

**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)	Case No. 2023-00263
KAR 5:110)	

**BANJO CREEK SOLAR LLC’S
PETITION FOR RECONSIDERATION AND CLARIFICATION**

Banjo Creek Solar, LLC (“Banjo Creek”), by counsel, hereby respectfully submits this Petition for Reconsideration and Clarification to address certain issues arising out of the Kentucky State Board on Electric Generation and Transmission Siting’s (“Siting Board”) Order issued on March 5, 2024 (the “Order”). In support of its motion, Banjo Creek states as follows:

Banjo Creek proposes to construct an approximately 120-megawatt alternating current photovoltaic electricity generation facility, situated on land in Graves County (the “Project”). It filed an application for a certificate to construct this solar-energy project with the Siting Board on September 7, 2023. On March 5, 2024, the Siting Board approved a certificate to construct the Project. As a part of its Order, the Siting Board requires Banjo Creek to comply with certain mitigation measures.

Banjo Creek has reviewed the Siting Board’s proposed mitigation measures and has determined the majority of the measures are acceptable to Banjo Creek. This Petition is designed to seek changes and clarifications to two mitigation measures that inconsistent with the underlying

record. Banjo Creek does not believe that any of its requested modifications are contrary to the intent of the Siting Board.

I. Decommissioning Plan

As the Siting Board correctly stated in the body of its order, “Banjo Creek submitted a decommissioning plan with the application.”¹ The Siting Board’s mitigation measure 31, however, requires the submission of a decommissioning plan.

In order to rectify this discrepancy, Banjo Creek respectfully requests that mitigation measure 31 be stricken and replaced with the comparable measure implemented in a recent case,² as follows: “Banjo Creek did file a decommissioning plan with the Siting Board. If this decommissioning plan should change Banjo Creek shall comply with the Energy and Environment Cabinet pursuant to KRS 278.710(9).”

II. Contact Information to Local Authorities

As the Siting Board stated in the body of its order, “Graves County does not have Planning and Zoning and has not enacted any zoning ordinances or setback requirements.”³ The Siting Board’s mitigation measure 35, however, requires Banjo Creek to provide contact information to the “Graves County Planning & Development Commission.” Banjo Creek is not aware that this entity exists. Accordingly, Banjo Creek respectfully requests that mitigation measure 35 be modified with the comparable measure implemented in a recent case⁴ in which a county did not have planning and zoning, as follows:

Banjo Creek shall provide the ~~Graves County Planning & Development Commission~~ Graves County Judge Executive contact information for individuals within the company that can be contacted with concerns. This shall include contact information for

¹ Order at 25.

² See *Banjo Creek Solar LLC*, Case No. 2023-00256 (K.S.B. Feb. 28, 2024) at Appendix A ¶ 29.

³ Order at 20.

⁴ See *Banjo Creek Solar LLC*, Case No. 2023-00256 (K.S.B. Feb. 28, 2024) at Appendix A ¶ 29.

the general public to reach individuals that can address their concerns. Banjo Creek shall update this contact information yearly, or within 30 days of any change in contact information.

For these reasons, Banjo Creek respectfully requests the foregoing modifications be made by the Siting Board on mitigation measures 31, and 35.

Respectfully submitted,



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