

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

In the Matter of:

ELECTRONIC APPLICATION OF CRAB	)	
RUN SOLAR PROJECT, LLC FOR A	)	
CERTIFICATION OF CONSTRUCTION FOR	)	Case No. 2025-00276
AN UP TO 45 MEGAWATT MERCHANT	)	
ELECTRIC SOLAR GENERATING	)	
FACILITY IN MARION COUNTY,	)	
KENTUCKY	)	

**APPLICANT CRAB RUN SOLAR PROJECT, LLC'S**  
**POST-HEARING BRIEF**

Crab Run Solar Project, LLC (“Crab Run” or “Applicant”) files this Post-Hearing Brief in support of its position following the hearing, pursuant to 807 KAR 5:110 Section 7 and paragraph 3 of the Siting Board’s May 4, 2026 Order. The record in this case and the evidence presented by Crab Run at the April 28, 2026 Evidentiary Hearing demonstrates that Crab Run has met the statutory standards contained in KRS 278.710, and a Construction Certificate should be granted.

**FACTS**

Crab Run is proposing to construct, own, and operate a solar-powered electric generation facility with an alternating current (AC) generating capacity of up to 45 MW and substation (the “Project”).<sup>1</sup> The Project will be located approximately 412 acres of land (the “Project Area”) currently being used for agricultural purposes in an unincorporated area of Marion County, Kentucky. The Project components and access roads will occupy approximately 245 acres of the Project area.

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<sup>1</sup> Crab Run currently plans to own and operate the Project long-term but would of course comply with applicable requirements if in the future the Project is to be transferred.

Crab Run filed its Application on December 19, 2025, and received its No Deficiency Letter from the Board on December 23, 2025. In its Application, Crab Run included a site assessment report and other studies that addressed all of the criteria listed in KRS 278.706 and KRS 278.708. Crab Run filed a Motion for Deviation from the setback requirements contained in KRS 278.706(2)(e) on January 23, 2026. In its Motion, Crab Run identified three residential neighborhoods within 2,000 feet of the Project.<sup>2</sup>

### **LEGAL STANDARD**

The Siting Board, within 180 days of receipt of an application and upon evaluation of the record and evidence produced at an evidentiary hearing, shall grant or deny a construction certificate based upon the criteria contained in KRS 278.710(1). As the analysis below demonstrates, the Crab Run Solar Project meets these criteria.

### **ANALYSIS**

I. *Crab Run has satisfied the KRS 278.710(1) criteria for certificate approval.*

As demonstrated through Crab Run's Application, responses to data requests, and the testimony presented at the evidentiary hearing, the Project meets the standards contained in KRS 278.710(1), and a certificate for construction should be granted. To address some of the topics more specifically discussed at the evidentiary hearing:

- The Project is expected to have little to no impact on surface waters during construction or operation. The Project will employ BMPs, such as silt fences and temporary sediment basins and traps, maintain and abide by a Storm Water Pollution Prevention

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<sup>2</sup> Crab Run notes that one of these residential neighborhoods, Neighborhood 3, was not required to be included in its Motion due to the distance of the *residences* to the Project boundary, but included it for transparency purposes, as one of the parcel boundaries included in Neighborhood 3 is 73 feet from a project component. *See* Motion for Deviation (1/23/2026), for a more extensive discussion of this Neighborhood.

Plan (SWPPP), and comply with its general construction permit KYR10 to avoid increased erosion and sedimentation and impacts to surface waters during construction.

- As discussed by Crab Run's witness, Michael Ivy, the Project is not anticipated to affect the water flow to Crab Run or cause increased flooding on neighboring properties. In fact, Mr. Ivy testified that work conducted during construction of solar projects often facilitates better drainage and, therefore, Crab Run may have a positive impact on the flooding currently experienced by neighboring landowners.
- The Project is committed to employing effective visual screening to minimize visual impacts of the Project. Crab Run has committed to a double row of trees and shrubs as a visual screen at three locations at the boundary of the Project where neighboring properties are in relatively closer proximity to the Project. During the evidentiary hearing, Crab Run also committed to consider planting only native trees and shrubs.
- The Project is expected to have no impact on the value of neighboring properties.
- The Project will have a positive economic impact on the local community and the surrounding areas during construction and operation. These impacts will occur through direct effects, such as increased job creation and taxes, and indirect effects, such as increased spending in the area.
- Noise generated during construction of the Project is expected to rise above ambient sound levels in the area. However, these sound levels will be short in duration and temporary in nature. Noise generated during operation of the Project is not expected to rise above ambient sound levels in the area.

As demonstrated in the Consultant's Final Report, filed to the docket on April 6, 2026, Elliot Engineering, the Board's third-party consultant tasked with evaluating the Project's impacts, concurred with Crab Run's conclusions.

Further, Crab Run has taken multiple concrete steps to engage the local community throughout the permitting process. Prior to submitting its Application, Crab Run met with local stakeholders to inform them of the Project and establish open lines of communication. On August 20, 2025, Crab Run held a public information meeting that was well attended by dozens of people in the community, to answer questions about the Project and address any concerns. Crab Run has continued to encourage open dialogue with the community through its website and by reaching out to the intervenors directly to learn more about their concerns.

II. *The setbacks contained in Crab Run's Motion for Deviation should be approved as requested.*

As demonstrated in Crab Run's Application, Motion for Deviation, and the Evidentiary Hearing, the setbacks proposed by Crab Run should be granted because the Project meets the goals of KRS 224.10-280, 278.010, 278.212, 278.214, 278.216, 278.218, and 278.700 to 278.716 at the proposed distances. The Project is expected to have no permanent adverse impacts on nearby properties and as discussed above, in some cases, may even provide a benefit (e.g., increased control of existing drainage and flooding issues). While some nearby landowners will be able to see portions of the Project, Crab Run has committed to extensive and protective visual screens to reduce visual impacts. Crab Run's witness, Richard Kirkland, stated during the evidentiary hearing that his finding of no impact of solar projects on residential property values is applicable to Crab Run at the setback distances it proposes and clarified that he has studied cases where solar projects are at even closer distances to surrounding residences where no impact was found. Finally, Crab

Run notes that this Board has granted motions to approve similar setback distances to those that Crab Run has requested numerous times in the past.<sup>3</sup>

During the Evidentiary Hearing, the Board inquired how the Project would be affected if the Board were to impose a 450- or 500-foot setback from solar panels to the nearest residence in a Residential Neighborhood. Crab Run's witness, Cole Jennings, analyzed this question post-hearing and determined that the implementation of a 450-foot setback from neighboring residences would result in a forced reduction of maximum capacity for the Project. Such a setback (assumed to be from the border of the Project Area along Frogtown Road on the west side of the Project Area based upon questions posed, would also require the relocation of various components, including but not limited to solar panels, access roads, fencing, and electrical cabling. The implementation of a 500-foot setback would further reduce the capacity based on the removal of additional buildable land. However, as demonstrated in the Motion for Deviation, Application, and Evidentiary Hearing, such a setback is not warranted because the Project, as proposed, meets the purposes of the statutory setback requirement.

Accordingly, the setbacks reflected in Crab Run's design, coupled with the mitigation measures it intends to implement, ensure neighboring landowners' rights are protected, while also

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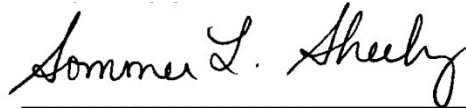
<sup>3</sup> Case No. 2023-00360, Application of Fron Bn, LLC (Frontier Solar) for a Certificate of Construction for an Approximately 120 Megawatt Merchant Solar Electric Generating Facility and Nonregulated Electric Transmission Line in Marion and Washington Counties (Order 6/25/24) (approving a setback from residences of 270 feet from any panel or string inverter and establishing general setback guidelines for solar panels and string inverters of 150 feet from a residence, 25 feet from non-participating adjoining parcels, and 50 feet from adjacent roadways); Case No. 2024-00406, Application of Lost City Renewables LLC for a Certificate of Construction for an Approximately 250 Megawatt Merchant Electric Solar Generating Facility in Muhlenberg County, Kentucky (Order 7/28/25) (establishing same general guidelines for setbacks); Case No. 2023-00361, Application of Kentucky Utilities Company and Louisville Gas and Electric Company for a Site Compatibility Certificate for the Construction of a Solar Facility in Mercer County, Kentucky (Order 7/12/24) (approving setback of 150 feet (residences) and 50 feet (non-participating adjoining parcels and adjacent roadways) from all solar facilities); Case No. 2024-00105, Application of Pike County Solar Project, LLC for a Certificate of Construction for an up to 100 Megawatt Merchant Electric Solar Generating Facility in Pike County, Kentucky (Order 11/15/24) ((approving setback of 150 feet (residences), 25 feet (nonparticipating adjoining parcels) and 50 feet (adjacent roadways) from all solar facilities); Case No. 2024- 00104, Application of Lynn Bark Energy Center, LLC for a Certificate of Construction for an up to 200 Megawatt Merchant Electric Solar Generating Facility in Martin County, Kentucky (Order 11/27/24) (same).

avoiding a reduction in capacity, which would in turn decrease some of the benefits of the Project, most notably the full economic benefits to the community and Commonwealth of Kentucky.

### CONCLUSION

For the foregoing reasons, Crab Run Solar Project, LLC respectfully requests that the Siting Board find that it satisfied the necessary criteria and grant it a Construction Certificate for its merchant generating solar electricity facility in Marion County, Kentucky with the setbacks Crab Run requested in its Motion for Deviation.

Respectfully submitted,



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