

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF)	
WEIRS CREEK SOLAR, LLC FOR A)	
CERTIFICATE TO CONSTRUCT AN)	
APPROXIMATELY 150 MEGAWATT)	
MERCHANT SOLAR ELECTRIC)	CASE NO. 2024-00099
GENERATING FACILITY IN WEBSTER)	
COUNTY AND HOPKINS COUNTY,)	
KENTUCKY PURSUANT TO KRS 278.700)	
ET SEQ. AND 807 KAR 5:110)	

WEIRS CREEK SOLAR, LLC'S
VERIFIED APPLICATION FOR A
CONSTRUCTION CERTIFICATE

Comes now Weirs Creek Solar, LLC (“Weirs Creek” or the “Applicant”), by counsel pursuant to KRS 278.700 *et seq.*, 807 KAR 5:110, 807 KAR 5:120, and other applicable law, and does hereby tender its Application for the award of a Certificate to Construct an approximately 150 megawatt (MW) merchant solar generating facility in Webster and Hopkins Counties, and an approximately 0.85 mile nonregulated transmission line (collectively the “Project”) and respectfully states as follows:

I. INTRODUCTION

1. Weirs Creek is an indirect subsidiary of NextEra Energy Resources, LLC (“NEER”), a leading wholesale power generator, operating power plants and offering a diverse fuel mix to utilities, retail electricity providers, power cooperatives, municipal electric providers and large industrial companies. NEER is the world’s largest generator of renewable energy from

the wind and the sun, having invested billions of dollars – with plans to invest even more – in energy infrastructure across North America. NEER entered the solar generation business in 1989 and has significantly expanded its solar development to approximately 3,629 MW of utility and small-scale operating assets. NEER’s unparalleled experience, resources and commitment to the communities it serves assures that the Project will be a lasting benefit to Webster and Hopkins Counties.

2. Weirs Creek proposes to construct the Project, a solar electric generating facility that will be capable of generating approximately 150 MWs of electricity from a solar array within a total of approximately 2,260 leased acres and 810-acres within the fence line. This acreage is located in Webster and Hopkins Counties. Weirs Creek includes approximately 384,128 photovoltaic solar panels, associated racking, 41 inverters, and a project substation transformer. The Project will interconnect with the Big Rivers Electric Corporation Reid-Hopkins 161 kV transmission line via the approximately 0.85-mile 161 kV nonregulated transmission line.

II. FILING REQUIREMENTS

3. Pursuant to KRS 278.706(2)(a), KRS 278.714(2)(a), 807 KAR 5:120, Section 2(1)(a) and 807 KAR 5:0001, Section 14, the applicant’s name and address are as follows:

Weirs Creek Solar, LLC
700 Universe Boulevard
Juno Beach, Florida 33408
Phone: (561) 365-5956

Weirs Creek is a foreign limited liability company organized under the laws of Delaware on December 8, 2022, that is registered, in good standing and authorized to conduct business within the Commonwealth of Kentucky. A copy of Weirs Creek’s authorization to conduct business within the Commonwealth of Kentucky is attached as **Exhibit 1**.

4. Pursuant to KRS 278.706(2)(b), the Project is to be located on a site encompassing approximately 2,260 acres that is located near Providence, Kentucky. A more detailed description of the Project site, including a map showing the distance of the Project from residential neighborhoods, residential structures, and public and private parks within a two-mile radius of the proposed facility is attached as **Exhibit 2**.

5. Pursuant to KRS 278.706(2)(c) and KRS 278.714(2)(e), evidence that the requisite public notice has been timely given is attached as **Exhibit 3**. The attached notice: (a) includes the location of the proposed solar generating facility and appurtenances thereto; (b) includes a general description of the Project and the nonregulated transmission line; (c) confirms that the Project is subject to approval by the Siting Board; and (d) provides the telephone number and address of the Siting Board. Weirs Creek further affirms that the notice was given in the prescribed statutory manner within thirty (30) days immediately preceding the application filing to participating landowners, landowners whose property borders the Project site, and to the general public.

6. Pursuant to KRS 278.702(2)(d), a certification that the Project will be in compliance with all local applicable ordinances and regulations concerning noise control and local planning and zoning ordinances is attached as **Exhibit 4**.

7. Pursuant to KRS 278.706(2)(e), Weirs Creek states that the Project will not be located on the site of a former coal processing plant, nor will it use on-site waste coal as a fuel source. The Project does not involve the construction or use of an exhaust stack or wind turbine. The facility is proposed in a jurisdiction that does not have established setback requirements pursuant to KRS 278.704 (3) as stated in Exhibit 5.

8. Pursuant to KRS 278.706(2)(f), Weirs Creek has engaged in extensive efforts to involve the public in activities and educational efforts involving the Project prior to filing this Application. These efforts are set forth in **Exhibit 6**.

9. Pursuant to KRS 278.706(2)(g), a summary of the efforts Weirs Creek has made to locate the proposed facility on a site where existing electric generation facilities are located is attached in **Exhibit 7**.

10. Pursuant to KRS 278.706(2)(h) and KRS 278.714(2)(f), Weirs Creek has sent a copy of the Application to the County Judge-Executives of both Webster and Hopkins County, the Planning Director of the Hopkins County Joint Planning Commission, and the Mayor of Providence, Kentucky. Copies of the cover letters are attached as **Exhibit 8**.

11. Pursuant to KRS 278.706(2)(i), an analysis of the Project's projected effect on the electric transmission system in Kentucky is attached as **Exhibit 9**.

12. Pursuant to KRS 278.706(2)(j), an analysis of the Project's projected economic impact upon the local region and state is attached as **Exhibit 10**.

13. Pursuant to KRS 278.706(2)(k), a statement regarding any violations of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, on the part of Weirs Creek or any person with an ownership interest in Weirs Creek, which have resulted in a criminal conviction, or civil, or administrative fines exceeding five thousand dollars (\$5,000) is attached as **Exhibit 11**.

14. Pursuant to KRS 278.706(2)(l), a Site Assessment Report as delineated in KRS 278.708, is attached as **Exhibit 12**.

15. Pursuant to KRS 278.706(2)(m), the decommissioning plan is included in the Site Assessment Report attached as **Exhibit 12**.

16. Although Weirs Creek is not seeking a deviation request pursuant to KRS 278.704(4) it is attaching as **Exhibit 13** a copy of the Cumulative Environmental Assessment tendered to the Kentucky Energy and Environment Cabinet on June 5, 2024 in compliance with KRS 224.10 – KRS 280.

17. Pursuant to KRS 278.714(2)(b), a full description of the proposed route of the proposed transmission line and its appurtenances is attached as **Exhibit 14**. The exhibits include maps showing the location of the proposed transmission line and all structures that will support it, the proposed centerline and right-of-way limits, existing property lines, and the names of the property owners who own the property over which the transmission line will cross as indicated by the maps of the applicable property valuation administrator, and the distance of the proposed transmission line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities. In accordance with 807 KAR 5:120, Section 2(2), the map Weirs Creek is providing is set forth in a scale of no less than one (1) inch equaling 1,000 feet for the proposed transmission line. Included with the maps are sketches of the proposed typical transmission line support structures.

18. Pursuant to KRS 278.714(2)(c), a full description of the proposed electric transmission line and appurtenances is attached as **Exhibit 15**. The exhibit includes the proposed design voltages and capacities, the length of the line, terminal points, and substation connections.

19. Pursuant to KRS 278.714(2)(d), Weirs Creek states that the proposed electric transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code. An affidavit affirming this is attached in **Exhibit 16**.

20. Pursuant to KRS 278.714(2)(e), Weirs Creek states that the public notice of the nonregulated transmission line was published in conjunction with the notice of the Application for the Project as a whole. This notice can be found in **Exhibit 3**.

21. Pursuant to KRS 278.714(2)(f), Weirs Creek states that the proof of service of the Application to the County Judge-Executives of both Webster and Hopkins County, the Planning Director of the Hopkins County Joint Planning Commission, and the Mayor of Providence, Kentucky was included with the proof of service of the Application as a whole. Copies of the cover letters are attached as **Exhibit 8**.

22. Pursuant to KRS 278.714(3), Weirs Creek states that the proposed route of the electric transmission line will minimize significant adverse impact to the scenic assets of Kentucky and that Weirs Creek will construct and maintain the line according to all applicable legal requirements.

III. FILING FEE

23. Pursuant to KRS 278.706(3), KRS 278.716, and 807 KAR 5:100, Section 1, the nameplate capacity of the Project is 150 MW. Accordingly, Weirs Creek is required to submit an application fee of \$150,000. Pursuant to KRS 278.714(6) and 807 KAR 5:100, Section 2 Weirs Creek is required to submit an application fee for the nonregulated transmission line in the amount of \$10,000. Weirs Creek is tendering a check in the amount of \$160,000 to be deposited into the Siting Fund.

IV. CONCLUSION

24. As provided above, the Project fully complies with KRS 278.700 – KRS 278.716, and by having the unique ability to leverage NEER’s experience, resources, and commitment to

communities it serves, Weirs Creek is perfectly suited to develop the Project in Webster and Hopkins Counties, Kentucky.

WHEREFORE, on the basis of the foregoing, Weirs Creek respectfully request the Siting Board to:

1. Grant a Construction Certificate for the Project; and
2. Award any and all other relief to which Weirs Creek Solar, LLC might be entitled.

On this the 5th day of June 2024.

Respectfully submitted,

Heather S. Temple

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Brittany Hayes Koenig
Heather S. Temple
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brittany@hloky.com
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(859) 368-8803

Counsel for Weirs Creek Solar, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Application has been served by depositing same into the custody and care of the United States Postal Service, postage pre-paid, on this 20th day of May, 2024, addressed to the following:

Hon. Steve Henry
Webster County Judge Executive
25 US Hwy 41A-S
P.O. Box 155
Dixon, Kentucky 42409

Hon. Jack Whitfield, Jr.
Hopkins County Judge Executive
56 North Main Street
Madisonville, Kentucky 42431

Katie Wyatt
Hopkins County Joint Planning Commission
67 North Main Street
Madisonville, Kentucky 42431

Mayor Doug Hammers
Providence Municipal Building
PO Box 128
201 East Main Street
Providence, Kentucky 42450

Heather S. Temple

Counsel for Weirs Creek Solar, LLC

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

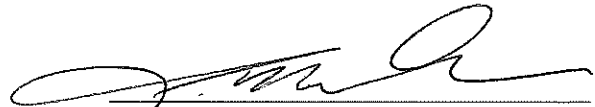
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IN WEBSTER COUNTY AND HOPKINS)
COUNTY, KENTUCKY PURSUANT)
TO KRS 278.700 ET SEQ. AND 807 KAR 5:110)

CASE NO. 2024-00099

VERIFICATION OF LESTER MORALES

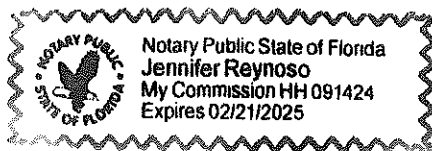
Comes now Lester Morales, on behalf of Weirs Creek Solar, LLC, and after first being duly sworn, does hereby swear and affirm that the foregoing application and information attached thereto is true and correct to the best of my knowledge and belief, and formed after reasonable due diligence and inquiry, as of this the 29th of May, 2024.


Lester Morales


NOTARY PUBLIC

Commission No.: 11H091424

Commission Expires: 2-21-25



COMMONWEALTH OF KENTUCKY

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ELECTRIC GENERATION AND TRANSMISSION SITING

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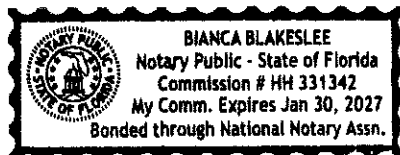
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IN WEBSTER COUNTY AND HOPKINS)
COUNTY, KENTUCKY PURSUANT)
TO KRS 278.700 ET SEQ. AND 807 KAR 5:110)

CASE NO. 2024-00099

VERIFICATION OF BRIAN BARTELS

Comes now Brian Bartels, on behalf of Weirs Creek Solar, LLC, and after first being duly sworn, does hereby swear and affirm that the foregoing application and information attached thereto is true and correct to the best of my knowledge and belief, and formed after reasonable due diligence and inquiry, as of this the 22nd of May, 2024.

Brian Bartels
Brian Bartels



[Signature]
NOTARY PUBLIC

Commission No.: HH331342

Commission Expires: 1-30-27

**Kentucky State Board on Electric Generation and Transmission Siting
Weirs Creek Solar, LLC – Case No. 2024-00099
Application – Exhibits**

Table of Contents

Filing Requirement	Description	Witness	Exhibit
807 KAR 5:120, Section 2(1)(a)	Corporate information and certificate of ability to conduct business in Kentucky	Lester Morales	1
KRS 278.706(2)(b)	A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility.	Lester Morales	2
KRS 278.706(2)(c) and KRS 278.714(2)(e)	Evidence of public notice for the project including the nonregulated transmission line.	Lester Morales	3
KRS 278.706(2)(d)	A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances.	Lester Morales	4
KRS 278.706(2)(e)	Statements regarding location on the site of a former coal processing facility, use of on-site waste coal as a fuel source and compliance with local setback requirements.	Lester Morales	5
KRS 278.706(2)(f)	Summary of public involvement efforts.	Lester Morales	6
KRS 278.706(2)(g)	A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located.	Lester Morales	7
KRS 278.706(2)(h) and	Proof of service of a copy of the application upon local officials.	Lester Morales	8

KRS 278.714(2)(f)			
KRS 278.706(2)(i)	An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky.	Lester Morales	9
KRS 278.706(2)(j)	An analysis of the proposed facility's economic impact on the affected region and the state.	Lester Morales	10
KRS 278.706(2)(k)	Summary of environmental violations.	Brian Bartels	11
KSR 278.706(2)(l)	Site Assessment Report	Brian Bartels	12
KRS 278.706(2)(m)	Decommissioning Plan	Brian Bartels	12
KRS 224.10-280	Cumulative Environmental Assessment.	Brian Bartels	13
KRS 278.714(2)(b)	A full description of the proposed route of the electrical transmission line, proposed structures, proposed right-of-way, existing property lines the transmission line will cross, the distance from neighborhoods, schools, and public or private parks within 1 mile	Lester Morales	14
KRS 278.714(2)(c)	A full description of the proposed electric transmission line and appurtenances	Lester Morales	15
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