

From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case 2023-00263
Date: Tuesday, February 13, 2024 8:33:00 AM

Case No. 2023-00263

Thank you for your comments on the application of Banjo Creek Solar 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, 2023-00263, in any further correspondence. The documents in this case are available at [View Case Filings for: 2023-00263 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: Deborah Smith [REDACTED]
Sent: Monday, February 12, 2024 4:40 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Case 2023-00263

[REDACTED]

[REDACTED]

I would like to make some comments regarding "IN THE MATTER OF: Banjo Creek Solar LLC Motion to Strike" that was filed with the Siting Board on February 9, 2024.

I am no lawyer, but I have a Bachelor of Science and can see through a lot of things people will try. Be it known, the Intervenor's have stated many times their concerns about water contamination, property devaluation, hazardous materials, noise level, the setbacks from their residences, etc. These concerns have been expressed time and time again to GreenGo/Banjo Creek Solar, LLC, but basically have fallen on deaf ears.

- In the first paragraph it states, "the Intervenor' Response was filed after the deadline for post-hearing briefs' ". After listening to the Hearing Video regarding this case dated January 23, 2024, between 12:00 pm and the end of the tape, the question is asked of Mr. Osterloh when they could have their post hearing information completed. Paraphrasing, he asked for a date one week after they received the post hearing information and was given the date of February 2, 2024. Since, this is the date given by the Siting Board, why should the Intervenor's Response not be the same date? Public Comments were given till the date of the issue of the order.
- In the second paragraph it states, "The Intervenor's have not actively participated in this matter." I beg to differ. Several residents have spoken with GreenGo/Banjo Creek, LLC at various times. A meeting was held with them on September 12, 2023 in Graves County where many questions were asked

of them and a request for a larger setback was made. GreenGo/Banjo Creek Solar, LLC is well aware this meeting was held as Mr. Jonathan Fleming's and Mr. Jonathan Burke was in attendance. Jesse Perry, ad hoc member of the Siting Board, and Mr. Fleming's actually referenced this meeting during the Public Hearing on January 23, 2024.

- That same paragraph states, "nor did they attend the evidentiary hearing on January 23, 2024. I grant for some reason, of which I am not aware except perhaps financially, the Intervenor's attorney was not at the hearing. (I will again state I find it not only sad but not right, that the rights of the residents surrounding the proposed solar farm are so violated they have to spend the family budget on an attorney for their rights to be protected and just to be heard.) I will state several of the Intervenor's spoke at that meeting, yet none were told they could stay on line and ask questions at the end. I and several more watched the entire hearing and have rewatched it several times. The hearing is a formal hearing and is run by the Siting Board and lawyers. Therefore, it would seem no lay person is given the chance to ask questions that might be of interest. Even Mr. Perry was not allowed to make certain points he was trying to make. In my opinion, the formal hearing is designed to set legal precedence and basically nothing more.

- January 16, 2024 was the date scheduled for a public hearing to be held at the Graves County Library, Mayfield Kentucky. However, due to weather this hearing was held virtually and as the PSC website is not user friendly, no one could figure how to make public comments. This situation has already been discussed and the Siting Board was asked several times to schedule another public hearing in Graves County so that the public could be heard. This was not granted.

- On page three (3) in the first paragraph it states, "it also violates the Siting Board's regulations. Section 7 of 807 Kar 5: 110 states.....". I find it very hard to understand since the Intervenor's Response was not filed after the deadline of February 2, 2024 how this violates the Siting Board's regulations;

I do not see how GreenGo/Banjo Creek Solar LLC due process rights were violated as outlined by this motion as

- 1) Intervenor's Response was filed by the deadline of February 2, 2024.

- 2) Intervenor's have met with both Mr. Fleming's and Mr. Burke to voice their concerns and they spoke on January 23, 2024.

- 3) A public hearing was not carried out in Graves County, so people could be heard.

I have to ask, exactly when will the residents of Farmington Kentucky, specifically on Kentucky Highway 564, Kentucky Highway 339, Wilferd Road, Antioch Church Road and Beech Grove Road, be given the right to due process?

What I see is the tactic of a motion asking for the Intervenor's information to be stricken from the record, when there is no basis for such a request. A request that is solely for the purpose of making people believe the Intervenor's did not abide by

the guidelines set by the Siting Board.

I respectfully request the Siting Board deny this motion, as to this lay person it has no standing.

Knowledge Leads to Good Decisions

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