

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

**In the Matter of:** )  
 )  
**In the Matter of the Application of Lost City** )  
**Renewables LLC for a Certificate of Construction for** ) **Case No. 2024-00406**  
**an Approximately 250 Megawatt Merchant Electric** )  
**Solar Generating Facility in Muhlenberg County,** )  
**Kentucky Pursuant to KRS 278.700 and 807 KAR 5:10** )

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**RESPONSE**

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Lost City Renewables LLC (“Lost City”), by counsel, hereby provides the following response in opposition to the Amended Motion to Intervene. In support of this response, Lost City states as follows:

On March 3, 2025, eighteen individuals filed an Amended Motion to Intervene in this matter. The Amended Motion purports to supplement a previously filed Motion to Intervene by adding six potential individuals (Mike Saye, Brian Cottongim, Danny Mitchell, Dana Mitchell, Stephen Wood, and Rhonda Wood) as parties. It should be denied for the following reasons.

First, the Amended Motion is untimely. On February 12, 2025, the Siting Board entered an order that established a procedural schedule in this matter. Notably, the Siting Board set a deadline for motions to intervene to be filed by February 21, 2025. The potential intervenors’ Amended Motion, however, was filed on March 3, 2025—arguably, this is grounds alone to deny the Amended Motion.

Moreover, the Siting Board’s procedural schedule indicates that a motion for extension of time may be granted “only upon a showing of good cause.” The Amended Motion does not

demonstrate good cause—or even any cause—as to why it was not timely filed. This clearly demonstrates that the Amended Motion should be denied. *See Kentucky Power Company*, Case No. 2017-00179, 2017 WL 3588579, at \*2 (Ky. PSC Aug. 16, 2017)(denying a motion to intervene when it was untimely filed and provided no cause as to why it was not timely filed.

Second, the Amended Motion contains no information as to why the potential intervenors meet the standard for intervention. Section 4 of 807 KAR 5:110 requires a movant to show a special interest in the proceeding or that the movant’s participation will assist the Siting Board in reaching a decision without unduly interrupting the proceeding. The Amended Motion is completely silent on these grounds. The Siting Board has previously denied intervention under similar circumstances when individuals failed to provide information on why they meet the standard for intervention. *See Russellville Solar LLC*, Case No 2021-00235, 2022 WL 1195092, at \*2 (K.S.B. Apr. 13, 2022). The Siting Board should likewise deny intervention here.

For the foregoing reasons, the Amended Motion to Amend should be denied.

Respectfully submitted,



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