

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

In the Matter of:)
)
In the Matter of the Application of Pine Grove Solar,)
LLC for a Certificate of Construction for an) **Case No. 2022-00262**
Approximately 50 Megawatt Merchant Electric Solar)
Generating Facility in Madison County, Kentucky)
Pursuant to KRS 278.700 and 807 KAR 5:10)

PINE GROVE SOLAR LLC’S MOTION FOR DECLARATORY ORDER

Pine Grove Solar, LLC (“Pine Grove Solar”), by counsel, moves the Kentucky Siting Board on Electric Generation and Transmission Siting (the “Siting Board”) for an order declaring that Pine Grove Solar’s project is not required to obtain a certificate to construct a nonregulated electric transmission line that is ancillary to the operation of a solar generating facility, exclusively used to transmit electricity from the facility’s substation to the switchyard and located entirely on the same parcel of land; or, in the alternative, declaring that Pine Grove Solar’s application for a construction certificate for a nonregulated transmission line, attached as **Attachment A** is consolidated with its application for a certificate of construction for a solar generating facility and the transmission line application filing fee is waived. In support of this motion, Pine Grove Solar states as follows:

On December 1, 2022, Pine Grove Solar filed its Application for a Certificate of Construction for an Approximately 50 Megawatt Merchant Electric Solar Generating Facility in Madison County, Kentucky pursuant to KRS 278.700 and 807 KAR 5:110 (the “solar generating application”). Pine Grove Solar must construct a transmission line to connect its solar generating

facility to LG&E/KU's to be built switchyard at the LGE/KU West Irvine/Delvinta 161kV Line Terminal to connect the solar generating facility to a transmission station. The new transmission line will be 161 kilovolts and a maximum of 150 feet in length to the point of the interconnection. The entirety of the transmission line will be located on the same parcel of land as the solar generating facility that Pine Grove Solar currently has leased under an option to purchase according to the terms of the option contract. A preliminary plan for the construction of the transmission line is attached hereto as **Attachment B**. Because the short transmission line is being constructed as a part of the generating facility, separate approval to construct the transmission line is not necessary.

In addition, the language of KRS 278.714 reveals that the Kentucky legislature intended for applications to the Siting Board for the construction of transmission lines be for those lines that are far greater in length and scope than that which Pine Grove Solar will construct. In Section 2(b) of KRS 278.714, applicants must submit information on the transmission line's right-of-way limits; existing property lines the line will cross and the corresponding names of affected property owners; and the line's proximity to residential neighborhoods, schools, and parks. The statute focuses on the location of the transmission line relative to other properties and community developments. This leads to the reasonable interpretation that lawmakers intended KRS 278.714 to require applications for transmission lines that could impact other properties and neighboring landowners' use of their property.

Pine Grove Solar's transmission line will neither cross any other parcel of land nor obstruct neighbors' property usage as both the construction of and the existence of the transmission line will be exclusive to Pine Grove Solar's leased property at the site of the solar generating facility. The line's purpose is limited in scope to connecting Pine Grove Solar's

generating facility to an LG&E/KU switchyard. The construction of the transmission line is ancillary to the operation and development of the solar generating facility. Consistent with KRS 278.706(2)(g), Pine Grove Solar made efforts to locate a site for the solar generating where existing electric generating facilities are located. The location that Pine Grove Solar has selected is, in fact, on-site with the LG&E/KU transmission line. It is reasonable that the construction of the solar generating facility would require a connection line from the solar generating activity to the existing electric switchyard. Additionally, the transmission line will have no impact on other property owners' use of their land. Pine Grove Solar has attached feasibility and impact studies that it included in its solar generating application as **Attachment C**. Consistent with the spirit of KRS 278.714, the proposed transmission line will not adversely affect neighboring properties.

The transmission line that Pine Grove Solar seeks to construct, measuring less than 150 feet in length and located on the same parcel of land as the project, is an essential component of the solar generation facility. It's function and existence are exclusively related to the proposed solar generating facility. Thus, the Siting Board should evaluate the less than 150-foot transmission line as part of the solar generating facility. In its application for a solar generating facility, Pine Grove Solar previously tendered the Siting Board a filing fee of \$50,000, pursuant to 807 KAR 5:100. Proof of payment of the filing fee is attached hereto as **Attachment D**. As Pine Grove Solar has argued above the transmission line construction will occur in conjunction with that proposed facility, so the solar generating application filing fee should preclude the payment of an additional filing fee.

WHEREFORE, Pine Grove Solar respectfully requests that the Siting Board declare that Pine Grove Solar is not required to file an application for approval of a certificate to construct a nonregulated electric transmission line that will exist exclusively on a single parcel of land that

the company owns; or, alternatively, that the Siting Board consolidates this application with Pine Grove Solar's solar generating application and waives the filing fee for a transmission line application.

Respectfully submitted,



STURGILL, TURNER, BARKER & MOLONEY, PLLC

JAMES W. GARDNER

M. TODD OSTERLOH

REBECCA C. PRICE

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

Telephone No.: (859) 255-8581

Fax No. (859) 231-0851

tosterloh@sturgillturner.com

jgardner@sturgillturner.com

rprice@sturgillturner.com

ATTORNEYS FOR PINE GROVE SOLAR, LLC