

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

<b>In the Matter of:</b>	)	
	)	
<b>ELECTRONIC APPLICATION OF MANTLE ROCK</b>	)	
<b>SOLAR, LLC FOR A CERTIFICATE OF</b>	)	<b>Case No. 2024-00050</b>
<b>CONSTRUCTION FOR AN APPROXIMATELY 42-</b>	)	
<b>MEGAWATT MERCHANT ELECTRIC SOLAR</b>	)	
<b>GENERATING FACILITY IN LIVINGSTON</b>	)	
<b>COUNTY, KENTUCKY PURSUANT TO KRS 278.700</b>	)	
<b>AND 807 KAR 5:110</b>	)	

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**MOTION**

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Pursuant to KRS 278.700 et seq., and 807 KAR 5:110, Mantle Rock Solar LLC (“Mantle Rock”), by counsel, respectively submits this Motion addressing three issues: (1) the date on which the application is deemed to be filed, (2) the procedural schedule of this case, and (3) an amendment to the style of the case. In support of this application, Mantle Rock states as follows:

**I. The Date of Application**

Mantle Rock seeks an order from the Siting Board deeming the date of filing of the Application to be August 25, 2025, which would be consistent with how the Siting Board has handled at least 31 cases filed since 2020. The Siting Board Staff initially deemed the application in this case to be deficient on August 27, 2025, because the Staff determined that “proof of service” of the application on the Judge/Executive was not initially submitted with the application. Mantle Rock respectfully submits that the Staff’s determination is incorrect, and for the following reasons, the Siting Board could confirm the filing date of the Application to be August 25, 2025.

Mantle Rock initially filed its application on August 25, 2025, by uploading the application materials to the Public Service Commission’s online docketing system. Within this

application, the undersigned counsel signed and submitted a “Certificate of Service” within its “Pleading,” certifying that a copy of the application would be served on Livingston County Judge/Executive Michael Williams through his publicly available email address.<sup>1</sup>

On August 27, 2025, the Siting Board Staff issued a letter of determination suggesting that “[p]roof of service was not provided with [the] application,” despite the fact that the application contained the Certificate of Service. On the next day, Mantle Rock submitted a response, in which it pointed to the Certificate of Service in the Pleading and explained why such a Certificate is sufficient to meet the “proof of service” requirement in the statute.<sup>2</sup> In addition to this explanation, Mantle Rock attached a copy of the email to the Livingston County Judge/Executive and his response confirming receipt on August 25, 2025.

On August 29, 2025, the Siting Board Staff issued a second letter, indicating that Mantle Rock’s August 28, 2025, submission satisfied the minimum filing requirements. The Siting Board Staff “stamped” the application to be filed as of August 28, 2025. The determination of the as-filed date, however, is inconsistent with general legal principles and the wealth of Siting Board precedent, which demonstrate that a Certificate of Service is sufficient to demonstrate proof of service.

The Certificate of Service is sufficient to meet the requirements of KRS 278.706 that requires the application to include: “Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed facility is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located.” First and foremost, this approach is consistent with legal practice in the Commonwealth. Kentucky Rule of Civil

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<sup>1</sup> A copy of this Pleading is attached as **Exhibit 1**.

<sup>2</sup> A copy of this response letter is attached as **Exhibit 2**.

Procedure (CR) 5.03 explicitly states that “[p]roof may be by certificate of a member of the bar of the court.” CR 5.03 also indicates that “electronic service must state the electronic notification address of the person served and that the document was served electronically,” which is precisely what was done in the Certificate of Service.

The Kentucky Court of Appeals has confirmed this principle. “Proof of service may be by a member of the bar of the court.” *See Huddleston v. Murley*, 757 S.W.2d 216, 218 (Ky. App. 1988) (citing CR 5.03). The *Huddleston* court also mentioned that the attorney’s certification had not been challenged, and “[t]hus, his motion was timely served.” With respect to Mantle Rock, not only is the attorney’s certification not challenged, there is evidence to verify that it occurred. Accordingly, the as-filed application date should be deemed to be August 25, 2025.

In addition to Kentucky legal authorities, jurisdictions from across the country have also indicated that an attorney’s certificate of service is sufficient proof of service. *See, e.g., Sekel v. CH MF BTH II*, 2025 WL 1825535, at \*1 (E.D. Va. Mar. 24, 2025)(quoting *Frederick v. Koziol*, 130 F.R.D. 620, 623 (E.D. Va. 1990)(collecting cases)) (“Service by mail is complete upon mailing, and an attorney’s certificate of service is sufficient proof of service.”); *Clark v. Clark*, 468 So. 2d 259, 260 (Fla. Dist. Ct. App. 1985) (“A certificate of service signed by an attorney should be taken as prima facie proof of service.”)

In addition to the Civil Rules, a similar mechanism is provided in administrative regulations promulgated by the Public Service Commission, which is the administrative arm of the Siting Board. Section 6 of 807 KAR 5:001 explicitly allows proof of service to be provided “by certificate of the filer’s attorney.” Mantle Rock’s Certificate of Service by its attorney also complies with the Public Service Commission regulations.

In addition to being consistent with general legal principles, Mantle Rock's approach in providing proof of service through its attorney's Certificate of Service is consistent with at least 30 Siting Board cases in which a certificate of service (or similar statement) was accepted as proof of service. Specifically, no deficiencies regarding proof of service were noted in the following cases:

- Turkey Creek Solar, LLC, Case No. 2020-00040
- Glover Creek Solar, LLC, Case No. 2020-00043
- AEUG Fleming Solar, LLC, Case No. 2020-00206
- AEUG Madison Solar, LLC, Case No. 2020-00219
- Unbridled Solar, LLC, Case No. 2020-00242
- Horseshoe Bend Solar, LLC, Case No. 2020-00190
- Northern Bobwhite Solar LLC, Case No. 2020-00208
- Ashwood Solar I, LLC, Case No. 2020-00280
- Flat Run Solar, LLC, Case No. 2020-00272
- Meade County Solar LLC, Case No. 2020-00390
- McCracken County Solar LLC, Case No. 2020-00392
- Mt Olive Creek, LLC, Case No. 2020-00226
- Martin County Solar Project, LLC, Case No. 2021-00029<sup>3</sup>
- Fleming Solar, LLC, Case No. 2020-00370
- Horus Kentucky 1 LLC, Case No. 2020-00417
- Henderson County Solar LLC, Case No. 2020-00391
- Rhudes Creek Solar, LLC, Case No. 2021-00127
- Caldwell Solar, LLC, Case No. 2020-00244
- Bluebird Solar, LLC, Case No. 2021-00141
- Bluemoon Solar, LLC, Case No. 2021-00414
- Russellville Solar, LLC, Case No. 2021-00235
- Telesto Energy Project LLC, Case No. 2022-00096<sup>4</sup>
- Golden Solar, LLC, Case No. 2020-00243
- Pine Grove Solar, LLC, Case No. 2022-00262
- Song Sparrow Solar LLC, Case No. 2023-00256

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<sup>3</sup> It does not appear that Martin County Solar submitted a signed certificate of service, but merely mentioned the application was electronically transmitted to the judge/executive.

<sup>4</sup> The *Telesto* case is notable, as the Siting Board Staff determined that there was a deficiency with Telesto's initial submission of the application because the Staff believed that the application did not indicate the chairman of the Planning and Zoning Commission had been served. The Staff later accepted a Certificate of Service signed by Telesto's attorney as proof of service.

- Banjo Creek Solar LLC, Case No. 2023-00263
- Dogwood Corners LLC, Case No. 2023-00246
- Kentucky Municipal Energy Agency, Case No. 2024-00290
- Lost City Renewables, LLC, Case No. 2024-00406
- Summer Shade Solar, LLC, Case No. 2025-00064
- Lost City Renewables, LLC, Case No. 2025-00030

Based on the volume of cases cited above, it appears that the Siting Board Staff's determination in this case of the as-filed application date being August 28, 2025, was a mere oversight. It would be patently unfair to Mantle Rock for the Siting Board to require Mantle Rock to adhere to a different standard as compared to approximately 31 other similarly situated filings when the standard has not changed. Treating similarly situated entities dissimilarly is arbitrary and violates equal protection of the law. Accordingly, Mantle Rock respectfully requests the Siting Board deem the Application filed as of August 25, 2025.<sup>5</sup>

## **II. Procedural Schedule**

Mantle Rock seeks an order from the Siting Board amending the procedural schedule issued in this case for clarity and in consideration of holidays. The Siting Board issued an order on September 8, 2025, which included a procedural schedule "to ensure for the orderly processing of this proceeding." The sequencing of events and duration between deadlines contained in the procedural schedule is common to the processing of recent Siting Board cases. However, most of the specific filing deadlines—from motions to intervene to the submission of a response to the consultant's report—were set on Saturdays. In addition, the deadlines by which Mantle Rock would be required to submit responses to the second request for information and response to the consultant's report would have deadlines set for the Saturday of Thanksgiving and Christmas weekends.

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<sup>5</sup> At the very least, the Siting Board should deem Mantle Rock's application to be filed on August 25, 2025, to be consistent with the Siting Board Staff's prior determinations, and if applicable, advise how this filing requirement should be addressed for *future* applications.

Although KRS 446.030 would likely guide the handling of these deadlines, it would be beneficial to clarify these deadlines. In addition, Mantle Rock suggests the various deadlines be accelerated from the current procedural schedule by a few days to better address holidays.<sup>6</sup> Mantle Rock's proposal would still ensure the Siting Board and its Staff receive necessary information sufficiently in advance of the scheduled hearing on January 8, 2026, as the deadlines would be set to earlier dates. Accordingly, Mantle Rock proposes the following schedule:<sup>7</sup>

Completed application filed on .....	08/25/2025
Motions to intervene shall be filed no later than .....	09/24/2025
Requests for a public hearing shall be filed no later than.....	09/24/2025
First requests for information to Mantle Rock shall be filed no later than .....	10/06/2025
Mantle Rock shall file responses to first requests for information no later than .....	10/20/2025
Supplemental requests for information to Mantle Rock shall be filed no later than .....	11/10/2025
Mantle Rock shall file responses to supplemental requests for information no later than.....	11/25/2025
Siting Board consultant's site assessment report shall be filed no later than .....	12/12/2025
Mantle Rock shall file its response addressing findings and recommended mitigation measures, if any, no later than .....	12/23/2025
Public Hearing to be held at 9 a.m. Eastern Standard Time in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Mantle Rock and Intervenors .....	01/08/2026
Statutory deadline .....	02/23/2026

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<sup>6</sup> In addition to Thanksgiving and Christmas, the proposed schedule considers Veteran's Day.

<sup>7</sup> Mantle Rock acknowledges that the Siting Board issued a prior order indicating that the deadline for motions to intervene and requests for local hearing.

### **III. Style of the Case**

Mantle Rock seeks an order from the Siting Board amending the style of the case to reflect that the proposed facility would be capable of generating 42 megawatts. Initially, Mantle Rock anticipated that the project would be approximately 65 MWac. In consultation with the transmission-line owner, however, the project has scaled back to 42 MWac. Mantle Rock respectfully requests modification of the style of this action to reflect the correct anticipated energy production of the project. This issue was previously noted in the Application Pleading at footnote 1.

### **IV. Conclusion**

For the reasons stated above, Mantle Rock respectfully requests an order from the Siting Board (1) confirming the application is deemed to be filed on August 25, 2025, (2) amending the procedural schedule of this case, and (3) and amending the style of the case.

Respectfully submitted,



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ATTORNEYS FOR MANTLE ROCK SOLAR LLC

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

**In the Matter of:** )  
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**ELECTRONIC APPLICATION OF MANTLE ROCK** )  
**SOLAR, LLC FOR A CERTIFICATE OF** ) **Case No. 2024-00050**  
**CONSTRUCTION FOR AN APPROXIMATELY 65-** )  
**MEGAWATT MERCHANT ELECTRIC SOLAR** )  
**GENERATING FACILITY IN LIVINGSTON** )  
**COUNTY, KENTUCKY PURSUANT TO KRS 278.700** )  
**AND 807 KAR 5:110** )

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**APPLICATION TO CONSTRUCT  
MERCHANT ELECTRIC GENERATING FACILITY**

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Pursuant to KRS 278.700 et seq., and 807 KAR 5:110, Mantle Rock Solar LLC (“Mantle Rock”), by counsel, submits this application for a construction certificate to construct a merchant electric generating facility. In support of this application, Mantle Rock states as follows:

1. Mantle Rock is a limited liability company organized under the laws of Delaware on August 15, 2022, with a principal place of business of 117 4<sup>TH</sup> St. NE, Charlottesville, VA 22902. Mantle Rock can be reached at the phone number of (434) 394-0035. Mantle Rock is authorized to do business in Kentucky as of February 14, 2024.
2. The proposed Mantle Rock Solar Facility will be up to 42-megawatt<sup>1</sup> alternating current (MWac) photovoltaic electricity generation facility with a battery storage system. The proposed Mantle Rock Project will be located in the vicinity of the intersection of Maxfield and Carrsville Road. The latitude and longitude are 36°31'51.47"N, 88°23'24.85"W.
3. Pursuant to KRS 278.706, Mantle Rock Solar will hand-deliver its application fee.

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<sup>1</sup> Initially, Mantle Rock anticipated that the project would be approximately 65 MWac. In consultation with the transmission owner, however, the project has scaled back to 42 MWac. Mantle Rock respectfully requests modification of the style of this action to reflect the correct anticipated energy production of the project.



4. Mantle Rock, through its attorneys identified below, has the ability to receive electronic transmissions in this matter at the electronic mail addresses listed below.
5. Please refer to the attached Table of Contents and related information.
6. The Project will include a transmission line connecting the Project's substation to a substation owned by Big Rivers Electric Corporation. It is anticipated that the line will be approximately a few hundred feet in length. This infrastructure is located within the parcels to be used for the Project, as identified in the Preliminary Site Layout, which is Appendix B to the Site Assessment Report. In prior cases, the Siting Board has confirmed that similar transmission lines do not require separate approval from the Siting Board under KRS 278.700, et seq. *See, e.g., Pine Grove Solar, LLC*, Case No. 2022-00262 (K.S.B. May 26, 2023).

WHEREFORE, Mantle Rock respectfully requests that the Siting Board (a) accept for filling this Application in accordance with 807 KAR 5:100, Section 3(3), (b) approve a construction certificate for Mantle Rock to construct its Project, and (c) confirm that no separate approval for a transmission line is necessary or, in the alternative, approve a construction certificate for a transmission line between the project switchyard and utility substation.

Respectfully submitted,



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ATTORNEYS FOR MANTLE ROCK SOLAR LLC

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Application has been served via e-mail on August 25, 2025, upon the following:

Livingston County Judge/Executive Michael Williams  
[livcojudge@livingstonco.ky.gov](mailto:livcojudge@livingstonco.ky.gov)

A handwritten signature in black ink, appearing to read "M. John O'Connell", written over a horizontal line.

Counsel for the Mantle Rock Solar LLC



**Sturgill, Turner, Barker & Moloney, PLLC**  
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**M. Todd Osterloh**  
Member  
tosterloh@sturgillturner.com

August 28, 2025

Linda Bridwell, Executive Director  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602-0615

Re: **Case No. 2024-00050**  
*Mantle Rock Solar LLC*

Dear Ms. Bridwell:

Mantle Rock Solar LLC (“Mantle Rock”), by and through counsel, hereby submits its response to the Commission Staff’s letter dated August 27, 2025, regarding a potential filing deficiency in Mantle Rock’s application filed on August 25, 2025. In the letter, Commission Staff noted that “[p]roof of service was not provided with application.” It also referenced KRS 278.706(2)(h) that requires the application to include the following: “Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed facility is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located.”

Mantle Rock respectfully submits that it complied with this statutory requirement by submitting a Certificate of Service with its “Pleading,” certifying that it is served on the Judge/Executive (the chief executive officer of the county). Counsel for Mantle Rock has submitted approximately 20 applications for a construction certificate over the last five years with a similar Certificate, all of which have been accepted as “proof of service.” We do not believe any applications with this certification have not been accepted based on this issue.

Mantle Rock submits that this certification should be sufficient to meet the requirements of KRS 278.706. This certification is consistent with the Kentucky Rules of Civil Procedure that authorize certification by “a member of the bar of the court” that includes “electronic service must state the electronic notification address of the person served and that the document was served electronically.” CR 5.03. A similar mechanism is provided in Section 6 of 807 KAR 5:001—regulations promulgated by the Public Service Commission, which is the sister agency of the Siting Board—and allows proof of service to be provided “by certificate of the filer’s attorney.”

In addition to this “proof,” Mantle Rock is providing a copy of the email to the Livingston County Judge/Executive with electronic access to the application and a response indicating receipt of the email.

Based on the foregoing information, Mantle Rock respectfully requests the Siting Board accept its application as of **August 25, 2025**.

The undersigned counsel certifies that the document filed electronically is a true, accurate and complete representation of the original document and has been transmitted to the Commission. No party to this case has been excused from participation by electronic means.

Please contact me if you have any questions.

Sincerely,  
STURGILL, TURNER, BARKER & MOLONEY, PLLC

  
M. Todd Osterloh

cc: livcojudge@livingstonco.ky.gov

**From:** [livcojudge@livingstonco.ky.gov](mailto:livcojudge@livingstonco.ky.gov)  
**To:** [Todd Osterloh](#)  
**Subject:** RE: Mantle Rock Solar - KSB Application  
**Date:** Monday, August 25, 2025 9:59:26 PM

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Thank you for sharing.

**From:** Todd Osterloh <tosterloh@sturgillturner.com>  
**Sent:** Monday, August 25, 2025 6:35 PM  
**To:** livcojudge@livingstonco.ky.gov  
**Cc:** Jade Cessna <jade.cessna@atlantica.com>; Rebecca C. Price <rprice@sturgillturner.com>  
**Subject:** Mantle Rock Solar - KSB Application

This message was sent securely using Zix<sup>®</sup>

Judge Williams:

I represent Mantle Rock Solar, LLC. I believe that Jade Cessna informed you that we would be filing an application with the Kentucky Siting Board for approval of a construction certificate. That application was electronically filed this evening. As a part of the statutory requirements, we must provide you notice of and access to the application.

You may view the application materials on the Public Service Commission's website (which also functions as administrative staffing for the Siting Board). Here is a link to the online case file: <https://psc.ky.gov/Case/ViewCaseFilings/2024-00050>

**M. Todd Osterloh**

Member

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