

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

In the Matter of:

**Electronic Application Banjo Creek Solar LLC for a
Certificate of Construction for an Approximately 120
Megawatt Electric Generating Facility in Graves
County, Kentucky Pursuant to KRS 278.700 and 807
KAR 5:110**)
)
) **Case No. 2023-00263**
)
)

BANJO CREEK SOLAR LLC’S NOTICE OF FILING OF PUBLIC NOTICE

Banjo Creek Solar, LLC (“Banjo Creek Solar”), by counsel, and pursuant to 807 KAR 5:110, Section 9, provides notice of its filing of the public notice of the public hearing to be held on January 16, 2024. The public notice was published on January 3, 2024, in *The Mayfield Messenger*. An affidavit of publication and a copy of the electronic tearsheet is attached hereto.

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 BANJO CREEK SOLAR LLC

The Mayfield Messenger

Electronic Tearsheet – January 3, 2024

AFFIDAVIT

I, SELENA WARD, Sales Manager of The Mayfield Messenger, a newspaper of general circulation, published in the City of Mayfield, County of Graves, State of Kentucky, do hereby affirm the legal advertisement attached was published in the January 3, 2024 issue of The Mayfield Messenger.

Selena Ward

Selena Ward
Sales Manager
The Mayfield Messenger

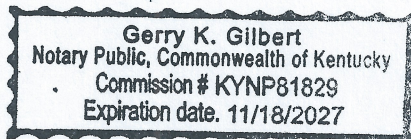
Sworn to and before me, a Notary, on this the 4th day of January, 2024.

Gerry K. Gilbert

(Notary signature)

My commission expires:

November 18, 2027



South Carolina plaintiffs seek to correct the civil rights record

Americans may recognize “Brown v. Board of Education” as the title of the 1954 landmark Supreme Court decision that made racial segregation under the “separate but equal” doctrine unconstitutional.

What most surely do not know is that the name may have resulted from a clerical error and should have been “Briggs v. Elliott.” That was the first desegregation case submitted both to a federal district court and to the Supreme Court — by a group of courageous citizens in Clarendon County, S.C., nearly 70 years ago.

Three people related to the original case have filed a petition with the Supreme Court to change the name from Brown to Briggs. They are Nathaniel Briggs, son of one original plaintiff, Harry Briggs, and two surviving plaintiffs, Beatrice



KATHLEEN PARKER
WASHINGTON POST

Brown Rivers and Ethel Brown Marshall, both of whom were children when they signed the petition.

The series of events that put Briggs in second place behind Brown is complicated and confusing, to say the least. Suffice it to say that the case that became Briggs was filed as a federal lawsuit in 1947, the first of its kind in the United States in the 20th century. It went to the Supreme Court in

1950, while Brown was filed in 1951 and decided in 1954.

That’s the basic chronology.

The problem for Briggs began when the Supreme Court remanded the case back to the South Carolina federal court seeking information on a specific point — whether \$750,000 promised by then-Gov. and former Supreme Court justice James F. Byrnes to rectify school transportation inequality was adequate to resolve the greater issue of racial inequality.

At the time, 30 school buses were available to the White children in District 26, but there were none — as in zero — for the Black children. Plaintiff Levi Pearson’s children had to walk nine miles each way to school and home every day. The case failed because Pearson allegedly didn’t pay taxes in District 26 (he didn’t have the receipt). The

court ruled that Pearson had no legal standing to sue.

Enter future Supreme Court Justice Thurgood Marshall, then the lead counsel for the NAACP, who answered the \$750,000 question in the negative. Accepting the advice of U.S. District Judge J. Waties Waring of Charleston, he retooled the Briggs case into a constitutional challenge to the “separate but equal” doctrine. Marshall got a local minister-turned-activist, the Rev. Joseph DeLaine, to find 20 parents to sign on as plaintiffs, and the rest is history, as they say.

On May 28, 1951, Marshall, Robert Carter and Spottswood Robinson brought the case before a three-judge panel, including Waring, at the federal courthouse in Charleston. The court ruled that the plaintiff was entitled to relief but denied an injunction to abolish segregation. In his dissent, Waring

wrote: “Segregation is per se inequality.”

The hitch is that when Briggs was subsequently returned to the Supreme Court, it was docketed behind Brown. It is understandable, given their history, that Briggs’s son and the other two plaintiffs feel stiffed by the secondary “et al” status.

The new Briggs case, filed in November by lead attorney Tom Mullikin of Camden, S.C., has cleared the first hurdle toward a possible hearing before the Supreme Court. It is among submissions that the justices are scheduled to review on Jan. 5 to decide which, if any, qualify to be heard.

The case seems clear enough. There’s no debating that Briggs was the first lawsuit to challenge the “separate but equal” rule, four years before Brown was decided. There’s also no debating that the White minority in Clarendon County punished its

Black citizens, who made up two-thirds of the county’s population, for trying to improve education for their children. The Black principal of the Black high school was fired and replaced by a man who had no college degree. Black citizens were denied credit by White-owned businesses and banks — and terrorized by a resurgence of the KKK with burnings, intimidation and at least one mysterious death.

Today, it’s hard to imagine how bad things were in Clarendon County, which was considered the most racist place in South Carolina and possibly the nation. The school that the children were walking to was a board-and-tar, one-room building without plumbing.

Once Marshall became involved in the Briggs cases, acts of

SEE PARKER/PAGE B7

HOLLAND

FROM PAGE B5

be and to appreciate all the good things that the past year has given us and all the blessings that are yet to come. January means “beginning” and as we plan our resolutions, they will most likely include developing physical, emotional, and spiritual lifestyle changes. You notice I used the word developing because our goals are often a lengthy process. For example, eating a salad or taking a walk today is not going to automatically make us healthy, but it’s a positive first step that will pay off if we can embrace that secret weapon called

perseverance. Let’s believe that anything is possible and just like all things in life, as optimism is a learned behavior, being diligent and determined are important components of personal transformation.

A lot can happen in a year and not everyone is in the mood for celebration. Many had difficulties and are trying to find the confidence to keep moving forward. Some have lost loved ones, or have received a negative health diagnosis, while others are filled with joy at the arrival of a child or grandchild, a new job, being wed, or buying a new home. As glasses are raised and fireworks explode into the sky, it’s important to

remember that character is the ability to carry out a realistic strategy long after the excitement of the moment has passed. If after a couple of weeks, you sense you are failing do not allow discouragement to intimidate you. May we realize that every day is a new opportunity to begin again. Albert Einstein is quoted as saying, “Learn from yesterday, live for today, and have hope for tomorrow.”

There have been many adaptations from the original Al-anon credo that encourage everyone to be realistic about trying to change everything all at once, as it’s important to realize that changing who we are is a lifestyle and not

just a whim. No one else can do this for us. We must see our need to change and be willing to do whatever it takes to be victorious. There is nothing wrong with having long-term goals, but it’s also important to focus on our mission one day at a time. Benjamin Franklin is quoted as saying, “How few there are who have the courage to own their faults, and the resolution to mend them.” It would be better to take it slow with permanent results than to go through the motions quickly become overwhelmed with frustration and eventually give up.

I’m sorry for what many of you walked through last year, and we know that God is the

only one who brings spiritual comfort in times of sorrow. Read John 14:27. I encourage you to think big and believe that nothing is impossible as you consider the old saying, “A ship in the harbor is safe, but that’s not what a ship is built for.” May we begin each day with gratitude and forgive those who have wronged us. Ephesians 4:32 says, “Be kind and compassionate to one another, forgiving each other, as Christ God forgave you.” Let’s laugh more and take the time to consider those around us and how much they mean to us. We have the choice to see the glass half-full and to bring hope and love at a time when the world needs it

the most. John Bunyan is quoted as saying, “You have not lived today until you have done something for someone who can never repay you.”

Our decisions contribute to our destiny and having a clear conscience is the path to living in spiritual contentment. Edith Lovejoy Pierce is quoted as saying, “We will open the book. The pages are blank. We are going to write the words ourselves. The book is called Opportunity, and its first chapter is New Year’s Day.”

Dr. Holland is a Christian minister, chaplain, and author. To learn more about the Christian life, visit billyhollandministries.com.

YANDELL

FROM PAGE B5

used actual cities, rivers and other existing landmarks to create an illusion of reality. While the novel was fiction, even though some of the characters resembled real people, it gained him notoriety as a serious writer and led to a successful career as a novelist.

The character in the novel, Jake, was impotent from a war wound. Many believe Hemingway was depicting the impotence of religion in his life and possibly the world and this accentuated his unwritten (or unspoken) personal opinion.

Hemingway’s title may have come from Ecclesiastes 1: 5 “The sun also rises, and the sun goes down, and chastens to the place where it arose.” Many see this verse by Solomon as explaining the movement of the planets in the solar system. Nonetheless, Solomon made the point

as in many other verses of the cycling of universe and “There is nothing new under the sun.”

Solomon, even though he was known for his wisdom (1Kings 4: 29-34) literally drove himself insane trying to determine a true purpose in life and contentment. Perhaps Hemingway suffered similar dilemmas in that he eventually committed suicide.

Hemingway suffered greatly from injuries and that possibly contributed to his suicide. The question most always asked of a suicide victim is, “Why?”

I find the parallels in Solomon and Hemingway are as intriguing as their writings. Their constant searching for knowledge, satisfaction and peace is apparent by their words. An Aristotle quote worth noting here is, “There is no great genius without some state of madness.”

While we have all witnessed the rising sun day after day in our own lives, the constant monotony of life and

boredom seem to intensify and multiply for many of us.

In our lifetimes here on earth, we witness the shining sun most days and yet we take for granted it will always come up in the east and set in the west. It seems to be eternal but in reality, it most certainly is not.

I can imagine Hemingway and Solomon sitting on an eastern seashore in the predawn hours waiting for the rising sun. One might have said to the other, “It’s starting to get light; here it must come again.” The other would have shrugged and mumbled, “I thought it would.”

The ancient Egyptians believed the sun died every night and was reincarnated every morning; thus their belief in reincarnation. Solomon, coming along a few hundred years later, obviously had a different insight.

Regardless of their thoughts concerning the sun or the analogies made, the sun is an actual hydrogen burning

star. The astronomers and other scientists tell us it has burned for five billion years and will burn another five billion.

Since mankind’s span of life here on earth is estimated at between ten and twenty thousand years, we have little worry of the sun burning out.

Our sun is a massive star that would hold 1.3 million earths. Astronomers have found stars one-hundred times larger than our sun. We can’t even imagine a number large enough to measure all the hydrogen in the universe. I wonder if there is such a thing as a cubic light year. However, we also know, even all those stars/suns will eventually die/burn out.

To describe a sun and to contemplate it burning ten billion years is mind boggling. But to tell us we can experience eternal life which is beyond measure or description, when all those stars are burnt out cinders, believers in the Lord Jesus will still be alive and praising God.

Romans 6: 23 “For the wages of sin is death, but the free gift of God is eternal life in Christ Jesus our Lord.”

Bible belief is simple; either you believe it or you don’t! Belief is a personal choosing based on teachings, logic, intellect and the leading of God’s spirit. The dangers of disbelief are many.

We were created spiritual beings as were King Solomon and Ernest Hemingway. The Bible conclusively states such an existence.

1 Corinthians 6: 19-20 “Know ye not that your body is the temple of the Holy Ghost which is in you, which ye have of God, and ye are not your own? For ye are bought with a price: therefore glorify God in your body, and in your spirit, which are God’s.”

I’ve often said to congregations, “When I look out at you, it’s not really you I’m seeing. It is only your earthly dwelling.” People, including Christians, have been taught of their existence as being flesh and blood, skin and

bone, mouth and brain. But that is not exactly the case.

The Bible clearly teaches when we believe, we become indwelt with God’s spirit (Matthew 3: 11, Acts 19: 2-6). His spirit joins our human spirit for eternity (Ephesians 5: 30-32).

Socrates said, “Know thyself.” As long as we are seeing ourselves as a physical body, our perspective of life and eternity will not change.

Solomon, because of the teaching of his father (King David) and his great wisdom would likely have regarded himself as a spiritual being. Ernest Hemingway, because of his intellect and extensive study, probably did also. Do you?

Van Yandell is a retired Industrial Arts teacher, an ordained gospel evangelist and commissioned missionary, from Fredonia, Kentucky. A part of the Bible Connection series. His email: vmy2121@outlook.com.

MISSED PAPER?

Always check your newspaper to make sure it is complete, including the correct number of pages and inserts as listed in the index box on the front page.

If you miss your newspaper or if it is not complete, call 270-247-5223 weekdays.

Banjo Creek Solar LLC gives notice that the Kentucky State Board on Electric Generation and Transmission Siting shall convene a public meeting on January 16, 2024, at 5:00 p.m. Central Standard Time, at the Graves County Public Library, 601 N. 17th Street, Mayfield, Kentucky 42066 for the purpose of receiving public comment on the Application of Banjo Creek Solar LLC for a Certificate of Construction for an Approximately 120 Megawatt Merchant Electric Solar Generating Facility in Graves County, Kentucky, Case No. 2023-00263.

