

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF HUMMINGBIRD)	
ENERGY, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 200)	
MEGAWATT MERCHANT ELECTRIC SOLAR)	CASE NO.
GENERATING FACILITY AND NONREGULATED)	2022-00272
ELECTRIC TRANSMISSION LINE IN FLEMING)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

ORDER

On June 23, 2023, Hummingbird Energy, LLC (Hummingbird Solar) filed an application seeking a Construction Certificate, pursuant to KRS 278.706, to construct an approximately 200-megawatt (MW) merchant electric solar facility and nonregulated transmission line in Fleming County, Kentucky.

Having reviewed the application, the Siting Board finds that a procedural schedule should be established to ensure for the orderly processing of this proceeding. The procedural schedule is set forth in the Appendix to this Order. The Siting Board further finds, pursuant to 807 KAR 5:110, Section 6, that an evidentiary hearing should be scheduled, which, pursuant to KRS 278.710(1), extends the statutory deadline from 120 days to 180 days for the processing of this matter.

Additionally, any evidentiary hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. If the hearing is not concluded on the designated day, the hearing may be continued upon

verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. The statutory deadline for the processing of this matter is 180 days from the application filing date.
2. The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding.
3. Hummingbird Solar shall respond to all requests for information propounded by Siting Board Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
4. Pursuant to 807 KAR 5:110, Section 3(4), any party filing a paper with the Siting Board shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Siting Board directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Siting Board.

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

5. As set forth in 807 KAR 5:110, Section 4, a person requesting to become a party to the proceeding before the Siting Board is required to demonstrate (1) that he or she has a special interest in the proceeding; or (2) that his or her participation in the proceeding will assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding.

6. An evidentiary hearing in this matter shall be held Tuesday, October 24, 2023, at 9 a.m. Eastern Standard Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

7. Hummingbird Solar shall file notice of any scheduled hearing with the Siting Board in accordance with the provisions set forth in 807 KAR 5:110, Section 9. In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listing on the PSC website, psc.ky.gov."

8. At any evidentiary hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

9. Any evidentiary hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. If the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

10. Witnesses who sponsor schedules, testimony, or responses to data requests shall participate in person at any hearing scheduled in this matter.

11. Pursuant to KRS 278.712(2) and 807 KAR 5:110, Section 6(7), a digital video recording shall be made of the hearing.

12. The Siting Board does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

13. The Siting Board does not look favorably upon motions to excuse witnesses from testifying at Siting Board hearings. Accordingly, motions to excuse a witness from testifying at a Siting Board hearing or from testifying in person at a Siting Board hearing shall be made in writing and will be granted only upon a showing of good cause.

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KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



Chairman, Public Service Commission



Vice Chairman, Public Service Commission



Commissioner, Public Service Commission

By KAC
w/permissions



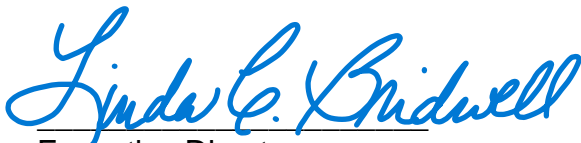
Secretary, Energy and Environment Cabinet,
or her designee



Secretary, Cabinet for Economic Development,
or his designee

ENTERED
AUG 01 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2022-00272 DATED AUG 01 2023

Completed application filed on.....	06/23/2023
Motions to intervene shall be filed no later than	07/24/2023
Requests for a public hearing shall be filed no later than	07/24/2023
First requests for information to Hummingbird Solar shall be filed no later than	08/04/2023
Hummingbird Solar shall file responses to first requests for information no later than	08/18/2023
Supplemental requests for information to Hummingbird Solar shall be filed no later than	09/15/2023
Hummingbird Solar shall file responses to supplemental requests for information no later than	09/29/2023
Siting Board consultant's site assessment report shall be filed no later than	10/13/2023
Hummingbird Solar shall file its response addressing findings and recommended mitigation measures, if any, no later than	10/20/2023
Public Hearing to be held in the Richard Raff Hearing Room of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination	10/24/2023 (Applicant's proof of notice of the hearing must be received by the Siting Board in accordance with 807 KAR 5:110, Section 9(1).)
Statutory deadline.....	12/20/2023

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