

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

| | | |
|------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF |) | |
| HENDERSON COUNTY SOLAR LLC FOR A |) | |
| CERTIFICATE OF CONSTRUCTION FOR AN |) | |
| APPROXIMATELY 50 MEGAWATT |) | CASE NO. |
| MERCHANT ELECTRIC SOLAR |) | 2020-00391 |
| GENERATING FACILITY IN HENDERSON |) | |
| COUNTY, KENTUCKY PURSUANT TO |) | |
| KRS 278.700 AND 807 KAR 5:110 |) | |

ORDER

On December 7, 2020, Henderson County Solar, LLC (Henderson County Solar) filed a notice of intent to file an application for a Certificate of Construction for an approximately 50-megawatt solar facility to be located in Henderson, Henderson County, Kentucky. On the same date, Henderson County Solar filed a motion to approve a modified form of public meeting and notice. 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. Henderson County 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, Henderson County Solar proposes the following process in conducting a public meeting as required by KRS 278.706(2)(f):

A. Project Website: Henderson County Solar will launch a website accessible to the public which contains the following key information:

1. A PowerPoint presentation on the Henderson County Solar Project;
2. The date, time, and other details of a subsequent virtual public information meeting, which will be listed once this information is finalized;
3. The date, time, and location of 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;
4. A map showing the solar project area, facility layout, aerial imagery, and parcel information for all participating properties in Henderson County;
5. Contact information and instructions for submitting questions and comments regarding the solar project;
6. A summary of frequently asked questions and responses; and
7. Instructions on how to request more information, including paper copies of the PowerPoint presentation.

B. In-Person Office Hours: Henderson County Solar will publish notice, include on the website, and send to neighboring landowners at least two weeks in advance any information about specific hours for in-person discussion opportunities for the public in Henderson County. Any member of the public will have an opportunity to ask questions about the solar project and obtain information. The "In-Person Office Hours" will comport with any social distancing and public gathering requirements then in effect. The In-Person Office Hours will take place prior to the virtual public information meeting.

C. Virtual Public Information Meeting: At a date and time to be published locally and sent to neighboring landowners at least two weeks prior, Henderson County Solar will host a live presentation of the solar project with a question-and-answer session which will be accessible to the public either by the internet or by telephone. The “Virtual Public Information Meeting” will be capable of hosting up to 1,000 participants, will allow the public to view a presentation from Henderson County Solar representatives, and will allow the public to ask any questions related to the solar project.

Henderson County 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.

Having reviewed the motion and being otherwise sufficiently advised, the Siting Board finds that the protocols and process proposed by Henderson County 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:

(f) 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

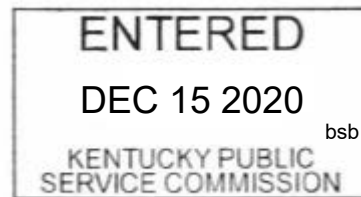
- prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;
2. Evidence that notice of the time, subject, and location of the public meeting was published in the newspaper of general circulation in the county, and that 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 Henderson County Solar for its public meeting strikes a balance in being able to provide information on the solar project development in Henderson 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, Henderson County 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. Henderson County Solar's motion to approve modified form of public meeting is granted.
2. Within three days of the publication of the public notice, Henderson County 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, Henderson County 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.

By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
and Transmission Siting

*L Allyson Honaker
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Mark David Goss
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504