

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF MARTIN	)	
COUNTY SOLAR PROJECT, LLC FOR A	)	
CERTIFICATE OF CONSTRUCTION FOR AN	)	CASE NO.
APPROXIMATELY 200 MEGAWATT MERCHANT	)	2021-00029
ELECTRIC SOLAR GENERATING FACILITY IN	)	
MARTIN COUNTY, KENTUCKY PURSUANT TO	)	
KRS 278.700 AND 807 KAR 5:110	)	

ORDER

On January 26, 2021, Martin County Solar, LLC (Martin County Solar) filed a notice of intent to file an application for a Certificate of Construction for an approximately 200-megawatt solar facility to be located near Pilgrim, Martin County, Kentucky. On the same date, Martin 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. Martin 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. The motion also requests a deviation from KRS 278.706(2)(f) to allow for a shorter time period between the scheduling and conducting of the public meeting and the filing of the application, i.e., from 90 days to 60 days.

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

1. Project Website: Martin County Solar has developed a website dedicated to the proposed project which contains the following key information (the website can be accessed at the following uniform resource locator address - <https://www.martincountysolarproject.com/>):

- a. The proposed project location;
- b. The size of the project, both in terms of rated capacity and acres;
- c. The project's interconnection partner;
- d. The date, time, and necessary log-in information for the virtual meeting scheduled for February 10, 2021;
- e. Martin County Solar team members; and
- f. Contact information for the Martin County Solar team.

2. Virtual public meeting targeted for February 10, 2021 at 6 p.m.: The purpose of the meeting is to provide information to the public about the proposed solar project and to receive feedback and comments from the public on the solar project. Martin County Solar states that it will publish notice of the virtual public meeting in the local newspaper at least two weeks in advance as well as direct notice to landowners abutting the project site and via the dedicated project website.

Martin County Solar also requests approval to modify the time to allow for the public meeting to occur no sooner than 60 days prior to the filing of the application rather than the 90 days as set forth in KRS 278.706(2)(f). Martin County Solar states that given the online and electronic nature of the public meeting and the anticipated feedback, it anticipates that 60 days should still be ample time for the public to submit any comments it wishes and for Martin County Solar to analyze those comments and account for such

feedback in its proposed application. Martin County Solar further states that it has already engaged in public involvement activities related to the solar project during two Martin Fiscal Court Meetings, once on March 10, 2020, in which Martin County Solar made a presentation on the general nature of the solar project and again on December 2, 2020, in which tax incentives and economic impact related to the solar project were discussed; at a site visit on December 8, 2020, with local elected officials and media; and at a January 11, 2021 Martin County Board of Education meeting, which was streamed live on YouTube and in which the solar project was discussed and questions answered.

Having reviewed the motion and being otherwise sufficiently advised, the Siting Board finds that the protocols and process proposed by Martin 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; and

3. Any use of media coverage, direct mailing, fliers, newsletters, additional public meetings, establishment of a community advisory group, and any other efforts to obtain local involvement in the siting process;

The process and protocols proposed by Martin County Solar for its public meeting strikes a balance in being able to provide information on the solar project development in Martin 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, Martin County Solar's motion requesting approval of a modified format for the public meeting 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.

As to the request to modify the time period in which an application can be filed after a public meeting has been scheduled and conducted, the Siting Board finds that this request should be denied. We note that KRS 278.706(2)(f) requires at least a 90-day period between the public meeting and the filing of an application. We further note that the relevant statute provides for no deviation or modification of this statutory requirement.

IT IS THEREFORE ORDERED that:

1. Martin County Solar's motion requesting approval for a modified form of public meeting is granted.

2. Martin County Solar's motion requesting approval for a shorter period in which an application can be filed after a public meeting has been scheduled and conducted as required by KRS 278.706(2)(f) is denied.

3. Within three days of the publication of the public notice, Martin County Solar shall submit a copy of the newspaper advertisement that will notify the public of the proposed public meeting format.

4. Within three days of the mailing of the notice to adjacent property owners, Martin 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.

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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

Case No. 2021-00029

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