

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF WOODPECKER)	
SOLAR, LLC FOR A CERTIFICATE OF)	CASE NO.
CONSTRUCTION FOR A MERCHANT ELECTRIC)	2020-00261
SOLAR GENERATING FACILITY)	

ORDER

On July 31, 2020, Woodpecker Solar, LLC (Woodpecker Solar) filed a notice of intent to file an application for a Certificate of Construction for an approximately 120-megawatt electric solar generating and storage facility to be located north of Glasgow, Barren County, Kentucky. Also, on July 31, 2020, Woodpecker Solar filed a motion to approve form of public meeting. The motion requests approval for a proposed format of a public meeting that would be conducted to conform to the current public gathering limitations and social distancing requirements imposed during the COVID-19 State of Emergency in Kentucky. Woodpecker Solar states that the proposed public meeting format would satisfy the public meeting requirement set forth in KRS 278.706(2)(f) and requests a declaration regarding the same.

In particular, Woodpecker Solar proposes the following process in conducting a public meeting as required by KRS 278.706(2)(f):

1. Project Website – By August 24, 2020, Woodpecker Solar will launch a website that will be accessible to the public which would contain the following key information on the solar project:
 - a. PowerPoint presentation of the project;

- b. Date, time, and other details of a subsequent public information meeting, which will be listed once this information is finalized;
 - c. Date time, and location of an in-person office hours for dissemination of relevant information to the public regarding the solar project, which will be listed once this information is finalized;
 - d. A map showing the project area, facility layout, aerial imagery, and parcel information for all participating properties in Barren County;
 - e. Contact information and instructions for submitting questions and comments regarding the project;
 - f. Summary of frequently asked questions and responses; and
 - g. Instructions on how to request more information, including paper copies of the PowerPoint presentation.
2. In-Person Office Hours – Woodpecker Solar and its representatives will be available for in-person discussions in Barren County. Woodpecker Solar will publish notice, include on the website, and send to neighboring landowners information about date, time, and location for in-person discussion for the public in Barren County. Any member of the public will have an opportunity to ask questions about the project and obtain information. The In-Person Office Hours will comport with any social distancing and public gathering requirements. Woodpecker Solar is still confirming the date, time, and location of the In-Person Office Hours but is targeting this to occur the week of September 7-11, 2020.
 3. Virtual Public Information Meeting – Woodpecker Solar and its subject matter experts will host a live presentation with a question and answer session which would be accessible to the public either by the internet or by telephone. The virtual public information meeting will be capable of hosting up to 300 participants, will allow the public to view a presentation from Woodpecker Solar representatives, and will allow the public to ask any questions related to the project. Woodpecker Solar will publish notice, include on the website, and send to neighboring landowners information about date, time, and location of the virtual public meeting in Barren County.

Woodpecker Solar asserts that the proposed public meeting format provides the public with multiple options to attend the meeting and receiving information about the proposed solar facility and therefore satisfies the requirements of KRS 278.706(2)(f), while accommodating the health and safety concerns raised by the current COVID-19 State of Emergency. Woodpecker Solar further asserts that it will publish notice of the public meeting including information of the website and mail notice to all owners of property adjoining the proposed solar facility as required by KRS 278.706(2)(f)(2).

Having reviewed the motion and being otherwise sufficiently advised, the Siting Board finds that the protocols and process proposed by Woodpecker Solar to schedule and conduct its public meeting is consistent with the language and intent of KRS 278.706(2)(f). We note that KRS 278.706(2)(f) requires a completed application to include, among other things, a report identifying the various public outreach engagements performed by the applicant prior to the filing of an application. In particular, KRS 278.706(2)(f) provides, in relevant parts, as follows.

(2) A completed application shall include the following:

- (a) A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including:
 - 1. The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;
 - 2. Evidence that notice of the time, subject, and location of the public meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting;

The process and protocols proposed by Woodpecker Solar for its public meeting strikes a balance in being able to provide information on the solar project development in Barren County and to receive comment from the public on the project as required by KRS 278.706(2)(f) and doing so in a manner that takes into account the current public gathering limitations and social distancing requirements imposed by the COVID-19 State of Emergency in Kentucky. Accordingly, Woodpecker Solar's motion should be approved

as proposed. The Siting Board expects the details of the public meeting that will be reported in the application will mirror the format that has been proposed in the motion.

IT IS THEREFORE ORDERED that:

1. Woodpecker Solar's motion to approve form of public meeting is granted.
2. Within three days of the publication of the public notice, Woodpecker Solar shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format.
3. Within three days of the mailing of the notice to adjacent property owners, Woodpecker Solar shall submit a copy of the notice of the public meeting format that is required to be provided to owners of property adjacent to the solar project.

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By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above a horizontal line.

Acting Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
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