

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF ELECTRONIC JOINT)
APPLICATION OF KENTUCKY UTILITIES)
COMPANY AND LOUISVILLE GAS AND)
ELECTRONIC COMPANY FOR CERTIFICATES)
OF PUBLIC CONVENIENCE AND NECESSITY)
AND SITE COMPATIBILITY CERTIFICATES)
AND APPROVAL OF A DEMAND SIDE)
MANAGEMENT PLAN AND APPROVAL OF)
FOSSIL FUEL-FIRED GENERATING UNIT)
RETIREMENTS)**

Case No. 2022-00402

POST-HEARING BRIEF

MERCER COUNTY FISCAL COURT

September 19, 2023

INTRODUCTION

In the interest of judicial economy, Mercer County Fiscal Court (hereinafter “Mercer”) will not elaborate on the complex facts which are at play in the instant matter as the Commission will have enough parties conveying same.

ARGUMENT

In its Motion to Intervene in this case, Mercer clearly stated its interest is to secure certain land either owned, or soon to be owned, by Louisville Gas Electric Company (hereinafter “LG&E), or more specifically by Kentucky Utilities Company (hereinafter “KU”), whereat Mercer has planned to build an industrial park for commercial and industrial growth; i.e. jobs¹. As stated in the Application, KU had purchased the property for the purpose of building a solar facility. Since the filing of the Companies’ application before the Commission, there has been a compromise between KU and Mercer².

Specifically, KU and Mercer have reached an agreement whereby Mercer, if KU’s application is approved regarding its proposed solar facility in Mercer County, will be entitled by contract to purchase 858 acres of land, with an option for another 100 acres³, from KU to build an industrial park. In exchange, Mercer withdraws any opposition to the Companies’ proposed Mercer County Solar Facility⁴.

¹ See Mercer’s Motion to Intervene, page 2.

² See Stipulation and Recommendation in general.

³ See Exhibit 1 to Stipulation and Recommendation, Purchase Agreement at page 2, paragraph 1.C.iv.

⁴ See Stipulation and Recommendation at page 3.

This endeavor is far reaching for Mercer as well as the Commonwealth. Specifically, Mercer's intervention and underlying goal is to acquire land from KU for an industrial park facility for jobs for Mercer County specifically but, perhaps, the Commonwealth as a whole with the trickledown effect. This agreement has been memorialized and presented to the Commission by way of a Stipulation and Recommendation to which there has not been any objection heretodate and as referenced herein.

Last, Mercer has no issues with the remainder of the Companies' Application⁵.

CONCLUSION

WHEREFORE, the Commission should approve the Stipulation and Agreement and Purchase between KU and Mercer.

Respectfully submitted,
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⁵ *Id.* page 2.