is subject to approval by the Siting Board; and (d) provides the telephone number and address of the Public Service Commission. Sebree II further affirms that this Notice was given in the prescribed statutory manner within thirty (30) days immediately preceding the application filing to participating landowners, 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 is attached hereto and incorporated herein as **Exhibit 4** of the supporting materials.

7. Pursuant to KRS 278.706(2)(e), Sebree II 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.

8. Pursuant to KRS 278.706(2)(e), Henderson County’s Fiscal Court has adopted a county-wide solar ordinance that includes setback requirements consistent with KRS 278.704(3). A statement that the Project will comply with the Henderson County solar ordinance is attached hereto and incorporated herein as **Exhibit 5** of the supporting materials, along with a statement

that the Project is not being located on the site of a former coal processing plant and that it will not use on-site waste coal as a fuel source.

9. Pursuant to KRS 278.706(2)(f), Sebree II has engaged in extensive efforts to involve the public in activities and educational efforts involving the Project prior to filing this Application. These efforts are set forth in **Exhibit 6** of the supporting materials, which is attached hereto and incorporated herein.

10. Pursuant to KRS 278.706(2)(g), a summary of the efforts Sebree II 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** of the supporting materials.

11. Pursuant to KRS 278.706(2)(h) and KRS 278.714(2)(f), Sebree II has sent a copy of the Application to the County Judge-Executive of Henderson County and the Mayor of Robards, Kentucky. Henderson County has a county-wide planning and zoning commission. Accordingly, Sebree II has also sent a copy of the Application to the Executive Director of the Henderson City-County Planning and Zoning Commission. Copies of the cover letters are attached hereto and incorporated herein as **Exhibit 8** of the supporting materials.

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

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

14. 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 Sebree II or any person with an ownership interest in Sebree II, 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 Sebree II is aware.

15. Pursuant to KRS 278.706(2)(1), a Site Assessment Report as delineated in KRS 278.708, is attached hereto and incorporated herein as **Exhibit 12**.

16. Although Sebree II is not seeking a deviation request pursuant to KRS 278.704(4), it is nevertheless attaching hereto and incorporating herein as **Exhibit 13** a copy of the Cumulative Environmental Assessment tendered to the Kentucky Energy and Environment Cabinet on April 18, 2023, in compliance with KRS 224.10-280.

III. FILING FEE

17. Pursuant to KRS 278.706(3), KRS 278.716 and 807 KAR 5:100, Section 1, the nameplate capacity of the Project is 150 MW. Accordingly, Sebree II is required to submit an application fee of One Hundred Fifty Thousand (\$150,000) for the solar electric generation facility.¹ Sebree II is tendering a check in the amount of \$150,000 to be deposited into the Kentucky Public Service Commission's "Siting Fund," created pursuant to KRS 278.716.

IV. CONCLUSION

18. The Project fully complies with KRS 278.700 – KRS 279.716 and, by having the unique ability to leverage NEER's experience, resources and commitment to the communities it serves, Sebree II is perfectly suited to develop the solar facility within Henderson County, Kentucky.

¹ See 807 KAR 5:100, Section 1 ("A person seeking to obtain a certificate to construct a merchant electricity generating plant shall submit with the application submitted in accordance with 807 KAR 5:110 to the Kentucky State Board on Electric Generation and Transmission Siting, at the offices of the Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky, an initial application fee of \$1,000 per megawatt of electricity generating capacity, based on the manufacturer's nameplate rated capacity of the proposed construction, except that the initial application fee for each application for each plant shall be in an amount not less than \$40,000 and not more than \$200,000.")

WHEREFORE, on the basis of the foregoing, Sebree II respectfully requests the Siting Board to:

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

Done this 18th day of April, 2023.

Respectfully submitted,



L. Allyson Honaker
Brittany Hayes Koenig
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way, Suite 6202
Lexington, KY 40509
allyson@hloky.com
brittany@hloky.com
(859) 368-8803

Counsel for Sebree Solar II, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Application has been served by depositing same into the custody and care of the United States Postal Service, postage pre-paid, on this 18th day of April, 2023, addressed to the following:

Hon. Brad Schneider
Henderson County Judge-Executive
20 North Main Street
Henderson, KY 42420

Hon. David Sellers, Mayor
P.O. Box 488
Robards, KY 42452-0488

Hon. Brian Bishop
Executive Director
Henderson City-County
Planning and Zoning Commission
1990 Barret Court, Suite C
Henderson, KY 42420



Counsel for Sebree Solar II, LLC

COMMONWEALTH OF KENTUCKY

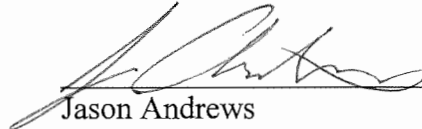
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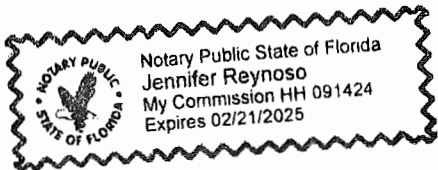
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VERIFICATION OF
JASON ANDREWS

Comes now Jason Andrews, on behalf of Sebree Solar II, LLC and, after first being duly sworn, does hereby swear and affirm that the foregoing application and information attached thereto is true and correct to the best of my knowledge and belief, formed after reasonable due diligence and inquiry, as of this 5th day of April, 2023.


Jason Andrews




NOTARY PUBLIC

Commission No.: 111091424

Commission Expires: 2-21-25

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CASE NO. 2022-00131

VERIFICATION OF
BRIAN BARTELS

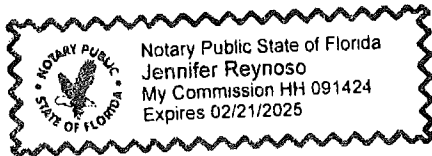
Comes now Brian Bartels, on behalf of Sebree Solar II, LLC and, after first being duly sworn, does hereby swear and affirm that the foregoing application and information attached thereto is true and correct to the best of my knowledge and belief, formed after reasonable due diligence and inquiry, as of this 5th day of April, 2023.

Brian Bartels
Brian Bartels

Jennifer Reynoso
NOTARY PUBLIC

Commission No.: H11091424

Commission Expires: 2-21-25



**Kentucky State Board on Electric Generation and Transmission Siting
Sebree Solar II, LLC – Case No. 2021-000131
Application – Exhibits**

Table of Contents

Filing Requirement	Description	Witness	Exhibits
807 KAR 5:120, Section 2(1)(a)	Corporate information and certificate of ability to conduct business in Kentucky as required by 807 KAR 5:001, Section 14.	Jason Andrews	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.	Jason Andrews	2
KRS 278.706(2)(c) and KRS 278.714(2)(e)	Evidence of public notice.	Jason Andrews	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.	Jason Andrews	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.	Jason Andrews	5
KRS 278.706(2)(f)	Summary of public involvement efforts.	Jason Andrews	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.	Jason Andrews	7
KRS 278.706(2)(h) and KRS 278.714(2)(f)	Proof of service of a copy of the application upon local officials.	Jason Andrews	8
KRS 278.706(2)(i)	An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky.	Jason Andrews	9
KRS 278.706(2)(j)	An analysis of the proposed facility's economic impact on the affected region and the state.	Jason Andrews	10
KRS 278.706(2)(k)	Summary of environmental violations. There are no such violations of which Sebree II is aware.	Brian Bartels	11
KSR 278.706(2)(l)	Site Assessment Report.	Brian Bartels	12
KRS 224.10-280	Cumulative Environmental Assessment.	Brian Bartels	13