

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AND SITE COMPATIBILITY)	
CERTIFICATES FOR THE CONSTRUCTION OF)	
A 96 MW (NOMINAL) SOLAR FACILITY IN)	
MARION COUNTY, KENTUCKY AND A 40 MW)	CASE NO. 2024-00129
(NOMINAL) SOLAR FACILITY IN FAYETTE)	
COUNTY, KENTUCKY AND APPROVAL OF)	
CERTAIN ASSUMPTIONS OF EVIDENCES OF)	
INDEBTEDNESS RELATED TO THE SOLAR)	
FACILITIES AND OTHER RELIEF)	

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT’S MOTION TO
SUPPLEMENT RECORD**

Comes Lexington-Fayette Urban County Government (“LFUCG”), by counsel, and moves to supplement the record. Specifically, LFUCG requests the Commission take administrative notice of LFUCG’s active investigation into solar energy, including the use of sustainable energy from a potential solar facility on a landfill site without “taking existing farmland out of production.” LFUCG requests the Commission allow the introduction of LFUCG’s press release dated November 14, 2024, and the related article in *The Lane Report* on that same date.¹ The Commission should grant this motion and take administrative notice of LFUCG’s investigation for the following reasons.

¹ See LFUCG Press Release at [Lexington investigates potential of solar energy | City of Lexington](#) and The Lane Report at [Lexington investigating potential of solar energy - Lane Report | Kentucky Business & Economic News](#). Copies of articles are attached as Exhibit A and Exhibit B.

First, these articles provide the Commission with an update to Mayor Gorton's public comments both spoken at the evidentiary hearing and tendered into the record on October 29, 2024. To wit, Mayor Gorton stated, "our government supports solar. We are developing our own solar programs, as well as investigating whether Haley Pike landfill can accommodate solar. We think solar projects are possible here without forcing us to give up irreplaceable farmland, a key component of our signature industry."² The investigation includes the potential installation of a solar farm on the 600-plus acre Haley Pike Landfill and is clearly relevant.

Second, this investigation relates directly to LFUCG's intervention in this matter. Specifically, LFUCG has been granted intervention because it has a special interest ... as it is the local government entity which would otherwise control zoning issues over the area ... and thus has an interest in the permanent consequences on its land use policies."³ The articles reflect LFUCG's on-going efforts to explore solar generation while maintaining farmland, a priority in its land use policies.

Third, at the evidentiary hearing, the undersigned counsel moved the Commission to hold the case in abeyance pending LFUCG's position on the use of solar facilities in land zoned for agriculture.⁴ The investigation directly relates to LFUCG's unofficial position on the use of solar facilities on farmland. Moreover, the investigation

² See [20241029 Multiple Public Comments.pdf](#) at pages 7-10.

³ See May 30, 2024, Commission Order at page 2. [Granting Intervention](#)

⁴ See Video TE at 9:38am.

generally provides insight into a potential alternative area for the construction of a solar facility.

Last, the announcement of the investigation occurred November 14, 2024 – one day preceding this motion. Accordingly, it has been filed as quickly as possible. The record is still open; thus, it is timely. There is no undue prejudice to the company because the existence of LFUCG’s investigation cannot be questioned.

WHEREFORE, LFUCG moves the Commission to grant this motion and take administrative notice of the attached exhibits evidencing LFUCG’s investigation into the potential use of solar energy.

Dated: November 15, 2024.

Respectfully submitted,

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Attorneys for LFUCG

Certificate of Service

Pursuant to the Commission's Orders in Case No. 2020-00085, and in accordance with all other applicable law, Counsel certifies that an electronic copy of the foregoing was served and filed by e-mail to the parties of record on this 15th day of November 2024.

/s/ Dennis G. Howard II
Dennis G. Howard, II

EXHIBIT A



Lexington-Fayette Urban County Government

OFFICE OF THE MAYOR

Linda Gorton
Mayor

Nov. 14, 2024

Contact:	Susan Straub	Craig Cammack	Jacob Keeton
	Office: 859-258-3111	Office: 859-258-3117	Office: 859-258-3134
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Lexington investigates potential of solar energy

Lexington is actively investigating solar energy, and its potential for Lexington, Mayor Linda Gorton said today.

An internal group is also evaluating how city government is using solar now, and establishing priorities for the future, the Mayor said.

“We are excited about solar’s potential for our city, and want to understand best practices and next steps,” said Gorton, who said the group began meeting last summer with a focus on building upon the Empower Lexington plan, the city’s plan to build a sustainable, resilient future.

At the top of Gorton’s list is the installation of a solar farm on the 600-plus acre Haley Pike Landfill. “We’re investigating the idea, and so far it’s promising,” Gorton said.

Use of any landfill site is limited and requires the approval of state agencies, Gorton said. “If we find that solar will work on our landfill, it would be a great step forward for sustainable energy in Lexington without the loss of prime farmland. Cities across the country have done this, and we think it’s a responsible way to lead on this issue.”



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200 East Main Street | Lexington, KY 40507 | (859) 425-2255 | www.lexingtonky.gov



Gorton said using the landfill site for solar is a much better choice than taking existing farmland out of production for a solar farm, a plan currently under consideration by the Kentucky Public Service Commission.

The city is also pursuing SolSmart accreditation, a national recognition and technical assistance program for local governments that seeks to drive greater solar deployment.

SolSmart also establishes designation levels for cities, based on their solar-related policies. “As cities compete for economic development opportunities, programs like this are critical to evaluating the progress we’ve already made, and offer guidance on where we can go next. Sustainable energy options are important to the health of our residents, and increasingly more important to attracting businesses and growing our economy,” Gorton said.

Lexington already has two solar programs already underway. For the past several years it has been installing solar panels on government facilities where possible, and designing solar into new government construction projects. Secondly, the two-year-old Solarize Lexington has helped Lexington homeowners, small businesses, non-profits, and places of worship install solar panels and reduce their electricity costs.

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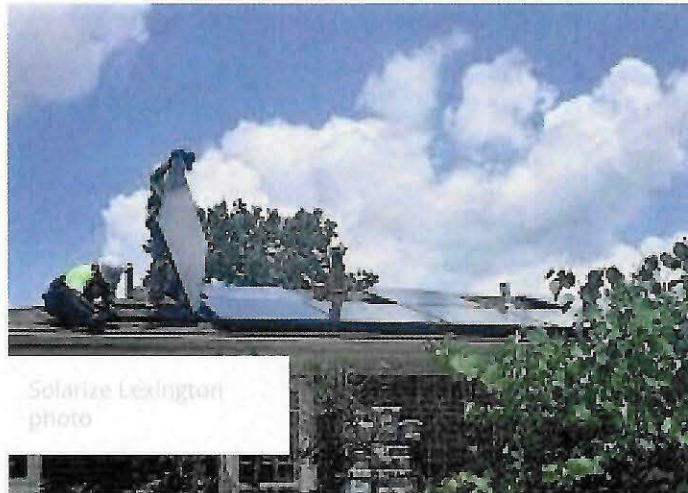
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EXHIBIT B

Lexington investigating potential of solar energy

🕒 November 14, 2024 👁 512 Views



LXINGTON, Ky. — Lexington Fayette Urban County Government is actively investigating solar energy, and its potential for Lexington, Mayor Linda Gorton said today.

An internal group is also evaluating how city government is using solar now, and establishing priorities for the future, the Mayor said.

"We are excited about solar's potential for our city, and want to understand best practices and next steps," said Gorton, who said the group began meeting last summer with a focus on building upon the Empower Lexington plan, the city's plan to build a sustainable, resilient future.

At the top of Gorton's list is installation of a solar farm on the 600-plus acre Haley Pike Landfill in easternmost Fayette County just south of the Blue Grass Army Depot. "We're investigating the idea, and so far it's promising," Gorton said.

Use of any landfill site is limited and requires the approval of state agencies, Gorton said.

Lexington already has two solar programs underway. For the past several years it has been installing solar panels on government facilities where possible, and designing solar into new government

construction projects. Secondly, the two-year-old [Solarize Lexington](#) has helped Lexington homeowners, small businesses, non-profits and places of worship install solar panels and reduce their electricity costs.



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SolSmart also establishes designation levels for cities, based on their solar-related policies.

"As cities compete for economic development opportunities, programs like this are critical to evaluating the progress we've already made, and offer guidance on where we can go next. Sustainable energy options are important to the health of our residents, and increasingly more important to attracting businesses and growing our economy," Gorton said.

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