

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

In the Matter of:

ELECTRONIC APPLICATION OF BANJO CREEK )	
SOLAR LLC FOR A CERTIFICATE OF )	
CONSTRUCTION FOR AN APPROXIMATELY 120 )	CASE NO.
MEGAWATT ELECTRIC GENERATING FACILITY )	2023-00263
IN GRAVES COUNTY, KENTUCKY PURSUANT )	
TO KRS 278.700 AND 807 KAR 5:110 )	

ORDER

On September 20, 2023, multiple residents of Banjo Creek (Residents of Banjo Creek) filed a motion, by and through counsel, requesting full intervention. As a basis for its motion, the Residents of Banjo Creek stated that they have a special interest in these proceedings because they are all property owners adjacent or in the immediate vicinity of the proposed Banjo Creek Solar LLC (Banjo Creek) project.

LEGAL STANDARD

The regulatory standard for permissive intervention, set forth in 807 KAR 5:110, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(2), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding, or (2) that the participation in the proceeding will assist the board in reaching its decision and would not unduly interrupt the proceeding.

DISCUSSION AND FINDINGS

Multiple landowners with properties adjacent to the proposed Banjo Creek solar project filed a motion for intervention, collectively as “the Residents of Banjo Creek.” The

landowners include the following: David and Jessica Jefferies, 10772 State Route 564, South Farmington, Kentucky 42040; David and Sandy McEndree, 10642 State Route 564, South Farmington, Kentucky 42040; Justin and Carissa Jackson, 11113 State Route 564, South Farmington, Kentucky 42040; Mitchell Ivey, 10877 State Route 564, South Farmington, Kentucky 42040; Jan Hartsfield, 745 Wilford Road, Farmington, Kentucky 42040; Jody Hartsfield, 545 Wilferd Road, Farmington, Kentucky 42040; Jake and Lindee Hartsfield, 545 Wilferd Road, Farmington, Kentucky 42040. The Residents of Banjo Creek stated they all are adjacent landowners to the proposed site. The Residents of Banjo Creek argued they have a special interest in the proceedings because their properties are adjacent to the proposed project, and they have an interest in developing a record to ensure that Banjo Creek is in compliance with all statutory requirements.

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Siting Board finds that the Residents of Banjo Creek have demonstrated that they have a special interest in the proceeding over which the Siting Board has jurisdiction or that the Residents of Banjo Creek's participation in the proceeding will assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding. All the listed residents own property that is adjacent to the proposed solar facility, and their intervention and participation will assist the Siting Board in rendering a decision. The Residents of Banjo Creek, intervening as a group, also ensures their participation will not unduly interrupt the proceedings.

Based on the above, the Siting Board finds that the Residents of Banjo Creek should be granted full rights of a party in this proceeding. The Siting Board directs the

Residents of Banjo Creek to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Siting Board.

IT IS HEREBY ORDERED that:

1. The Residents of Banjo Creeks' motion to intervene is granted.
2. The Residents of Banjo Creek are entitled to the full rights of a party and shall be served with the Siting Board's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. The Residents of Banjo Creek shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. The Residents of Banjo Creek shall adhere to the procedural schedule set forth in the Siting Board's Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Residents of Banjo Creek shall file a written statement with the Siting Board that:
  - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
  - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

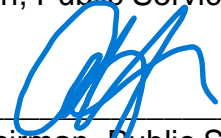
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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required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

KENTUCKY STATE BOARD ON ELECTRIC  
GENERATION AND TRANSMISSION SITING



Chairman, Public Service Commission



Vice Chairman, Public Service Commission

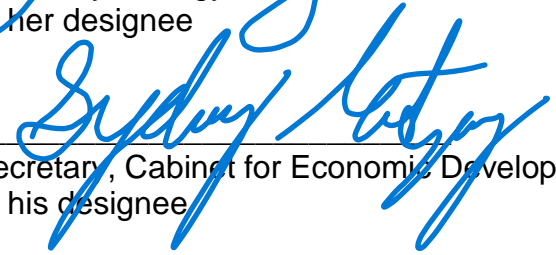


Commissioner, Public Service Commission

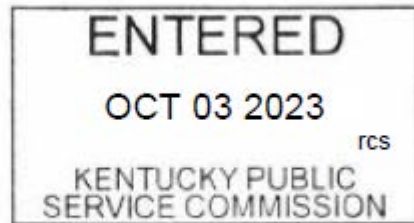
*by KTC  
w/permission*



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

\*David T. Riley  
Grumley, Riley, & Stewart, P.S.C.  
1634 Broadway  
Paducah, KENTUCKY 42001

\*Jonathan Flemings  
Director of Development  
Banjo Creek Solar LLC  
1900 South Blvd.  
Suite 306  
Charlotte, NORTH CAROLINA 28203

\*James W Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507

\*Jesse Perry  
Grave County Judge Executive  
101 East South Street  
Mayfield, KENTUCKY 42066

\*Rebecca C. Price  
Sturgill, Turner, Barker & Moloney  
155 East Main Street  
Lexington, KENTUCKY 40507

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507