

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

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| ELECTRONIC APPLICATION OF RUSSELLVILLE) | |
| SOLAR LLC FOR A CERTIFICATE OF) | |
| CONSTRUCTION FOR AN APPROXIMATELY 173) | CASE NO. |
| MEGAWATT MERCHANT ELECTRIC SOLAR) | 2021-00235 |
| GENERATING FACILITY IN LOGAN COUNTY,) | |
| KENTUCKY PURSUANT TO KRS 278.700 AND) | |
| 807 KAR 5:110) | |

ORDER

This matter arises upon multiple letters requesting to intervene in this proceeding and for a local public meeting. On March 1, 2022, Russellville Solar LLC (Russellville Solar) filed an application for a construction certificate to construct a merchant electric generating facility in Logan County, Kentucky. The Siting Board will treat the letters as motions to intervene and for a public hearing in accordance with KRS 278.712.

LEGAL STANDARD

KRS 278.712(1) and 807 KAR 5:110, Section 8(2) provide that the Siting Board may convene a local public hearing if it receives a request by at least three interested persons who reside in the county in which the facility is proposed. Siting Board regulation 807 KAR 5:110, Section 8(2) further provides that written requests for a local public hearing shall be made in writing and filed no later than 30 days after a complete application is filed.

KRS 278.712(3) provides that the parties to a Siting Board proceeding are the applicant and any person granted the right to intervene. KRS 278.712(4) states that any

interested person, including a person residing in a county in which the facility is proposed, may be granted leave to intervene upon a motion to the Siting Board. Siting Board regulation 807 KAR 5:110, Section 4 states that a person who wishes to become a party to a Siting Board proceeding has to file a written request to intervene no later than 30 days after the application has been submitted. The requestor must demonstrate that the requestor has a special interest in the proceeding, or that the requestor's participation in the proceeding will assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding.

REQUESTS TO INTERVENE AND FOR A LOCAL PUBLIC HEARING

The following persons filed requests for leave to intervene and for a local public hearing:

- Minerva A. Westray, on her behalf and as trustee of the Vick Family Trust. Ms. Westray stated that the Trust owns land in Logan County and that three members of the Trust are Logan County residents. Ms. Westray did not provide a basis for the request to intervene. Ms. Westray requested that a local public hearing be held due to potential future harm to the property from the proposed project.
- Phil Holiday stated that he is a Logan County resident. Mr. Holiday did not provide a basis for the request to intervene. Mr. Holiday requested that a local public hearing be held due to potential effects from the project on the community, health impacts, and visual appearance of the proposed project.
- Gwen Barnes and John Mason Barnes, on behalf of Dawson Barnes Family Farms LLC, a farm located in Logan County. Ms. Barnes and Mr. Barnes did

not provide a basis for the request to intervene. Ms. Barnes and Mr. Barnes requested that a local public hearing be held due to potential future harm to the community, health impacts, and visual appearance of the project.

- Adam Ferris, on behalf of Kickin Grass Farms, a farm located in Logan County. Mr. Ferris did not provide a basis for the request to intervene. Mr. Ferris requested that a local public hearing be held due to potential future harm to the community from the project.
- Jennifer Ferris, on behalf of Kickin Grass Farms, a farm located in Logan County. Ms. Ferris did not provide a basis for the request to intervene. Ms. Ferris requested that a local public hearing be held due to potential future harm to the community from the project.
- Linda Campbell, a resident of Logan County. Ms. Campbell did not provide a basis for the request to intervene. Ms. Campbell requested that a local public hearing be held due to potential future harm to the community from the project.
- Lynn Dawson, a resident of Logan County. Lynn Dawson did not provide a basis for the request to intervene. Lynn Dawson requested that a local public hearing be held due to potential future harm to the community, health impacts, and visual appearance of the project.
- Greg Wilson, a resident of Logan County. Mr. Wilson did not provide a basis for the request to intervene. Mr. Wilson requested that a local public hearing be held due to potential future harm to the community, health impacts, and visual appearance of the project.

- Marilyn Wilson, a resident of Logan County. Ms. Wilson did not provide a basis for the request to intervene. Ms. Wilson requested that a local public hearing be held due to potential future harm to the community, health impacts, and visual appearance of the project.
- Bridget Coots, John Coots, John Wilson Coots, and Winston Coots, family members who own property in Logan County. The Coots did not provide a basis for the request to intervene. The Coots requested that a local public hearing be held due to potential future harm to the community, health impacts, and visual appearance of the project.

DISCUSSION AND FINDINGS

Pursuant to a procedural schedule entered on March 17, 2022, requests to intervene and requests for a public hearing had to be filed by March 31, 2022. Because the requests were filed by March 31, 2022, they were timely filed.

Request to Intervene

Intervention pursuant to KRS 278.712 and 807 KAR 5:110, Section 4 is permissive and is within the sound discretion of the Siting Board. In exercising its discretion to determine permissive intervention, the Siting Board follows 807 KAR 5:110, Section 4(2), which requires a person seeking intervention to show that the person has a special interest in the proceeding or that the person's participation will assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding.

Based upon a review of the requests, and being otherwise sufficiently advised, the Siting Board finds that the persons making the requests to intervene did not articulate a special interest in this proceeding and have not shown they are likely to assist the Siting

Board in reaching its decision and would not unduly interrupt the proceeding. This is because all of the requests were silent as to the basis for requesting to intervene.

The Siting Board notes that on March 23, 2022, and March 30, 2022, Ms. Westray, and Ms. Barnes and Mr. Barnes respectively filed requests for information in the case. Because their requests to intervene were not granted, they are not parties to this proceeding, in accordance with KRS 278.712(3). Because Ms. Westray, Ms. Barnes, and Mr. Barnes are not parties, and only parties to the proceeding may propound discovery requests, Russellville Solar is not required to respond. In monitoring this proceeding, Ms. Westray, Ms. Barnes, and Mr. Barnes are likely to find their questions answered in the case record.

Each of the requestors will have ample opportunity to participate in this proceeding even though they are not granted intervenor status. They can review all public documents filed in this case and monitor the proceedings via the case docket on the Kentucky Public Service Commission's website. In addition, they may file comments as frequently as they choose and those comments will be entered into the record of this case. As discussed below, the local public hearing requests will be granted and a formal evidentiary hearing has been scheduled for June 30, 2022. Thus, each of the requestors will have the opportunity to present any information that they wish for the Siting Board's consideration in this matter.

Local Public Hearing

Within the required 30 days after the application was filed, the Siting Board timely received ten letters with requests for a local public hearing. KRS 278.712(1) and 807 KAR 5:110, Section 8(2) provide that the Siting Board may, in its discretion, convene a local

public hearing if it receives a request by at least three interested persons who reside in the county in which the facility is proposed. Several of the ten requests were made on behalf of corporate entities by persons not licensed to practice law, or by non-residents who own an interest in Logan County property. Nevertheless, the Siting Board finds it has received requests from more than the required qualified three residents.

Based upon a review of the requests, and being otherwise sufficiently advised, the Siting Board finds that a local public hearing should be scheduled in Logan County at a future date. Such date, time and place will be determined by the Siting Board by separate order. Russellville Solar shall give public notice of the local public hearing as required in 807 KAR 5:110, Section 9(2) and it should submit proof to the Siting Board of such notice at least three days prior to the scheduled local public hearing.

IT IS THEREFORE ORDERED that:

1. The requests to intervene are denied.
2. The requests to schedule a local public hearing are granted.
3. A local public hearing shall be scheduled by separate Order.
4. A copy of this Order shall be served upon each of the requestors by sending it to the email address they provided. If no email address was provided they will be served by mail at the address they provided.

KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING

[Signature]
Chairman, Public Service Commission

[Signature]
Vice Chairman, Public Service Commission

Commissioner, Public Service Commission

by KAC
w/ permission

[Signature]
Secretary, Energy and Environment Cabinet,
or her designee

[Signature]
Secretary, Cabinet for Economic Development,
or his designee

[Signature]
Logan Chick, ad hoc member

ATTEST:

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

ENTERED
APR 13 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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