

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

In the Matter of:)
)
Application of Banjo Creek Solar, LLC for a)
Certificate of Construction for an Approximately 120) **Case No. 2022-00263**
Megawatt Merchant Electric Solar Generating Facility)
in Graves County, Kentucky Pursuant to KRS 278.700)
and 807 KAR 5:10)

NOTICE OF FILING

Banjo Creek Solar, LLC (“Banjo Creek”), by counsel, provides notice that it is filing the attached Motion to Consolidate, which was filed into the record of Case No. 2023-00320.

RESPECTFULLY SUBMITTED,

STURGILL, TURNER, BARKER & MOLONEY, PLLC



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

In the Matter of:

**Electronic Application on behalf of Banjo Creek Solar)
LLC for a Certificate of Construction for: A 161kV)
Nonregulated Electric Transmission Line up to) Case No. 2023-00320
approximately 2,000 Feet in Length in Graves)
County, Kentucky Pursuant to KRS 278.700, et seq.)
and 807 KAR 5:110)**

MOTION TO CONSOLIDATE

Banjo Creek Solar LLC (“Banjo Creek Solar”), by counsel, respectfully moves the Siting Board for an order consolidating this proceeding with and into Case No. 2023-00263. In support of this motion, Banjo Creek Solar states as follows.

1. On September 7, 2023, Banjo Creek Solar filed an application for a construction certificate for an electric generating facility in Case No. 2023-00263. In its application Banjo Creek Solar confirmed that no separate approval for a transmission line connecting the Project’s substation to a utility switchyard is necessary or, in the alternative, approve a construction certificate for a transmission line between the project switchyard and utility substation and for a transmission line between the utility substation and the utility’s existing transmission line.¹ The Application noted that the transmission line between the Project’s substation to a utility switchyard was anticipated to be less than 500 feet.

¹ See Application Pleading at ¶6.

2. On October 25, 2023 and out of an abundance of caution, Banjo Creek Solar filed a separate application in the above-styled matter for potential approval of the nonregulated transmission line connecting the Project's substation to a utility switchyard. In the Application, Banjo Creek Solar specifically seeks an order confirming that a construction certificate is not required for this project, or in the alternative, approve a construction certificate for Banjo Creek Solar to construct its proposed non-regulated transmission line. The application also noted that transmission line will be up to approximately 2,000 feet in length, which provides additional flexibility for project development, in comparison to a maximum of 500 feet.

3. Several factors support consolidation of cases:

a. The transmission line connecting the Project's substation to a utility switchyard is an integral component of the proposed generating facility. Without a connection between the substation and switchyard, the energy generated by the facility could not be supplied to Tennessee Valley Authority's transmission system.

b. Consolidation of the cases will allow the Siting Board, its Staff, its consultant, and intervenors to obtain information about the generating facilities, including the transmission line, in the same matter, which supports administrative efficiency.

c. The procedural schedule set forth in Case No. 2023-00263 can be utilized to ensure the issues are considered in conjunction with each other.

WHEREFORE, Banjo Creek Solar respectfully requests that the Siting Board enter an order consolidating this proceeding with and into Case No. 2023-00263 and incorporate the record of this matter (Case No. 2023-00320) into Case No. 2023-00263.

Respectfully submitted,



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