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

In the Matter of:

Electronic Application of Clover Creek Solar Project LLC d/b/a New Frontiers Solar Park for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Breckinridge County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110	))))))	Case No. 2024-00253

STATUS REPORT

Clover Creek Solar Project LLC d/b/a New Frontiers Solar Park (the "Applicant" or "New Frontiers"), by and through counsel, hereby provides this Status Report pursuant to mitigation measure number 5 in the May 2, 2025 Final Order issued by the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board" or "Board"). Mitigation measure number 5 requires New Frontiers to submit a status report to the Siting Board on any update or other progress of the merchant electric generating facility and nonregulated electric transmission line (the "Project") every six months until the Project commences generating electricity.

To date, New Frontiers has not commenced construction of the Project. Breckinridge County has taken the position that Ordinance 2025-0121 (the "2025 Ordinance") applied to the Project. The Breckinridge County Circuit Court in Case No. 25-CI-00083 also concluded that the 2025 Ordinance applied to the Project and New Frontiers would be required to comply with the 2025 Ordinance if it wishes to commence construction of the Project.

New Frontiers appealed the Circuit Court's decision to the Kentucky Court of Appeals in Case No. 2025-CA-0983. On May 29, 2026, the Court of Appeals reversed the lower court's ruling and invalidated the 2025 Ordinance. Briefly, the Court of Appeals held that the county could not use its general fiscal court authority to impose land-use rules on the project without complying with Kentucky's planning and zoning statutes, which Breckinridge County had not. Shortly thereafter, Appellee Breckinridge County filed a motion seeking discretionary review of the reversal from the Kentucky Supreme Court. The case has been submitted on motions and is currently pending a decision as to whether discretionary review will be granted.

Respectfully submitted,

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