

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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.
GENERATING FACILITY IN HENDERSON)	2022-00131
COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.700, ET SEQ. AND 807 KAR 5:110)	

MOTION FOR DEVIATION OF MITIGATION MEASURES

Comes now Sebree Solar II, LLC (“Sebree II”), by and through the undersigned counsel, pursuant to 807 KAR 5:001 Section 9 and other applicable law and does hereby respectfully request the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) grant a deviation from Mitigation Measure 15 in this October 12, 2023 Order¹. In support of this motion, Sebree II respectfully states as follows:

1. On October 12, 2023, Sebree II was granted a Construction Certificate for a 150 MW merchant solar electric generating facility in Henderson County, Kentucky. Mitigation Measure 15 in the October 12, 2023 Order permits construction activity, process, and deliveries between the hours of 8:00 a.m. – 6:00 p.m., Monday through Saturday. Non-noise causing and non-construction may take place between 7:00 a.m. – 10:00 p.m., Monday through Sunday.² Sebree Solar II has begun construction and approximately 80% of the construction has been completed.

¹ October 12, 2023 Order (Ky. S.B. October 12, 2023).

² Appendix A, Mitigation Measure 15, October 12, 2023 Order.

2. Sebree II was granted authority to interconnect with a nonregulated transmission line approved for the Sebree Solar, LLC (“Sebree I”).³ Sebree I has completed construction and has begun commercial operations.⁴

3. Sebree II is at the point of construction where the interconnection process with the nonregulated transmission line must be undertaken. In order to interconnect Sebree II to the nonregulated transmission line, Sebree I must be taken offline for the electrical work. Since Sebree I has begun commercial operations, it is fully integrated into Midcontinent Independent System Operator, Inc. (“MISO”) and there is a commercial off taker of the electricity being generated by the solar facility. Sebree Solar I must be operational during the hours of the day when it can produce electricity from the sun. To interconnect Sebree II, the interconnection needs to be done during the night.

4. Sebree Solar II believes the work can be finished in four nights. This includes three nights of construction/electrical work including completing a crossing under a railroad and one night of testing the interconnection. Sebree Solar II will be utilizing an excavator for the crossing work and light equipment for the electrical work. Sebree Solar II has reviewed the noise receptors in the area. The closest receptor is a vacation home that is approximately 1,300 feet from the area of construction. The closest full-time residence is approximately 1,500 feet away.

5. Sebree Solar II is requesting a deviation from Mitigation Measure 15 in the October 12, 2023 Order that only permits construction activity from 8:00 a.m. through 6:00 p.m. local time. Sebree Solar II proposes a deviation that allows construction for four nights from 6:00 p.m. through

³ *Electronic Application of Sebree Solar, LLC for a Certificate to Construct an Approximately 250 Megawatt Merchant Solar Electric Generating Facility and an Approximately 4.5 mile Nonregulated Transmission Line in Henderson County, Kentucky and Webster County, Kentucky Pursuant to KRS 278.700 and 807 KRS 5:100*, Case No. 2021-00072, February 9, 2022 Order (Ky. Siting Board February 9, 2022).

⁴ *See* Case No. 2021-00072, Notice of Operations (filed October 14, 2025).

6:00 a.m. This will allow Sebree Solar II to perform the necessary work to interconnect the project with the nonregulated transmission line currently in operation. Sebree Solar II anticipates the construction will be a much lower level of noise than pile-driving and will be approximately 1,500 feet from an occupied residence.

For the foregoing reasons, Sebree II respectfully requests that the Siting Board grant a limited deviation from Mitigation Measure 15 of the October 12, 2023 Order.

This the 1st day of May 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on May 1, 2026, that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.

Heather S. Temple

Counsel for Sebree Solar II, LLC