

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 A |) | CASE NO. |
| NONREGULATED ELECTRIC TRANSMISSION |) | 2023-00131 |
| LINE IN MARTIN COUNTY, KENTUCKY |) | |
| PURSUANT TO KRS 278.714 AND 807 KAR |) | |
| 5:110 |) | |

ORDER

On May 19, 2023, Martin County Solar Project, LLC (Martin County Solar I) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) seeking a certificate of construction for an approximately 310-foot nonregulated transmission line in Martin County, Kentucky, on an already approved project.¹

BACKGROUND

In Case No. 2021-00029, Martin County Solar I filed an application to construct an approximately 200 megawatt (MW) solar generating facility on a 4,122 acre site in Martin County, Kentucky.² During the pendency of the case, Martin County Solar I responded to three rounds of discovery,³ a site visit was conducted, the Siting Board's consultant

¹ Case No. 2021-00029, *Electronic Application of Martin County Solar Project LLC for a Certificate of Construction for an Approximately 200 Megawatt Merchant Electric Solar Generating Facility in Martin County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110.*

² Case No. 2021-00029, Martin County Solar Project Application and Exhibits (filed May 19, 2021).

³ Case No. 2021-00029, Martin County Solar Response to Siting Board Staff's First Request for Information (filed July 19, 2021); Martin County Solar Response to Siting Board Staffs Second Request for

issued a report about the project,⁴ and a hearing was held.⁵ The Siting Board evaluated the entire record and subsequently issued an Order that granted a Certificate of Construction conditioned upon full compliance with the mitigation measures contained in the Order.⁶ As part of the Certificate of Construction, approval was given for a 310-foot nonregulated transmission line to interconnect the project with an already existing substation.⁷

In Case No. 2022-00362, Martin County Solar I filed an application to transfer 89 MWs of the project and the rights granted by the Certificate of Construction to Martin County II Solar Project, LLC (Martin County Solar II).⁸ Martin County Solar I responded to one request for information from Siting Board Staff.⁹ The Siting Board evaluated the entirety of the record, including Case No. 2021-00029, and granted Martin County Solar I's request to transfer a portion of the project to Martin County Solar II.¹⁰

During the pendency of Case No. 2022-00362, Martin County Solar I filed a motion requesting the Siting Board to determine if the transmission line that is planned for the project is considered an associated structure that does not require a separate application

Information (filed Aug. 16, 2021); Martin County Solar Response to Siting Board Staff's Post-Hearing Request for Information (filed Oct. 12, 2021).

⁴ Case No. 2021-00029, Letter Filing Report into the Record (filed Aug. 30, 2021).

⁵ Hearing Video Testimony of the Sept. 21, 2021 Hearing.

⁶ Case No. 2021-00029, Nov. 15, 2021 final Order at 33.

⁷ Case No. 2021-00029, Nov. 15, 2021 final Order at 23–24.

⁸ Case No. 2022-00362, *Electronic Application of Martin County Solar Project, LLC to Transfer a Certificate of Construction Pursuant to KRS 278.710(3) and 807 KAR 5:100*.

⁹ Case No. 2022-00362, Martin County Solar's Response to Siting Board Staff's First Request for Information (filed Feb. 20, 2023).

¹⁰ Case No. 2022-00362, Apr. 12, 2023 final Order.

or if the Siting Board would require a separate application for a nonregulated transmission line pursuant to KRS 278.714.¹¹ Martin County Solar I stated the nonregulated transmission line had not deviated from the original design in Case No. 2021-00029 and the nonregulated transmission would be approximately 300 feet and interconnect with a Kentucky Power Company (Kentucky Power) substation.¹² On, April 12, 2023, the Siting Board issued an Order stating it could not determine if an application for a nonregulated transmission line was required because there are now two projects and the interconnection with the substation makes the consideration of whether an application for a nonregulated transmission line is materially different than if there was one project.¹³ Subsequently, Martin County Solar I filed a motion requesting the Siting Board reconsider the decision not to address the nonregulated transmission line application.¹⁴ Martin County Solar I filed additional information indicating Martin County Solar II will interconnect with Martin County Solar I using a medium voltage, less than 69 kV, collection cables.¹⁵

DISCUSSION

On May 19, 2023, Martin County Solar I filed an application for a Certificate of Construction for a 310-foot nonregulated transmission line to connect the project

¹¹ Case No. 2022-00362, Motion for Determination Regarding Separate Application Requirement for Nonregulated Electric Transmission Line (filed Mar. 8, 2023).

¹² Case No. 2022-00362, Motion for Determination Regarding Separate Application Requirement for Nonregulated Electric Transmission Line at 1-2.

¹³ Case No. 2022-00362 April 12, 2023 Order Addressing Determination.

¹⁴ Case No. 2022-00362, Motion for Reconsideration (filed May 12, 2023).

¹⁵ Case No. 2022-00362, Supplement to Motion for Reconsideration (filed Jun. 5, 2023).

substation and the utility substation.¹⁶ Siting Board staff reviewed the application and deemed the application met all the regulatory requirements to be deemed complete.¹⁷ However, Martin County Solar I has already received a Certificate of Construction for the transmission line for its project.¹⁸ As such, it is not necessary for the Siting Board to review this nonregulated transmission line again. Furthermore, KRS 278.700(5) states that a nonregulated transmission line is a transmission line where no certificate of public convenience and necessity is required and operates above 69 kV.¹⁹ Martin County Solar I has indicated that Martin County Solar II will interconnect to the Martin County Solar I substation by medium voltage collection cables (operating at a lower kV), making an application for a nonregulated transmission line unnecessary for that collection system.

The Siting Board finds that it is not necessary to review this application because Martin County Solar I has already received a certificate of construction for the transmission line at issue. The Siting Board also finds no additional certificate of construction is necessary for the collection line interconnecting Martin County Solar II with Martin County Solar I because the transmission line does not require review pursuant to KRS 278.700(5). If Martin County Solar II determines that a different voltage transmission line is necessary, Martin County Solar II may file an application for a nonregulated transmission line in a future proceeding.

¹⁶ Case No. 2023-00131, Application (filed May 19, 2023).

¹⁷ Case No. 2023-00131, No Deficiency Letter (filed May 22, 2023).

¹⁸ Case No. 2021-00029, Nov. 15, 2021 final Order at 23–24. See also Case No. 2021-00029, Application for Certificate of Construction at 3 (describing the components of the project that ultimately received a Certificate of Construction, as including "combiner boxes, inverters, high voltage transformers, junction boxes, DC and AC electrical collection systems, a Project substation, and *gen-tie lines*" (emphasis added), although it was initially anticipated the gen-tie would be no more than 300 feet.).

¹⁹ KRS 278.700(5).

IT IS THEREFORE ORDERED that:

1. Martin County Solar I received a Certificate of Construction for the transmission line to interconnect with the Inez substation in Case No. 2021-00029.
2. This case is closed and removed from the Siting Board's docket.

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KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING

Chairman, Public Service Commission

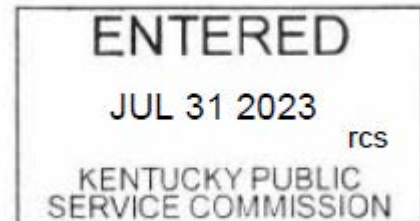
Vice Chairman, Public Service Commission

Commissioner, Public Service Commission

by KAC
w/permission

Secretary, Energy and Environment Cabinet,
or her designee

Secretary, Cabinet for Economic Development,
or his designee



ATTEST:

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

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