

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

IN THE MATTER OF:

The Application of Dogwood Corners, LLC for a)	
Certificate of Construction for an)	
Approximately 125 Megawatt Merchant Electric)	Case No. 2023-00246
Solar Generating Facility in Christian County, Kentucky)	
Pursuant to KRS 270.700 and 807 KAR 5:10)	

MOTION TO INTERVENE

Christian County, Kentucky (“Movant”), by counsel, hereby move to intervene in this matter pursuant to 807 KAR 5:001(11).

Dogwood Corners, LLC seeks to construct a solar energy generating facility in Christian County. Movant opposes the construction of same as Dogwood Corners, LLC has failed to comply with local Ordinance No 22-004.

Movant seeks to intervene in order to protect substantial property, environmental, and conservation rights that are at issue. Pursuant to 807 KAR 5:001(11)(a), “[a] person who wishes to become a party to a case before the commission may, by timely motion, request leave to intervene... and shall state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” 807 KAR 5:001(11)(a). Additionally, “[t]he commission shall grant a person leave to intervene if the commission finds that... he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully

considering the matter without unduly complicating or disrupting the proceedings.” 807 KAR 5:001(11)(b).

Here, Movant satisfies the aforementioned criteria because it has a substantial interest in Dogwood Corners, LLC’s construction of a solar energy generating facility in Christian County and compliance with Ordinance No. 22-004. The Commission cannot render a determination regarding Dogwood Corners, LLC’s proposed construction without considering Ordinance No. 22-004 adopted by Christian County, Kentucky. Additionally, there is pending litigation before the Christian County Circuit Court (22-CI-01010) in which Dogwood Corners, LLC is attacking the validity of Ordinance No. 22-004. To date, the Christian Circuit Court has not invalidated the Ordinance in question. What is more, the Kentucky legislature, through the County Home Rule statute, KRS 67.083 and 278.718, grant Fiscal Courts quite broad powers to enact ordinances and conserve, preserve, and enhance natural resources including soils, air, vegetation, and wildlife and regulate commerce for the protection and convenience of the public. Further, KRS 278.718 directs deference be given the local ordinance. These interests are unique to Christian County and its residents. The applicant does not represent those interests.

Accordingly, Movants request that the Kentucky State Board on Electric Generation and Transmission Siting enter the attached proposed Order allowing them to intervene in this matter.

NOTICE OF HEARING

The foregoing Motion shall come on for hearing before the Kentucky State Board on Electric Generation and Transmission Siting at the convenience of the Board.

/s/ Harold Mac Johns

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CERTIFICATE OF SERVICE

This is to certify that on the 18th day of September, 2023, a true and accurate copy of the foregoing document was electronically served upon the following:

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/s/ Harold Mac Johns

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