

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

**In the Matter of:**

**Electronic Application of Kentucky Municipal Energy Agency for a Certificate of Construction for an Approximately 75-Megawatt Merchant Electric Generating KYMEA Energy Center I and Transmission Line in Madisonville, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110** )  
)  
) **Case No. 2024-00290**  
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**POST-HEARING BRIEF**

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Kentucky Municipal Energy Agency (“KYMEA”), by counsel, submits the following Post-Hearing Brief.

KYMEA appreciates the time and effort the Siting Board and its Staff has devoted to reviewing this matter. It believes that the evidence of record clearly demonstrates that Siting Board should grant a construction certificate for the KYMEA Energy Center 1. KYMEA encourages the Siting Board to consider its comments in the Response to the Consultant’s Report that was filed on February 7, 2025, particularly on proposed modifications to the mitigation measures recommended by Harvey Economics.

In addition, KYMEA seeks to clarify one issue that was raised at the evidentiary hearing. Questions were asked about whether the project would comply with the local ordinances and whether it was seeking a deviation from the statutory setbacks identified in KRS 278.704.<sup>1</sup> The undersigned counsel discussed KYMEA’s position on whether a deviation is necessary as it relates to the natural gas pipeline, which is more fully discussed the Response to the Consultant’s

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<sup>1</sup> VR: 2/19/2025 at 10:14:00.

Report that was filed on February 7, 2025. Witness Doug Buresh also confirmed that the project would comply with local zoning ordinances. KYMEA seeks to provide clarification that it has obtained a variance from the Madisonville Board of Adjustments, which authorizes the project's stacks to be 100 feet tall (25 feet taller than the default limitation of 75 feet in Section 3.1 of Madisonville's Zoning Ordinance). A copy of the variance is attached hereto.

Again, KYMEA appreciates the work of the Siting Board and its Staff, and requests approval of a construction certificate for the KYMEA Energy Center 1 with mitigation measures that are consistent with the discussion in KYMEA's Response to the Consultant's Report.

Respectfully submitted,



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CITY OF MADISONVILLE  
KENTUCKY  
OFFICE OF ZONING ADMINISTRATOR

PERMIT NO: 242

DATE GRANTED: 12/18/2024

# DIMENSIONAL VARIANCE

OWNER: Kentucky Municipal Energy Agency TYPE OF VARIANCE: 25' variance for four (4) stacks

ADDRESS: 1757 A C Slaton Road Madisonville, KY 42431

CONDITIONS/NOTES:

Each self supporting stack will be 100' in height

In accordance with Kentucky Revised Statute (KRS 100.251), a variance applies to the property for which it is granted and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site. The granting of this variance does not constitute approval for any sign or building permit that may be required.

ISSUED BY: Mandy Todd  
Zoning Administrator