

From: [PSC Executive Director](#)
To: [REDACTED]
Subject: CASE NO. 2020-00417
Date: Monday, November 29, 2021 11:56:00 AM
Attachments: [Case 2020-00417.pdf](#)

Thank you for your comments on the application of Horus Kentucky 1 LLC. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2020-00417, in any further correspondence. The documents in this case are available at [View Case Filings for: 2020-00417 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: PSC Public Information Officer <PSC.Info@ky.gov>
Sent: Monday, November 29, 2021 10:30 AM
To: PSC Executive Director <PSCED@ky.gov>
Subject: FW: CASE NO. 2020-00417

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

From: GARY BARKER [REDACTED]
Sent: Monday, November 22, 2021 4:07 PM
To: PSC Public Information Officer <PSC.Info@ky.gov>
Subject: CASE NO. 2020-00417

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please find the attached statement of concerns regarding case number 2020-00417.

Respectfully submitted,

Mindy Barker
3835 Peden Mill Rd.
Franklin, KY 42134
[REDACTED]

**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITTING
CASE NO. 2020-00417**

DEBBIE HYATT, GARY BARKER, AND)	
MINDY BARKER, Adjoining Property Owners)	
And Citizens of Simpson County, Kentucky)	
)	
In the Matter of:)	CASE NO.
ELECTRONIC APPLICATION OF HORUS)	2020-00417
KENTUCKY 1 LLC FOR A CERTIFICATE)	
OF CONSTRUCTION FOR AN APPROXIMATELY)	
69.3 MEGAWATT MERCHANT ELECTRIC)	
SOLAR GENERATING FACILITY IN SIMPSON)	
COUNTY, KENTUCKY)	

PUBLIC COMMENT

As adjoining property owners and residents of Simpson County, Kentucky, DEBBIE HYATT, GARY BARKER, AND MINDY BARKER, and whose address is 3835 Peden Mill Rd. Franklin, KY 42134, and further identified on applicants revised development plan as home #7, wish to present the following information and concerns before the board.

STATEMENT OVERVIEW

Our first knowledge of this project was on April 13, 2021, after encountering Nick Amberggie, Boundary Surveyor, with R. M. Johnson Engineers, Inc., at the Kitchens Cemetery located on the Hoffman land. Per his request, we emailed his supervisor Justin Smith. We were then contacted by phone on April 14, 2021, by associate Roy Patrick, PLS RMJ Engineering. Confirmation was provided that the boundary surveyors were unaware of Kitchens Cemetery (identified as SE 16, Simpson County Historical Society, KHC No. SI536) AND Cummings Cemetery (SE 2, Simpson County Historical Society, KHC No. SI520), and of other potentially significant sites on the land. (Exhibit A, 2 pgs. attached hereto). Per RMJE's request, Mindy Barker provided additional information, including property deeds for both the Summers and Hoffman land. Said deeds describe the cemeteries as follows; (Hoffman land: Deed Book 128 Pg 26) graveyard is reserved 50x100, and right of way to same (Summers land: Deed Book 323 pg 205) reserving therefrom one (1) acre for graveyard as now located. (As not to overburden the board, both written and video evidence of all statements made herein, are available upon request).

We first emailed Braden Houston on April 14, 2021, to learn more about the project and ensure the proper parties were aware of important information and of our concerns. We received a reply by email from Mr. Houston and spoke by telephone on April 19, 2021. At that time, we informed him that we had not received proper notification of the CUP and which was confirmed by Franklin-Simpson Planning & Zoning. He was also provided information regarding both cemeteries on the proposed land and that Cummings Cemetery (SI520) contains the burial of Revolutionary War Patriot, Asa Cummings (DAR

index record attached hereto as Exhibit B), and of other early settlers of Simpson County. This cemetery has been written about in historic journals as being very large with many unmarked graves. Mr. Houston was also made aware of the presence of artifacts and of other potentially historic sites on the Hoffman property.

Further, Mindy Barker participated in a conference call on April 21, 2021, with Braden Houston and Terracon associates. She then walked the proposed site with Bill Green (Terracon) on April 23, 2021. During the site walk, both cemeteries were discussed but not walked. After showing Mr. Green artifacts which had been found, a physical walk of one site on the Hoffman land was conducted and location information was provided for three other potential sites. Additional information was also given regarding Independence School; formerly located at the intersection of Tyree Chapel Rd. and Hendricks Rd. (Simpson County property deed and plat available).

On April 26, 2021, Mindy Barker attended the Simpson County Public Hearing for the additional land to be included on the applicant's CUP. She questioned Braden Houston, on record, and presented the county board with the information and concerns referenced above. Assurance was then given by Braden Houston, that all county ordinances and state laws would be followed regarding this project.

In addition to the individuals and government bodies referenced above, the following people have received notice: (The date provided is for the initial contact)

Carter Mundy, Franklin-Simpson Planning and Zoning	4/14/21
Julie Freeman, Franklin-Simpson Planning and Zoning	4/19/21
James Snider, Director; Simpson County Historical Society	4/14/21
LuAnn Ferguson, Director; Simpson County Cemetery Board	4/14/21
And Director; Simpson County DAR Chapter	

STATEMENT OF CONCERNS

1.

In review of the revised site plan dated 10/28/21, Cummings Cemetery is not clearly identified and does not appear to show the 250' setback as required by Simpson County Ordinance. Further, this cemetery was not mentioned in the hearing held before this board on November 15, 2021, or properly identified in documents submitted by any contributing party. Mr. Braden Houston failed, under oath and by his certified responses, to perfect the record and knowingly withheld information from this board. As the burial place of Revolutionary War Patriot, Asa Cummings, and of other early settlers, this cemetery is eligible for designation as a Pioneer Cemetery by the Kentucky Historical Society and possibly eligible for inclusion in the National Registry of Historic Places. Multiple descendants have come forward with concerns and have pledged their support (one reference attached hereto as Exhibit C). Further, Mr. Summers (property owner) has provided his consent for the restoration and preservation of said cemetery. The concern is that this cemetery is protected beyond the scope of this project and regardless of the contract owner. As for the Kitchens Cemetery (SI536), Mindy Barker, has provided the care and maintenance of said cemetery for a period of ten (10) plus years, at no cost to any individual or government body and without any objection from the property owner. Access has been along the southeast and southwest property boundary line. The service provided has been for the sole benefit of the descendants and community. It is our belief that this cemetery should be excluded entirely from the project and boundary fence, with access permitted as it has been for the past 100 years.

2.

Regarding the recorded archeological site found during the survey conducted by Terracon, dated 4/21/21, and which site is further identified as 15Si61, a middle to late Archaic Base Camp, and potentially eligible for inclusion in the NRHP: According to the revised site plan dated 10/28/21, this site does not appear to have a specific avoidance boundary. After a comprehensive review of the case filings, surveys, TVA records and hearings before this board, our concern is that this site is protected and excluded entirely from the project area. Based on personal information, conducted surveys, and historical references, it is our contention that the Hoffman property, and the nearby area contain significant sites that, if properly identified and protected, would contribute to the enrichment of this community and state.

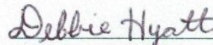
3.

As an adjoining neighbor to the proposed solar farm, we want to ensure this project complies with the Simpson County setback ordinance of 250', and as clarified by Braden Houston during the hearing on November 15, 2021; to mean 250' from the property boundary of a residence. Our property which is deeded in two tracks contains our residence and the land is used in its entirety for equine recreation. Therefore, we also want to ensure no harm occurs that would deprive us of our property use; rather directly or indirectly as a result of the proposed solar farm's construction and operation. It is also our concern that the discrepancies are corrected which relate to identifying and mapping residential structures.

4.

Regarding the issue of failure to notify and right to due process; we are not opposed to the land owners use of their land as the county and state deem fit. However, we are opposed to the applicant's failure to be diligent.

Respectfully submitted, this the 20th day of November, 2021.


DEBBIE HYATT


GARY BARKER


MINDY BARKER

3835 Peden Mill Rd.
Franklin, KY 42134





CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing was sent, via email, to the Kentucky Public Service Commission, and that a true and exact copy of the same has been sent via US First Class Mail to:

Randal Saunders
Nelson Mullins
947 Third Ave. Suite 200
Huntington, WV 25701

David Broderick
Broderick & Davenport, PLLC
921 College St. Phoenix Place
P.O. Box 100
Bowling Green, KY 42102

Hon. Mason Barnes, Judge Executive
Simpson County
100 Courthouse Sq.
P.O. Box 242
Franklin, KY 42135

James H. Mooneyhan, Representative
Simpson County Residents
P.O. Box 220
Franklin, KY 42134

This the 20th day of November, 2021.

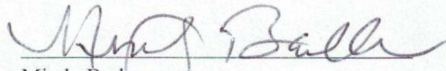

Mindy Barker



Photo added by Walter Chisholm

Cummings Cemetery

LOCATION Tyree Chapel Road
Simpson County, Kentucky, 42134 USA

MEMORIALS 23 added (22% photographed)

The cemetery is located northwest of Tyree Chapel Road about 0.3 miles west of its intersection with Hendricks Road.

The cemetery is identified as SE 2 (Cummings Cemetery) on page 327 of Simpson County, Kentucky Cemeteries, © 1983 Simpson County Historical Society, published by Simpson County Historical Society.

Search Memorials in Cummings Cemetery

Contribute

- Add a memorial
- Upload Headstone Photos
- Transcribe Photos
- Photo requests 3
- Upload spreadsheet



22% photographed

Added: 14 Mar 2010

Find a Grave Cemetery: #2345893

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Exhibit A

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THE LONGHUNTER, VOLUME XXII, ISSUE 4

The Jessee Cummings Cemetery: Simpson County, Kentucky

From a typed transcript located in County Vertical Files: Simpson County-Cemetery & Bible Records, in the Kentucky Library at Western Kentucky University. No author was listed on the descriptive information containing the transcript; however, the author is most likely Margaret Snider. The cemetery was copied in 1978 by Paul Thomas Garrett, Mary Madison Garrett, Margaret (Cummings) Snider.

This old family cemetery is on the old **Jessee Cummins** land patent, Survey 1805 #12199, 31 Aug 1816, Logan County. The cemetery is present-day Simpson County, Kentucky, south and east of the L. & N Railroad and I-65 overpass near Geddes Switch. The cemetery is large, with many unmarked gravestones.

Exhibit B

CUMMINGS, ASA



Ancestor #: A202456

Service:

VIRGINIA Rank(s) PATRIOTIC
SERVICE

Birth: CIRCA 1739 VIRGINIA

Death:

CIRCA 1822 SIMPSON CO
KENTUCKY

Service Source:

STAFFORD CO. VA PETITION DATED
MAY 24, 1779 (COPY IN DATA)

Service Description:

1) SIGNED PETITION TO VA HOUSE OF
DELEGATES, 1779

Exhibit C

April 25, 2021

To Whom It May Concern,

My name is Laretta Lynn Cummings Kehoe. My great great great grandfather was Asa Cummings, buried in Cummings Cemetery in Simpson County, Kentucky. He and his brother William signed petitions during the Revolutionary War in support of the new government to establish a court in Virginia. In so doing, he laid his life and fortunes on the line for the new nation.

It has taken me ten years to document this relationship. I am hopeful that some day I will be able to visit my 4th great grandfather's grave in Cummings Cemetery to thank him for his service to this country, something several of his line have also done, including my father, who served in the US Navy during WWII and Korea. I am also hoping that by visiting the cemetery, I can find out the missing information on his wife and other possible relatives.

I understand that a solar farm is going to built near the cemetery. As an heir of Asa Cummings, it is my wish that the cemetery remain undisturbed so that I and my own descendants can continue to pay tribute to this brave man.

Thank you.

Laretta L. Kehoe

Laretta Lynn Cummings Kehoe
8512 Raindrop Canyon Avenue
Las Vegas, Nevada 89129

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