

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF DOGWOOD	)	
CORNERS LLC FOR CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY 125	)	CASE NO.
MEGAWATT MERCHANT ELECTRIC SOLAR	)	2023-00246
GENERATING FACILITY IN CHRISTIAN	)	
COUNTY, KENTUCKY PURSUANT TO KRS	)	
278.700 AND 807 KAR 5:110	)	

NOTICE OF FILING

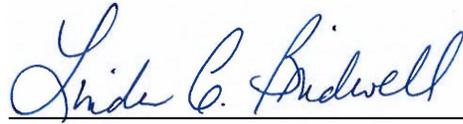
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on February 7, 2024 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on February 7, 2024 in this proceeding;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on February 7, 2024.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/DCvK5EGC6KE>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to [pscfilings@ky.gov](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 23<sup>rd</sup> day of April 2024.



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Linda C. Bridwell  
Executive Director  
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DOGWOOD )  
CORNERS LLC FOR CERTIFICATE OF )  
CONSTRUCTION FOR AN APPROXIMATELY ) CASE NO.  
125 MEGAWATT MERCHANT ELECTRIC ) 2022-00246  
SOLAR GENERATING FACILITY IN CHRISTIAN )  
COUNTY, KENTUCKY PURSUANT TO )  
KRS 278.700 AND 807 KAR 5:110 )

CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on February 7, 2024. The Formal Hearing Log, Exhibits, and Exhibit List are included with the recording on February 7, 2024;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of February 7, 2024; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of February 7, 2024, and the time at which each occurred.

Signed this 1st day of April, 2024.



Candace H. Sacre  
Administrative Specialist III



Stephanie Schweighardt  
Kentucky State at Large ID# KYNP 64180  
Commission Expires: January 14, 2027



# Session Report - Detail

2023-00246 07Feb2024

Dogwood Corners, LLC (Dogwood Corners)

Date:	Type:	Location:	Department:
2/7/2024	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Paul Coomes; Jerry Gilliam; Shane Kelley; Richard Kirkland; Megan Stahl; Seth Wilmore  
 Judge: Ben Bolinger; Kent Chandler; Angie Hatton; John Lyons; Mary Pat Regan; Sydney Montgomery; Ben Payne  
 Clerk: Candace Sacre

Event Time	Log Event
1:09:32 PM	Session Started
1:09:35 PM	Chairman Chandler Note: Sacre, Candace
1:09:58 PM	Chairman Chandler Note: Sacre, Candace
1:10:45 PM	Chairman Chandler Note: Sacre, Candace
1:11:18 PM	Chairman Chandler Note: Sacre, Candace
1:11:28 PM	Atty Price Dogwood Corners Note: Sacre, Candace
1:11:46 PM	Atty Johns Christian Co Fiscal Court Note: Sacre, Candace
1:11:56 PM	Staff Atty Carr PSC Note: Sacre, Candace
1:11:59 PM	Staff Atty Tussey PSC Note: Sacre, Candace
1:12:04 PM	Chairman Chandler Note: Sacre, Candace
1:12:20 PM	Chairman Chandler Note: Sacre, Candace
1:13:45 PM	PUBLIC COMMENTS Note: Sacre, Candace
1:53:15 PM	Chairman Chandler Note: Sacre, Candace
2:01:58 PM	Chairman Chandler Note: Sacre, Candace
2:02:01 PM	Atty Price Dogwood Corners Note: Sacre, Candace
2:02:12 PM	Chairman Chandler Note: Sacre, Candace
2:02:20 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace
2:03:00 PM	Atty Price Dogwood Corners - witness Stahl Note: Sacre, Candace
2:03:06 PM	Atty Price Dogwood Corners - witness Stahl Note: Sacre, Candace
2:03:09 PM	Atty Price Dogwood Corners - witness Stahl Note: Sacre, Candace
2:03:13 PM	Atty Price Dogwood Corners - witness Stahl Note: Sacre, Candace

2:03:33 PM Atty Price Dogwood Corners - witness Stahl  
Note: Sacre, Candace Assist in preparation of materials?

2:03:39 PM Atty Price Dogwood Corners - witness Stahl  
Note: Sacre, Candace Sponsor data requests?

2:03:43 PM Atty Price Dogwood Corners - witness Stahl  
Note: Sacre, Candace Field questions regarding wetland and water body delineation reports?

2:03:53 PM Atty Price Dogwood Corners - witness Stahl  
Note: Sacre, Candace Field questions regarding geotechnical report Reynolds and McCoy listed as witnesses?

2:04:01 PM Atty Price Dogwood Corners - witness Stahl  
Note: Sacre, Candace Changes?

2:04:07 PM Atty Price Dogwood Corners - witness Stahl  
Note: Sacre, Candace Adopt as testimony?

2:04:14 PM Chairman Chandler  
Note: Sacre, Candace Counsel?

2:04:20 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Cross Examination. At time of Dogwood application, aware Christian County Ordinance 22-04?

2:04:23 PM Atty Price Dogwood Corners  
Note: Sacre, Candace Would argue compliance with ordinance legal conclusion. (Click on link for further comments.)

2:04:29 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace And on Nov 29 2022 did you and Osterloh speak at Christian Fiscal Court?

2:04:41 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace True plans submitted by Dogwood Corners not comply with Ordinance 22-04?

2:04:47 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Plans submitted not comply with Ordinance 22-04?

2:04:56 PM Atty Price Dogwood Corners  
Note: Sacre, Candace Objection. (Click on link for further comments.)

2:05:16 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Dogwood Corners file lawsuit?

2:05:22 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Lawsuit dismissed?

2:05:24 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Dismissal indicate whether ordinance valid or invalid?

2:05:40 PM Atty Price Dogwood Corners  
Note: Sacre, Candace Asking witness interpret judicial order. (Click on link for further comments.)

2:06:50 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Reviewed Ordinance 2022-004?

2:07:00 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Contain setback lines?

2:07:15 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Ordinance 2022-004 contain setback lines?

2:07:35 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Addressed Fiscal Court with suggestions reducing setback lines?

2:07:47 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace What is setback lines based on your review?

2:08:35 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace When appeared before Fiscal Court, inform project could not comply with ordinance?

2:08:47 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Request ordinance be amended?

2:09:08 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace What were suggestions?

2:09:40 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Location where project contemplated, construction plans for project comply with ordinance?

2:10:00 PM Atty Price Dogwood Corners  
Note: Sacre, Candace Asking for legal conclusion. (Click on link for further comments.)

2:10:57 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Described setback of 2000 feet?

2:11:20 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Nearest property owner less than 2000 feet?

2:11:28 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace How many less than 2000 feet?

2:11:53 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Aware of waiver provision in ordinance?

2:12:11 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Aware of deviation?

2:12:15 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Dogwood request deviation?

2:12:42 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Dogwood obtained archeological study?

2:13:09 PM Atty Johns Christian Co Fiscal Court - witness Stahl  
Note: Sacre, Candace Purchase of power, concluded?

2:15:11 PM Chairman Chandler  
Note: Sacre, Candace Counsel?

2:15:21 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Cross Examination. Site layout filed with Siting Board Nov 3 2013, most recent?

2:15:32 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Final site plan?

2:15:48 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Minor changes, what kind of changes could happen?

2:16:13 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace When anticipate construction begin?

2:16:50 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace What other study need complete?

2:17:18 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Feasibility study completed?

2:17:22 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Impact study completed?

2:17:25 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Redacted copy, provided that?

2:17:39 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace How long peak construction be?

2:17:45 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Describe construction activities occur during that time?

2:18:02 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace What responsibility ensure mitigation measures complied with?

2:18:19 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Total acreage 530 acres?

2:18:34 PM Staff Atty Carr PSC - witness Stahl  
Note: Sacre, Candace Including fenced acreage?

2:18:43 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Outline contact with officials in Christian County?
2:23:01 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	As far as landowners reached out to, have landowners contact you about information?
2:23:20 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Adjacent landowners?
2:23:28 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	How many adjacent landowners?
2:23:37 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	How many not able have contact?
2:23:47 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Will be requesting in post-hearing data response?
2:23:48 PM	POST-HEARING DATA REQUEST Note: Sacre, Candace	STAFF ATTY CARR PSC - WITNESS STAHL
	Note: Sacre, Candace	NUMBER OF ADJACENT LANDOWNERS NOT ABLE TO CONTACT
2:23:52 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Any structures be demolished?
2:24:03 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What are those structures?
2:24:12 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Dogwood Corners develop storm water or runoff plan?
2:24:35 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What spacing be between rows of panels?
2:25:07 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	How many panels anticipate using?
2:25:14 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Know how high bottom of panels from ground?
2:26:02 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What ground cover be under panels?
2:26:10 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Be native grass?
2:26:27 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Access roads gravel?
2:26:31 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What precautions ensure roads not erode?
2:26:45 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Explain how decided where vegetative screening necessary?
2:27:27 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What were adjustments made?
2:27:45 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Will landscaping plans fully shield properties?
2:28:08 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What type of trees?
2:28:14 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What height?
2:28:26 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Two acres of native pollinators?
2:28:32 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	When landscaping be done?
2:28:58 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Any requests change or add vegetative screening?
2:29:09 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Have changes been made?

2:29:13 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Additional trees be planted?
2:29:24 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Tree clearing take place during project?
2:29:50 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Leases with landowners and Oriden LLC?
2:30:12 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	How Oriden fall in corporate structure?
2:30:30 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Motion for deviation not filed?
2:30:41 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Proposing 500 feet setback?
2:30:56 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Not project boundary, from panel to property line?
2:31:27 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Distance from closest nonparticipating to fence, panel, inverter, or substation?
2:32:12 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Going back to setback, from panel to front door or to property line or fence?
2:32:40 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Geotechnical report karst concerns, mitigation plans to utilize?
2:34:04 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	If karst discovered during construction, what steps taken?
2:34:28 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Several known sinkholes, what are setbacks?
2:34:39 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Working with geotech consultants during construction?
2:34:47 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What installation method used for project?
2:35:07 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Requests from anyone in community to change project layout?
2:36:00 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Dogwood Corners have employees?
2:36:07 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Person signed certificate of compliance, Seth Wilmore, employed at Dogwood Corners or another subsidiary?
2:36:25 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	All employees be employed by Dogwood Corners or Oriden?
2:36:35 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	What company employ individuals responsible for compliance?
2:36:50 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Glare study to be conducted?
2:37:05 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	In application, state no environmental violation and no entity with ownership interest violated regulations, what companies have ownership interest?
2:37:48 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Examination. Respondent for assertion just reading back to you?
2:38:21 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	That statute, 278.706(2)(k) states that, as recited here, reading (click on link for further comments), and, under Compliance, it states, reading (click on link for further comments), person responsible Megan Stahl, that's you?

2:39:18 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Who identify as entities with direct ownership of Dogwood Corners were when you answered this question?
2:39:35 PM	Atty Price Dogwood Corners Note: Sacre, Candace	Wilmore is here and prepared talk about corporate structure. (Click on link for further comments.)
2:40:39 PM	Chairman Chandler Note: Sacre, Candace	Counsel?
2:40:40 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Cross Examination. Project include single transmission line?
2:41:03 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Substation location finalized?
2:41:10 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	How long transmission line be?
2:42:12 PM	Staff Atty Carr PSC - witness Stahl Note: Sacre, Candace	Decommissioning plan, describe underground and above ground components, how Dogwood Corners comply?
2:43:31 PM	Chairman Chandler Note: Sacre, Candace	Recess until 2:55.
2:43:58 PM	Session Paused	
2:44:06 PM	Session Resumed	
2:54:48 PM	Session Paused	
3:01:03 PM	Session Resumed	
3:01:10 PM	Chairman Chandler Note: Sacre, Candace	Back on the record.
3:01:15 PM	Chairman Chandler Note: Sacre, Candace	Questions?
3:01:46 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	Examination. Is projected off-taker TVA?
3:02:09 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	TVA require you to do a full blown NEPA survey?
3:02:20 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	Assume that is not begun yet?
3:02:33 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	Did see consultant did a preliminary jurisdictional determination for waters of the US?
3:03:01 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	Corps has not done a determination?
3:03:10 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	There are water of the US on site?
3:03:23 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	What is general approach working in and around jurisdictional waters?
3:04:25 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	Assume not started consultation with Fish & Wildlife?
3:04:55 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	Get a copy of that IPaC?
3:04:56 PM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	BOARD MEMBER LYONS - WITNESS STAHL COPY OF USFWS IPaC (INFORMATION FOR PLANNING AND CONSULTATION)
3:04:59 PM	Board Member Lyons - witness Stahl Note: Sacre, Candace	What did it show?

3:05:19 PM	Board Member Lyons - witness Stahl	
	Note: Sacre, Candace	Run a Kentucky Biological Assessment tool run?
3:05:31 PM	Board Member Lyons - witness Stahl	
	Note: Sacre, Candace	Also like a copy of that as well?
3:05:32 PM	POST-HEARING DATA REQUEST	
	Note: Sacre, Candace	BOARD MEMBER LYONS - WITNESS STAHL
	Note: Sacre, Candace	COPY OF KENTUCKY BIOLOGICAL ASSESSMENT TOOL RUN
3:05:42 PM	Board Member Lyons - witness Stahl	
	Note: Sacre, Candace	Phase 1 study assessment done?
3:06:26 PM	Board Member Lyons - witness Stahl	
	Note: Sacre, Candace	Read in filings about wildlife enhancement plan, what is this?
3:08:00 PM	Board Member Lyons - witness Stahl	
	Note: Sacre, Candace	Fence around panels?
3:08:05 PM	Board Member Lyons - witness Stahl	
	Note: Sacre, Candace	Comply with NESC requirements?
3:08:15 PM	Chairman Chandler	
	Note: Sacre, Candace	Mr. Montgomery?
3:08:21 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Cross Examination. Who employer?
3:08:33 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	How long with Oriden?
3:08:39 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Only project worked on while employed by Oriden?
3:08:50 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Similar in terms of size, megawatts, et cetera?
3:09:10 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Explain how company come up with capital investment for a project?
3:09:43 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	During construction, operation, management, whether employing subcontractors or outsource to EPC?
3:10:05 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	For both construction and O&M?
3:10:20 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Review Dr. Coomes economic impact report?
3:10:29 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Figures in terms of jobs created and economic impact, numbers consistent other projects worked on?
3:10:50 PM	Board Member Montgomery - witness Stahl	
	Note: Sacre, Candace	Heard say in discussions with county regards IRB, something you intend accomplish or speak to that?
3:11:28 PM	Chairman Chandler	
	Note: Sacre, Candace	Mr. Bolinger?
3:11:35 PM	Board Member Bolinger - witness Stahl	
	Note: Sacre, Candace	Examination. Noticed in documents presented 60 percent adjoining landowners residential use, rural area, something typical for size of solar farm?
3:12:20 PM	Board Member Bolinger - witness Stahl	
	Note: Sacre, Candace	Areas have solar farms rural area typically or surrounded by residential use?
3:12:45 PM	Board Member Bolinger - witness Stahl	
	Note: Sacre, Candace	Recommended 500-foot setback, how many times applied for variance?
3:13:52 PM	Board Member Bolinger - witness Stahl	
	Note: Sacre, Candace	Know if ever applied for variance?

3:14:08 PM Chairman Chandler  
Note: Sacre, Candace Mr. Payne?

3:14:23 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Examination. Person who made application?

3:14:32 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Also part of notice of intent for application?

3:14:43 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Aware of rules for this board?

3:14:57 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Stated been working on project since 2019?

3:15:17 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace You were communicating with Fiscal Court when put together ordinance in 2022?

3:15:40 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Knew ordinance was there?

3:15:54 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Purposefully not include ordinance in application?

3:16:02 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Said first application sent back for deficiency?

3:16:22 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Either one, even application not have ordinance?

3:17:00 PM Board Member Payne - witness Stahl  
Note: Sacre, Candace Purposefully not put in or just oversight?

3:17:31 PM Atty Osterloh Dogwood Corners  
Note: Sacre, Candace Relates to planning and zoning ordinances. (Click on link for further comments.)

3:19:06 PM Chairman Chandler  
Note: Sacre, Candace Vice Chair?

3:19:22 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace Examination. Talk about efforts made to contact landowners?

3:20:56 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace As of today, contact with all adjoining landowners?

3:21:17 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace Someone commented her land be surrounded on four sides, does your plan encompass someone's land on four sides?

3:22:00 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace So that's possible?

3:22:20 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace Existence of up to five natural springs, identified by your company?

3:22:39 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace Continuing to do more work to identify springs?

3:22:58 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace What historically significant study, completed?

3:24:07 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace Know if one was Native American encampment?

3:24:25 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace If something like that identified, what steps taken?

3:24:55 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace What is a wildlife permeable fence?

3:25:07 PM Vice Chairman Hatton - witness Stahl  
Note: Sacre, Candace Rabbit sized?

3:25:14 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Examination. Been with Oriden since 2002?

3:25:23 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Project started in 2019?

3:25:28 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Walk through what process be identifying location put solar farm, how do that?

3:26:53 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Done on desktop or go to site?

3:27:02 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Been to site?

3:27:06 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Referring to "we," who is "we," Oriden or Dogwood?

3:27:40 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Is it a subsidiary?

3:27:50 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace When conducted public outreach, was it Oriden or other people on your behalf?

3:28:30 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace When did site survey, look at where mine was to put solar facility?

3:29:01 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Oriden's view that solar facility should be near residential areas than a mine area?

3:29:38 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Impact being be more expensive?

3:29:50 PM Commissioner Regan - witness Stahl  
Note: Sacre, Candace Feasible could be put on mine location, more expensive and more environmental issues?

3:30:10 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Examination. Familiar with leases?

3:30:13 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Leases with Dogwood Corners Solar LLC?

3:30:48 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Know if filed assignment of leases in record?

3:30:52 PM Chairman Chandler  
Note: Sacre, Candace May be an opportunity to supplement previous data response. (Click on link for further comments.)

3:31:10 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace All but one of the leases is in name of applicant as counterparty?

3:31:20 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Staff counsel asking proximity of collector substation to TVA substation, remember that?

3:31:35 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Remember answering adjacent to each other?

3:32:02 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Connection project to TVA substation two beside each other?

3:32:13 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace When say adjacent, how close anticipate layouts to be?

3:32:38 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Know voltage of connection between two facilities be?

3:32:49 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace Connecting directly or line connects be stepped up?

3:33:01 PM Chairman Chandler - witness Stahl  
Note: Sacre, Candace High side voltage saying TVA is 161 kV, know who tell me what line connecting to substation be?

3:33:16 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Know what voltage collection lines be propose run amongst areas of project?
3:33:42 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Know what lease payments proposed be for landowners?
3:33:48 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Hire Dr. Coomes?
3:33:53 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Reviewed his report?
3:34:07 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Net economic impact, familiar with section of report?
3:34:30 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Report says, reading (click on link for further comments), sound familiar?
3:34:52 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Heard comments about that?
3:35:01 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	States later, reading (click on link for further comments), read that portion?
3:35:13 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Ask Dr. Coomes do economic report?
3:35:19 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Did he ask for lease payments?
3:35:28 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Come up in conversation ever, refuse to provide them?
3:35:38 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Have concerns providing lease payment?
3:35:52 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Know what lease payments are, what are people making today from farms?
3:36:46 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Provision work in concert underlying purpose of lease, generally familiar?
3:37:05 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Issue providing documentation, asking what current economic activity?
3:37:44 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Remember talking about land availability, discussed transmission capacity, remember that?
3:37:55 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	How know transmission capacity before do interconnection study, before or after put in queue?
3:38:35 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Not guessing not be significant upgrades, have good idea already?
3:38:57 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Response to Deputy Secretary not start NEPA review until committed to NEPA contracting with federal agency?
3:39:28 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Lead agency in making final determination, does a lot of the work?
3:39:44 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Like IPaC?
3:39:50 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Statute allows NEPA review to take place of cumulative environmental assessment?

3:40:06 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Is that what it is, can substitute a NEPA review for one of required environmental studies?
3:40:19 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Why not wait and file for case here after signed PPA and full NEPA analysis?
3:41:24 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Can comply with NEPA opposed to site assessment report, NEPA lot more parts?
3:41:47 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Not have benefit of complied-with NEPA review?
3:42:00 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Who witness ask about ownership and organizational structure?
3:42:27 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Could build project and then sign PPA with TVA?
3:42:53 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Route going down related to finance, want approval here first and then sign PPA so get financing, and then move forward?
3:43:53 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Done project that fell under NEPA before?
3:44:03 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Done one at all?
3:44:09 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	Changes necessary following NEPA review?
3:44:19 PM	Chairman Chandler - witness Stahl Note: Sacre, Candace	No site location changes?
3:44:36 PM	Chairman Chandler Note: Sacre, Candace	Redirect?
3:44:42 PM	Atty Price Dogwood Corners - witness Stahl Note: Sacre, Candace	Redirect Examination. Your understanding Ordinance 22-04 repealed?
3:44:50 PM	Chairman Chandler Note: Sacre, Candace	Another witness?
3:44:54 PM	Atty Price Dogwood Corners Note: Sacre, Candace	Seth Wilmore.
3:45:12 PM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
3:45:17 PM	Chairman Chandler - witness Wilmore Note: Sacre, Candace	Examination. Name and address?
3:45:28 PM	Atty Price Dogwood Corners - witness Wilmore Note: Sacre, Candace	Direct Examination. By who employed?
3:45:34 PM	Atty Price Dogwood Corners - witness Wilmore Note: Sacre, Candace	Title?
3:45:37 PM	Atty Price Dogwood Corners - witness Wilmore Note: Sacre, Candace	Role with project?
3:45:43 PM	Atty Price Dogwood Corners - witness Wilmore Note: Sacre, Candace	Assist in preparation of materials?
3:45:52 PM	Atty Price Dogwood Corners - witness Wilmore Note: Sacre, Candace	Changes?
3:46:00 PM	Atty Price Dogwood Corners - witness Wilmore Note: Sacre, Candace	Adopt information previously provided?
3:46:09 PM	Chairman Chandler Note: Sacre, Candace	Counsel, questions?

3:46:15 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Cross Examination. Contacted every adjoining resident?

3:46:46 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Maintain records of contacts?

3:46:51 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Records available?

3:46:55 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Be provided to supplement testimony?

3:47:12 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Appear before Fiscal Court?

3:47:25 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Represent community support within Dogwood?

3:47:41 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Not represent was widespread community support?

3:47:58 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace When pushback begin?

3:48:13 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace What Oriden do to address concerns?

3:48:33 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace What was initial setback?

3:48:42 PM Atty Johns Christian Co Fiscal Court - witness Wilmore  
Note: Sacre, Candace Heard Cook house surrounded on four sides?

3:49:17 PM Chairman Chandler  
Note: Sacre, Candace Had question for witness said could follow up. (Click on link for further comments.)

3:50:38 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace Cross Examination. What activities during peak construction?

3:50:54 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace How long last?

3:51:00 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace What responsibility Dogwood Corners have ensure all mitigation complied with?

3:51:49 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace Employees be employed by Oriden or Steel City Energy?

3:51:57 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace How Oriden fit in with corporate structure?

3:52:12 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace Oriden owned by anyone else or wholly-owned subsidiary?

3:52:24 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace Environmental violation record how far go back?

3:52:34 PM Staff Atty Carr PSC - witness Wilmore  
Note: Sacre, Candace So did not include Mitsubishi?

3:52:58 PM Chairman Chandler  
Note: Sacre, Candace Questions?

3:53:20 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace Examination. Found be 371 jobs in first year?

3:53:34 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace Local construction jobs?

3:54:00 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace Pulled from another state?

3:54:15 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace Five to eight full-time positions, Dogwood or Oriden?

3:54:42 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace Operations and maintenance be local company?

3:55:09 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace If issue comes up in operations or maintenance, where would individual or Dogwood go to get help?

3:55:55 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace Oriden have remote operation center for other projects?

3:56:04 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace How handle issues today?

3:56:11 PM Commissioner Regan - witness Wilmore  
Note: Sacre, Candace All be contracted out?

3:56:16 PM Chairman Chandler  
Note: Sacre, Candace Vice Chair?

3:56:18 PM Vice Chairman Hatton - witness Wilmore  
Note: Sacre, Candace Examination. How local people get information operations and maintenance issue?

3:56:50 PM Vice Chairman Hatton - witness Wilmore  
Note: Sacre, Candace On Oriden website or Google Dogwood Corners to call if issues with panels?

3:57:15 PM Vice Chairman Hatton - witness Wilmore  
Note: Sacre, Candace When see plan for emergency?

3:57:48 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Examination. Walk me through this again, Dogwood Corners LLC wholly-owned direct subsidiary of who?

3:58:05 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Steel City Energy LLC, where is the steel city, Pittsburgh?

3:58:25 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Employee Steel City or another entity?

3:58:30 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Know whether Steel City has employees?

3:58:35 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Know if has assets, or just a shell?

3:58:49 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Purpose for it, or just to hold?

3:59:00 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Other LLCs that Steel City Energy has interest in?

3:59:15 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace If get PPA, anybody will finance, really the golden ticket to get financing?

4:00:01 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace In this market, within fence of TVA?

4:00:08 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Get financing before PPA?

4:00:24 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Oriden built solar facilities yet?

4:00:33 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Financed those, built and financed them?

4:00:44 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Before financing, expected entities be transferred?

4:01:07 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace For tax purposes, move it over to different LLC, happened any other projects?

4:01:30 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Have intention of owning and operating or getting up and selling it?

4:01:57 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Committed to number of things in application?

4:02:09 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Complaint resolution process, who calling again?

4:02:25 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Who is we?

4:02:34 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace When sell it, who calling then?

4:03:30 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Person seeking certificate not Oriden?

4:03:38 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Not Steel City?

4:03:55 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace It is Dogwood Corners committing to complaint resolution process?

4:04:01 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Any conditions applicable to Dogwood Corners?

4:04:10 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Will be no employees at Dogwood Corners?

4:04:20 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Who people make sure compliance?

4:04:50 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Knew entities looked at no poor environmental compliance history?

4:05:01 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace What is compliance history Oriden sell it to?

4:05:18 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Oriden owned by somebody?

4:05:29 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace That somebody may be owned by somebody else?

4:05:35 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Ultimate parent company, but why stop at Oriden?

4:06:00 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Have copy of application?

4:06:38 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace When asked question, added qualifying limitation electric production or something?

4:06:50 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Is that limitation in requirement?

4:07:02 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Why stop at two, your decision or someone else's?

4:07:37 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Not included out of concern identifying violating environmental requirements put project at risk?

4:07:56 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Make that decision in consultation with someone else or in consultation with counsel?

4:08:08 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Lease assignment occur after filing of this case?

4:08:39 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Contract for O&M, Oriden ever had subsidiary with contract in terms of operations?

4:09:15 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Sold before had project going, built, and operated?

4:09:30 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Signed and assumed by owner of project?

4:09:43 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace When get rid of project, sell leases, sell assets, or sell LLC?

4:09:57 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Just a package deal?

4:10:00 PM Chairman Chandler - witness Wilmore  
Note: Sacre, Candace Counsel?

4:10:07 PM Chairman Chandler  
Note: Sacre, Candace Recess until 4:15.

4:10:34 PM Session Paused

4:21:47 PM Session Resumed

4:21:59 PM Chairman Chandler  
Note: Sacre, Candace Back on the record.

4:22:04 PM Chairman Chandler  
Note: Sacre, Candace Call another witness.

4:22:07 PM Atty Price Dogwood Corners  
Note: Sacre, Candace Richard Kirkland.

4:22:20 PM Chairman Chandler  
Note: Sacre, Candace Witness is sworn.

4:22:26 PM Chairman Chandler - witness Kirkland  
Note: Sacre, Candace Examination. Name and address?

4:22:42 PM Atty Price Dogwood Corners - witness Kirkland  
Note: Sacre, Candace Direct Examination. Title?

4:22:47 PM Atty Price Dogwood Corners - witness Kirkland  
Note: Sacre, Candace Role with project?

4:22:53 PM Atty Price Dogwood Corners - witness Kirkland  
Note: Sacre, Candace Assist in preparation of report?

4:23:04 PM Atty Price Dogwood Corners - witness Kirkland  
Note: Sacre, Candace Changes to that report?

4:23:10 PM Atty Price Dogwood Corners - witness Kirkland  
Note: Sacre, Candace Adopt report as testimony?

4:23:15 PM Atty Price Dogwood Corners - witness Kirkland  
Note: Sacre, Candace Counsel?

4:23:20 PM Atty Johns Christian Co Fiscal Court - witness Kirkland  
Note: Sacre, Candace Cross Examination. Done other work for Dogwood Corners or Oriden?

4:23:34 PM Atty Johns Christian Co Fiscal Court - witness Kirkland  
Note: Sacre, Candace Where do work?

4:23:43 PM Atty Johns Christian Co Fiscal Court - witness Kirkland  
Note: Sacre, Candace How many occasions?

4:23:53 PM Chairman Chandler  
Note: Sacre, Candace Counsel?

4:24:02 PM Staff Atty Carr PSC - witness Kirkland  
Note: Sacre, Candace Cross Examination. Stated use matched pair analysis?

4:24:04 PM Staff Atty Carr PSC - witness Kirkland  
Note: Sacre, Candace Describe process you use?

4:25:15 PM Staff Atty Carr PSC - witness Kirkland  
Note: Sacre, Candace How able draw conclusion when not been lot of solar projects in Kentucky?

4:26:06 PM Staff Atty Carr PSC - witness Kirkland  
Note: Sacre, Candace Comments from residents and concerns, how factor in analysis?

4:28:39 PM Staff Atty Carr PSC - witness Kirkland  
Note: Sacre, Candace Recall if any reports done value affected every turn seeing solar panel?

4:29:12 PM Staff Atty Carr PSC - witness Kirkland  
Note: Sacre, Candace In other states, not in Kentucky?

4:29:20 PM Chairman Chandler  
Note: Sacre, Candace Deputy Secretary Lyons?

4:29:40 PM Board Member Lyons - witness Kirkland  
Note: Sacre, Candace Examination. Analysis more broad than looking at one specific home?

4:30:05 PM Board Member Lyons - witness Kirkland  
Note: Sacre, Candace This instance, did look at home specifically and determined be no value impact?

4:30:33 PM Chairman Chandler  
Note: Sacre, Candace Mr. Montgomery?

4:30:40 PM Board Member Montgomery - witness Kirkland  
Note: Sacre, Candace Examination. How far back as far as timeline?

4:30:55 PM Board Member Montgomery - witness Kirkland  
Note: Sacre, Candace Value prior sales of homes near solar projects, how far back data go?

4:31:35 PM Board Member Montgomery - witness Kirkland  
Note: Sacre, Candace In market more demand for housing than supply, seem be less impact, more supply than demand wider gap in impact?

4:32:41 PM Chairman Chandler  
Note: Sacre, Candace Mr. Bolinger?

4:32:56 PM Board Member Bolinger - witness Kirkland  
Note: Sacre, Candace Examination. Fair to say in rural areas limitation in data skew final number?

4:33:58 PM Board Member Bolinger - witness Kirkland  
Note: Sacre, Candace Use a statistical analysis, plus or minus less than five percent?

4:34:38 PM Board Member Bolinger - witness Kirkland  
Note: Sacre, Candace Limited to homes, look at neighboring farms, commercial buildings?

4:36:08 PM Chairman Chandler  
Note: Sacre, Candace Mr. Payne?

4:36:20 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Examination. Shown where closest is 516 feet away, person surrounded on all four sides, furthest away is 1600?

4:37:00 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Average 1600 feet, see no delineation between 500 and 1600 feet or 2000 or 5000 feet, impact less than 500?

4:38:49 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Help to a community possibly?

4:39:26 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace When doing analysis, one of projects sticking it where a lot of residential?

4:40:20 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Appraisals, any houses sold?

4:40:30 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Projects just named not have data?

4:40:59 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Know what those setoffs were?

4:41:18 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace What average setoff?

4:41:43 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace 344 feet for ones in Kentucky?

4:42:28 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Out of those, this one would rank fourth in density of houses?

4:42:43 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace Talking residential adjoiners, fourth?

4:43:10 PM Board Member Payne - witness Kirkland  
Note: Sacre, Candace When did appraisal, come to county and look at houses?

4:43:28 PM Chairman Chandler  
Note: Sacre, Candace Vice Chair?

4:43:31 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Examination. Help me read this chart, Parcel 1, percentage of adjoined acres, what mean?

4:44:13 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Saying 2.88 percent adjoin solar panel?

4:44:25 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace What Parcel LF Adjacent mean?

4:45:10 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Parcel 1 90 acres and 1380 linear feet be adjacent to solar panel?

4:45:13 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Talking about how landscape can affect property values, rural not necessarily view, buffers between solar facility serve as enhancement?

4:46:09 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Hypothetical enhancement or actually seen as enhancement?

4:46:26 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace What about solar facilities with buffers?

4:46:32 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Near home in North Carolina, homes sold within solar facility, not affect at all?

4:47:03 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Ones seen, similar type of area, city blocks or rural farm?

4:47:47 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Examination. Where home is outside big city?

4:48:01 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Which is a pretty big city?

4:48:10 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Where you are and Christian County pretty different?

4:48:33 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Say before never seen negative impact on solar project for residential sale?

4:49:11 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Stays same whether rural or urban?

4:49:23 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Doing for 16 years?

4:49:30 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace How long involved with Oriden?

4:49:38 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace How many impact analyses done?

4:49:43 PM Commissioner Regan - witness Kirkland  
Note: Sacre, Candace Ask in post-hearing data request, provide that?

4:49:44 PM POST-HEARING DATA REQUEST  
Note: Sacre, Candace COMMISSIONER REGAN - WITNESS KIRKLAND  
Note: Sacre, Candace NUMBER OF IMPACT ANALYSES PERFORMED BY KIRKLAND

4:49:52 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace Examination. Report finds no impact on property value?

4:50:00 PM Vice Chairman Hatton - witness Kirkland  
Note: Sacre, Candace No impact, is that based on average or no adjoining landowners had negative impact?

4:51:01 PM	Vice Chairman Hatton - witness Kirkland Note: Sacre, Candace	Public comment hearing, home on higher elevation and no amount of trees correct damage to view shed, remember that house?
4:51:48 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	Examination. Listing all facilities in Kentucky, page 33 of report, numbered 610 through 794?
4:52:13 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	Know which of these built and operating?
4:52:51 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	You say near the end?
4:53:11 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	The small ones there, Crittenden?
4:53:28 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	Glover Creek, as built?
4:53:50 PM	Chairman Chandler Note: Sacre, Candace	Stipulate are and are not built? (Click on link for further comments.)
4:54:29 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	Russell Springs built in 2022, how know built and operating?
4:54:40 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	How are you finding out?
4:55:09 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	Some built in 2022, not get siting certificate until 2022?
4:55:34 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	Citing other facilities, Anderson Solar not be built, Fleming County not move forward?
4:56:06 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	If know bringing solar, walking away from project, not controlled for?
4:56:45 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	When comparing to Henderson was this, Fleming was this, certificate of construction but may not be building?
4:57:35 PM	Chairman Chandler - witness Kirkland Note: Sacre, Candace	What trying to ask, how relevant comparison between those not get built?
4:58:24 PM	Board Member Payne - witness Kirkland Note: Sacre, Candace	Examination. Other high-density projects, might not be getting built?
4:58:57 PM	Chairman Chandler Note: Sacre, Candace	Redirect?
4:59:08 PM	Atty Price Dogwood Corners Note: Sacre, Candace	Call Shane Kelley.
4:59:22 PM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
4:59:28 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Examination. Name and address?
4:59:42 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Direct Examination. By whom employed?
4:59:45 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Title?
4:59:50 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Role in this project?
4:59:58 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Assessments submitted as part of application?

5:00:04 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Sponsor responses?
5:00:09 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Changes?
5:00:15 PM	Atty Price Dogwood Corners - witness Kelley Note: Sacre, Candace	Adopt as testimony?
5:00:23 PM	Chairman Chandler Note: Sacre, Candace	Counsel?
5:00:28 PM	Atty Johns Christian Co Fiscal Court - witness Kelley Note: Sacre, Candace	Cross Examination. How many projects done for Dogwood Corners or Oriden?
5:00:40 PM	Atty Johns Christian Co Fiscal Court - witness Kelley Note: Sacre, Candace	How much pay you?
5:00:48 PM	Chairman Chandler Note: Sacre, Candace	Counsel?
5:01:05 PM	Staff Atty Carr PSC - witness Kelley Note: Sacre, Candace	Cross Examination. Responsible Dogwood Corners response to consultant report?
5:01:12 PM	Staff Atty Carr PSC - witness Kelley Note: Sacre, Candace	Dogwood not want to limit pile driving and have noise mitigation measures?
5:01:25 PM	Staff Atty Carr PSC - witness Kelley Note: Sacre, Candace	Was that ultimate conclusion?
5:01:35 PM	Staff Atty Carr PSC - witness Kelley Note: Sacre, Candace	Agree statement both mitigation measures not needed?
5:01:59 PM	Chairman Chandler Note: Sacre, Candace	Questions?
5:02:25 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Examination. Heard comments about karst setbacks?
5:02:28 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Hear distance applicant place facilities to known karst issues?
5:02:44 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Make a recommendation?
5:02:48 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Visited location of proposed facility?
5:02:53 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Identify open karst issues?
5:03:01 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	As part of desktop reviews or studies, aware of any expected/known karst issues?
5:03:26 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Help inform response noise mitigation?
5:03:41 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Timing and suppression?
5:03:50 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Were you consulted with?
5:03:58 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Personal familiarity with construction methods?
5:04:05 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Witnessed type of pile driving?
5:04:11 PM	Chairman Chandler - witness Kelley Note: Sacre, Candace	Seen type pile driver use?
5:04:28 PM	Chairman Chandler Note: Sacre, Candace	Redirect?

5:04:43 PM Atty Rice Dogwood Corners  
Note: Sacre, Candace Next call Dr. Coomes.

5:04:53 PM Chairman Chandler  
Note: Sacre, Candace Witness is sworn.

5:05:00 PM Chairman Chandler - witness Coomes  
Note: Sacre, Candace Examination. Name and address?

5:05:10 PM Atty Rice Dogwood Corners - witness Coomes  
Note: Sacre, Candace Direct Examination. Professor emeritus at U of L?

5:05:15 PM Atty Rice Dogwood Corners - witness Coomes  
Note: Sacre, Candace Assist in economic analysis report?

5:05:23 PM Atty Rice Dogwood Corners - witness Coomes  
Note: Sacre, Candace Sponsor data request responses?

5:05:28 PM Atty Rice Dogwood Corners - witness Coomes  
Note: Sacre, Candace Changes?

5:05:33 PM Atty Rice Dogwood Corners - witness Coomes  
Note: Sacre, Candace Adopt as testimony today?

5:05:39 PM Chairman Chandler  
Note: Sacre, Candace Counsel, questions?

5:05:43 PM Atty Johns Christian Co Fiscal Court - witness Coomes  
Note: Sacre, Candace Cross Examination. How many projects consulted on for Oriden?

5:05:53 PM Atty Johns Christian Co Fiscal Court - witness Coomes  
Note: Sacre, Candace How many merchant projects consulted on?

5:06:10 PM Atty Johns Christian Co Fiscal Court - witness Coomes  
Note: Sacre, Candace Consulted for intervenors other than applicant?

5:06:44 PM Atty Johns Christian Co Fiscal Court - witness Coomes  
Note: Sacre, Candace Consulted for any party opposed application?

5:06:58 PM Atty Johns Christian Co Fiscal Court - witness Coomes  
Note: Sacre, Candace Always consulted for party proponent of application?

5:07:30 PM Chairman Chandler  
Note: Sacre, Candace Counsel?

5:07:53 PM Board Member Montgomery - witness Coomes  
Note: Sacre, Candace Cross Examination. Proximity to TN border, what impact have on analysis?

5:09:57 PM Board Member Montgomery - witness Coomes  
Note: Sacre, Candace Notice in report no occupational data, aware if BLS any value assigned to occupation?

5:10:55 PM Board Member Montgomery - witness Coomes  
Note: Sacre, Candace Standard occupational, solar installers, have data posted state level, value assigned to code at state level within Tennessee?

5:12:43 PM Board Member Montgomery - witness Coomes  
Note: Sacre, Candace From economic development perspective, construction industry low unemployment rate, be a concern for you with limited workforce?

5:14:26 PM Board Member Montgomery - witness Coomes  
Note: Sacre, Candace Specific crates from outside Kentucky, construction workers temporarily placed in region, something considered?

5:15:25 PM Chairman Chandler - witness Coomes  
Note: Sacre, Candace Examination. Siting Board testified for applicant, PSC participated on behalf of intervenors?

5:15:53 PM Chairman Chandler - witness Coomes  
Note: Sacre, Candace Same Dr. Coomes testified before in front of Commission separate from Siting Board?

5:16:18 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Have provided blurb in report about net economic impact, previous projects economic impact, but not talking about net economic benefit?
5:16:35 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Not provided because not been asked to do it or explicitly not asked to do it?
5:19:42 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Ask for that information in this case?
5:19:52 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Been told no enough times stopped asking?
5:20:02 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Lease payments, have appreciation for what land currently earning?
5:22:44 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Christian County unique farming community, more circular economy in terms of farming, separately accounted for, net economic impact?
5:25:00 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	Not had multiple projects in same county, taking one percent of farmland out, going to be tipping point, how expected show up in plan, cumulative effect?
5:26:39 PM	Chairman Chandler - witness Coomes Note: Sacre, Candace	If asked by an applicant could do it, nobody asking?
5:27:19 PM	Chairman Chandler Note: Sacre, Candace	Redirect?
5:27:30 PM	Chairman Chandler Note: Sacre, Candace	Additional witnesses?
5:27:37 PM	Chairman Chandler Note: Sacre, Candace	Recess until 5:35.
5:27:51 PM	Session Paused	
5:36:36 PM	Session Resumed	
5:36:48 PM	Session Paused	
5:37:27 PM	Session Resumed	
5:37:44 PM	Chairman Chandler Note: Sacre, Candace	Back on the record.
5:37:57 PM	Chairman Chandler Note: Sacre, Candace	Call your witness.
5:38:03 PM	Atty Johns Christian Co Fiscal Court Note: Sacre, Candace	County Judge/Executive Jerry Gilliam.
5:38:20 PM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
5:38:27 PM	Chairman Chandler - witness Gilliam Note: Sacre, Candace	Examination. Name and address?
5:38:37 PM	Atty Johns Christian Co Fiscal Court - witness Gilliam Note: Sacre, Candace	Direct Examination. How long county judge/executive?
5:38:50 PM	Atty Johns Christian Co Fiscal Court - witness Gilliam Note: Sacre, Candace	Serve as magistrate prior to election as county judge/executive?
5:39:00 PM	Atty Johns Christian Co Fiscal Court - witness Gilliam Note: Sacre, Candace	Did Christian Co Fiscal Court in 2022 adopt Ordinance 22-04?
5:39:01 PM	CHRISTIAN CO FISCAL COURT EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM ORDINANCE NO. 22-04 DATED FEB 2 2024
5:40:06 PM	Atty Johns Christian Co Fiscal Court - witness Gilliam Note: Sacre, Candace	When ordinance adopted?

5:40:22 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Ordinance provide for setback lines?

5:40:31 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Provide for decommissioning?

5:40:37 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Provide for screening?

5:40:44 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Until adoption of 23-05, this ordinance in full force and effect?

5:40:55 PM Atty Osterloh Dogwood Corners  
Note: Sacre, Candace Object. (Click on link for further comments.)

5:42:17 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Present when ordinance adopted?

5:42:24 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Rescinded?

5:42:29 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace When replaced?

5:42:56 PM Session Note Entry  
Note: Sacre, Candace Ask mark Ordinance 23-005 as second exhibit. (Click on link for further comments.)

5:42:57 PM CHRISTIAN CO FISCAL COURT EXHIBIT 2  
Note: Sacre, Candace ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM  
Note: Sacre, Candace ORDINANCE NO. 23-05 DATE FEB 2 2024

5:44:38 PM Chairman Chandler  
Note: Sacre, Candace Discussion of exhibits. (Click on link for further comments.)

5:47:48 PM Session Paused

5:50:22 PM Session Resumed

5:50:39 PM Chairman Chandler  
Note: Sacre, Candace Back on the record.

5:50:53 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Direct Examination (cont'd). Member of Fiscal Court on Dec 29 2023?

5:51:10 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Have citizen participation?

5:51:17 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Osterloh and Stahl offer comments?

5:51:29 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace What was Osterloh request?

5:51:43 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Memorialized in minutes of fiscal court meeting?

5:52:30 PM Atty Johns Christian Co Fiscal Court  
Note: Sacre, Candace Offer Order of Fiscal Court dated Nov 29 2022. (Click on link for further comments.)

5:52:31 PM CHRISTIAN CO FISCAL COURT EXHIBIT 3  
Note: Sacre, Candace ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM  
Note: Sacre, Candace MINUTES OF CHRISTIAN COUNTY FISCAL COURT NOV 29 2022

5:53:07 PM Atty Johns Christian Co Fiscal Court - witness Gilliam?  
Note: Sacre, Candace Also provide for setback lines, decommissioning, and screenings?

5:53:20 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Familiarized yourself with linear distances in Dogwood Corners application and plans?

5:53:43 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Both ordinances say 2000 feet?

5:54:07 PM Atty Johns Christian Co Fiscal Court - witness Gilliam  
Note: Sacre, Candace Throughout this period, anyone from Dogwood requested deviation?

5:54:21 PM Chairman Chandler  
Note: Sacre, Candace Mr. Osterloh?

5:54:28 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Cross Examination. Read title 23-05?

5:54:47 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Agree 23-05 repealed 22-04?

5:54:58 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Aware ordinances adopted pursuant to KRS Chapter 100?

5:55:08 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Agree with me Ordinance 22-04 not a planning and zoning regulation?

5:55:19 PM Atty Johns Christian Co Fiscal Court  
Note: Sacre, Candace Objection, legal conclusion. (Click on link for further comments.)

5:55:32 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Aware County argued that Ordinance 22-04 not a planning and zoning regulation?

5:56:14 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Aware County has argued this ordinance not a planning and zoning regulation?

5:56:23 PM Atty Johns Christian Co Fiscal Court  
Note: Sacre, Candace Stipulate. (Click on link for further comments.)

5:56:30 PM Atty Osterloh Dogwood Corners - witness Gilliam  
Note: Sacre, Candace Established a board of adjustments?

5:56:40 PM Chairman Chandler  
Note: Sacre, Candace Questions?

5:57:16 PM Board Member Payne - witness Gilliam  
Note: Sacre, Candace Examination. Aware 22-04 was in place when made application?

5:57:29 PM Board Member Payne - witness Gilliam  
Note: Sacre, Candace Correct repealed but replaced on same day?

5:57:37 PM Board Member Payne - witness Gilliam  
Note: Sacre, Candace Not put that in application, ordinance was there?

5:58:39 PM Board Member Payne - witness Gilliam  
Note: Sacre, Candace November of 2023?

5:58:41 PM Board Member Payne - witness Gilliam  
Note: Sacre, Candace Application made in September?

5:59:04 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace Examination. Have you read staff opinion that original ordinance depends on, 22-04?

5:59:12 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace Ever seen a PSC staff opinion?

5:59:56 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace Surprise you if Staff Opinion 2019-006 issued July 2019 finishes with this paragraph, reading (click on link for further comments), surprise you if how staff opinion ended?

6:00:56 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace On Fiscal Court in 22-04 and judge in 23-05?

6:01:35 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace 22-04 enacted in time for application in this case?

6:01:57 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace Intent have this enacted before any cases got filed?

6:02:27 PM Chairman Chandler - witness Gilliam  
Note: Sacre, Candace Trying to get this one in everything be covered?

6:02:39 PM	Chairman Chandler - witness Gilliam Note: Sacre, Candace	In repealing the one, address any issues with this, adding additional requirements and what protections are?
6:03:20 PM	Chairman Chandler - witness Gilliam Note: Sacre, Candace	Presentations around industrial revenue bond, drafted anything specific to solar electric generating facilities?
6:03:38 PM	Chairman Chandler - witness Gilliam Note: Sacre, Candace	Entered into any industrial revenue bonds?
6:03:47 PM	Chairman Chandler - witness Gilliam Note: Sacre, Candace	Counsel use to do that?
6:03:56 PM	Chairman Chandler - witness Gilliam Note: Sacre, Candace	Part of criteria Siting Board make decision, expectation whether county is interested in entering into industrial revenue bonds related to solar generating facilities?
6:04:40 PM	Chairman Chandler Note: Sacre, Candace	Redirect?
6:04:45 PM	Atty Johns Christian Co Fiscal Court Note: Sacre, Candace	Move introduction of Exhibits1 through 3. (Click on link for further comments.)
6:04:46 PM	CHRISTIAN CO FISCAL COURT EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM ORDINANCE NO. 22-04 DATED FEB 2 2024
6:04:47 PM	CHRISTIAN CO FISCAL COURT EXHIBIT 2 Note: Sacre, Candace Note: Sacre, Candace	ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM ORDINANCE NO. 23-05 DATE FEB 2 2024
6:04:48 PM	CHRISTIAN CO FISCAL COURT EXHIBIT 3 Note: Sacre, Candace Note: Sacre, Candace	ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM MINUTES OF CHRISTIAN COUNTY FISCAL COURT NOV 29 2022
6:05:23 PM	Atty Johns Christian Co Fiscal Court Note: Sacre, Candace	Exhibit 4. (Click on link for further comments.)
6:05:24 PM	CHRISTIAN CO FISCAL COURT EXHIBIT 4 Note: Sacre, Candace Note: Sacre, Candace	ATTY JOHNS CHRISTIAN CO FISCAL COURT - WITNESS GILLIAM 22-CI-01010 CHRISTIAN CIRCUIT COURT DIVISION 2 MEMORANDUM ORDER DISMISSING DATED JAN 8 2024
6:05:57 PM	Chairman Chandler Note: Sacre, Candace	Anything else?
6:08:40 PM	Chairman Chandler Note: Sacre, Candace	Post-hearing procedural schedule.
6:09:00 PM	Chairman Chandler Note: Sacre, Candace	Post-hearing data requests, briefs.
6:12:00 PM	Chairman Chandler Note: Sacre, Candace	Anything else?
6:12:08 PM	Chairman Chandler Note: Sacre, Candace	Hearing adjourned.
6:12:40 PM	Session Ended	



# Exhibit List Report

2023-00246 07Feb2024

Dogwood Corners, LLC (Dogwood Corners)

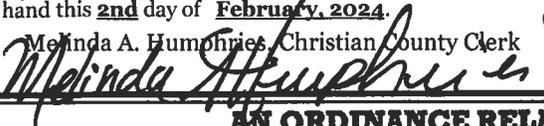
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<b>Name:</b>	<b>Description:</b>
CHRISTIAN CO FISCAL COURT EXHIBIT 1	ORDINANCE NO. 22-04 DATED FEB 2 2024
CHRISTIAN CO FISCAL COURT EXHIBIT 2	ORDINANCE NO. 23-05 DATE FEB 2 2024
CHRISTIAN CO FISCAL COURT EXHIBIT 3	MINUTES OF CHRISTIAN COUNTY FISCAL COURT NOV 29 2022
CHRISTIAN CO FISCAL COURT EXHIBIT 4	22-CI-01010 CHRISTIAN CIRCUIT COURT DIVISION 2 MEMORANDUM ORDER DISMISSING DATED JAN 8 2024

STATE OF KENTUCKY,  
COUNTY OF CHRISTIAN

I, Melinda A. Humphries, Christian County Clerk do certify the foregoing is a true and correct copy of a CHRISTIAN COUNTY FISCAL COURT ORDINANCE NO. 22-04 as same appears of record in my said office in CHRISTIAN COUNTY. Given under my hand this 2nd day of February, 2024.

Melinda A. Humphries, Christian County Clerk



**COMMONWEALTH OF KENTUCKY  
CHRISTIAN COUNTY FISCAL COURT  
ORDINANCE NO. 22-04**

**AN ORDINANCE RELATING TO THE ESTABLISHMENT OF MINIMUM SETBACK, SCREENING, AND DECOMMISSIONING REQUIREMENTS FOR SOLAR ENERGY SYSTEM INSTALLATIONS IN CHRISTIAN COUNTY, KENTUCKY**

**WHEREAS**, the Christian County Fiscal Court wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

**WHEREAS**, properly designed land use standards can prepare communities for greater access to solar energy; and

**WHEREAS**, KRS 278.704 sets forth the minimum setback requirements of merchant electric generating facilities in the Commonwealth of Kentucky; and

**WHEREAS**, KRS 278.704(3), pursuant to Public Service Commission Staff Opinion 2019-006, authorizes the Fiscal Court to establish setback requirements from property boundaries, residential neighborhoods, schools, hospitals or nursing facilities by ordinance with said setbacks having primacy over the setback requirements set forth in subsection 2 and 3 of the same statute, and shall not be subject to waiver or modification via request for deviation by an applicant to the regulatory board which governs electric generating facilities; and

**WHEREAS**, the Christian County Fiscal Court desires to exercise its authority pursuant to this subsection; and

**WHEREAS**, it is the intention of the Christian County Fiscal Court that: these setback requirements shall only apply to solar energy systems (hereinafter "SES") that are governed by KRS 278.704; these setbacks shall not apply to any other type of merchant electric generating facility as defined in KRS 278.700(2), otherwise governed by KRS 278.704, that does not meet the definition of a solar energy system defined below; and, this ordinance shall not apply to any solar energy system that is otherwise exempt from the setback requirements of KRS 278.704;

**NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF CHRISTIAN, COMMONWEALTH OF KENTUCKY:**

**1. DEFINITIONS:**

**RESIDENCE.** A home, abode or place where an individual is actually living at a specific point in time.

**BUILDING.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**MERCHANT ELECTRIC GENERATING FACILITY** means, except for a qualifying facility as defined in KRS 278.700(7), an electricity generating facility or facilities that, together with all associated structures and facilities:

- (a) Are capable of operating at an aggregate capacity of ten megawatts (10MW) or more; and
- (b) Sell the electricity they produce in the wholesale market, at rates and charges not regulated by the Public Service Commission.

**SOLAR ENERGY SYSTEM (SES).** A device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are in turn divided into three types depending on how the system is incorporated into the existing land use:

- (1) **INTEGRATED SOLAR ENERGY SYSTEM (INTEGRATED SES).** An SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight shingles, canopy, light, or parking meter.
- (2) **ROOFTOP SOLAR ENERGY SYSTEM (ROOFTOP SES).** An SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- (3) **GROUND MOUNTED SOLAR ENERGY SYSTEM. (GROUND MOUNTED SES).** An SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Ground Mounted SESs are subcategorized as follows:
  - (a) *Small Scale Ground Mounted Energy System (Small Scale SES)* which is a Ground Mounted SES with a footprint of less than 2,500 square feet.
  - (b) *Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES)* which is a Ground Mounted SES with a footprint of between 2,501 square feet and ten (10) acres.
  - (c) *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES with a footprint of more than ten (10) acres.

**DECOMMISSIONING PLAN FOR GROUND MOUNTED SES.** A plan prepared by a licensed engineer that establishes the party responsible for the decommissioning, the anticipated life of the project, the estimated cost for removal of the SES facility, the costs for restoring the land to its original condition, and all other plan information required by this section.

**EXEMPT SOLAR ENERGY SYSTEM (EXEMPT SES).** An SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324.

**PHYSICAL CONSTRUCTION (SES FACILITY).** The excavation or movement of earth, erection of forms or structures, or similar activities undertaken in the construction of an SES Facility. This term does not include any activity or construction undertaken prior to the

issuance of all required certificates, approvals and permits, if any, as required under KRS Chapter 278 and other applicable state statutes.

**SES FOOTPRINT.** An area calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter.

**SITING BOARD REGULATED SES.** An SES that constitutes a "merchant electric generating facility" under KRS 278.700(2). the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.

2. Christian County Fiscal Court hereby establishes the setback requirements for solar energy facilities, which are governed by KRS 278.704, as measured from the outer edge of the nearest solar panel, as follows:

Boundary line of any adjacent property (unless such setback has been reduced or waived, in writing, by the adjacent property owner or fiscal court has granted a deviation) 2000 feet

Any residence, building or structure or appurtenance thereto existing at the time of application for permits with the Kentucky Electric Generation and Transmission Siting Board 2000 feet

Schools 2000 feet

Churches 2000 feet

Hospitals 2000 feet

Nursing Facilities 2000 feet

Right-of-Ways for any publicly dedicated or maintained roadway or railway 2000 feet

Cemeteries 2000 feet

The fiscal court may grant a deviation in its discretion from the requirements of this subsection upon a finding that the proposed facility is designed to and, as located, would meet the goals of KRS 224.10-280, 278.010, 278.212, 278.214, 278.216, 278.218, and 278.700 to 278.716 at a distance closer than those provided in this subsection.

3. Access to the site must be controlled by a fence of at least eight feet in height with a vegetative landscape buffer provided between the fencing and the property line. The fence shall be equipped with screening to help shield the facilities and equipment from view. Screening shall consist of:

Excluding Small Scale Ground Mounted Energy Systems, perimeter screening shall be provided. Screening shall:

- (a) Consist of an eight (8) foot tall fence and a double row of staggered evergreen trees (minimum five (5) feet in height at planting and maturing to a minimum of fifteen (15) feet in height);
- (b) Evergreen trees shall be planted exterior to the fence and shall be setback no less than fifteen (15) feet from any property line;
- (c) Screening shall achieve an opacity of 90% to a height of no less than eight (8) feet within three (3) years of planting;
- (d) Screening shall be installed within 180 days of the start of physical construction and shall be maintained until the decommissioning of the SES is completed; and
- (e) All unhealthy, dead, or noncompliant plantings shall be repaired or replaced within ninety (90) days of such occurrence.

4. The property owner shall be responsible for a decommissioning plan, prepared by a registered professional engineer at the expense of the property owner, and updated not less than once every five (5) years, containing the following:

- (A) The anticipated life of the project and defined conditions upon which decommissioning will be initiated;
- (B) The estimated decommissioning costs, including removal of the Solar Energy System and related foundations, pads, underground collector lines and roads, transmission lines, and the revegetation and restoration of the property, including soils, to its original condition and all calculations supporting the decommissioning estimate;
- (C) The manner in which the project will be decommissioned, including provision and a timetable (such timetable not to exceed five years) for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition;
- (D) The manner of SES component disposal including the estimated recycled value of components;
- (E) A copy of any contract containing specific agreements regarding decommissioning; and
- (F) A surety instrument in an amount and form acceptable to Christian Fiscal Court sufficient to cover the costs of decommissioning the SES in accordance with the approved plan in the event the property owner defaults in its decommissioning obligations. The surety instrument shall be updated and revised in conjunction with a resubmitted decommissioning plan not less than once every five (5) years.

5. All other state and regulatory laws that are not specifically addressed by this ordinance remain in effect.

6. The provisions of this Ordinance shall apply to all unincorporated areas within Christian County, Kentucky, and to the siting, construction, installation, and decommissioning of any new SES system on or after the effective date of this Ordinance. An SES in operation, or which has begun physical construction prior to this Ordinance's effective date, shall be considered to have legal nonconforming status in accordance with KRS 100.253.

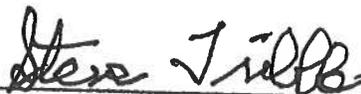
7. Severability If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

8. Any person found in violation of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars. Each day of violation shall constitute a separate offense.

9. This ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

First reading of this ordinance approved on the 10th day of November 2022.

Second reading of this ordinance approved on the \_\_\_\_\_ day of November 2022.



\_\_\_\_\_  
Steve Tribble  
CHRISTIAN COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
Michael A. Kem, Christian County Clerk

STATE OF KENTUCKY,  
COUNTY OF CHRISTIAN

I, Melinda A. Humphries, Christian County Clerk do certify the foregoing is a true and correct copy of a **CHRISTIAN COUNTY FISCAL COURT ORDINANCE NO. 23-05** as same appears of record in my said office in CHRISTIAN COUNTY. Given under my hand this **2nd** day of **February, 2024**.

Melinda A. Humphries, Christian County Clerk  
*Melinda Humphries*

COMMONWEALTH OF KENTUCKY  
CHRISTIAN COUNTY FISCAL COURT

ORDINANCE NO. 23-05

**AN ORDINANCE REPEALING CHRISTIAN COUNTY FISCAL COURT ORDINANCE 22-04 AND ESTABLISHING LICENSING REQUIREMENTS FOR SOLAR ENERGY SYSTEM INSTALLATIONS IN CHRISTIAN COUNTY, KENTUCKY.**

**WHEREAS**, the Christian County Fiscal Court, in pursuance of the powers and duties vested in it by the Commonwealth of Kentucky, has previously adopted Ordinance 2022-04 addressing and establishing minimum setbacks, screening, and decommissioning requirements for Solar Energy System Installations ; and

**WHEREAS**, the Christian County Fiscal Court, upon thorough review and deliberation, has determined that it is in the best interest of the public to repeal Ordinance 2022-04 and replace it with a new ordinance to better address the contemporary needs and interests of both the county residents and solar energy systems as defined herein; and

**WHEREAS**, pursuant to KRS 67.083, the Christian Fiscal Court is granted the authority to undertake all necessary governmental actions for the welfare of the county, and specifically is endowed pursuant to KRS 67.083(3)(h) and KRS 67.083(3)(m) for the regulation of commerce for the protection and convenience of the public, and with the power to protect and conserve the county's natural resources, including but not limited to soil and wildlife, to safeguard the livelihoods and well-being of its residents.

**WHEREAS**, the new ordinance is envisioned to embody more effective measures for the protection and conservation of the county's natural resources, thus fulfilling the mandate as outlined in KRS 67.083(3)(h).

**WHEREAS**, KRS 278.718 became effective June 29, 2023, and further provides that an ordinance, permit, or license issued by a local government, and enacted under the provisions of home rule under KRS Chapter 67.080, 67.083, 67.850, 67.922, 67A.060, 67C.101, and 82.082, shall have primacy over the provisions, including setback requirements, set forth in KRS 278.700, 278.704, 278.706, 278.708, and any conflict between an order of the board and a local ordinance,

permit, or license shall be resolved in favor of the local government's ordinance, permit, or license; and

**WHEREAS**, the Christian County Fiscal Court finds it necessary and appropriate to provide reasonable safeguards which mitigate potential nuisances such as soil erosion, water runoff and erosion, large scale loss of agricultural land, and impacts to local flora and fauna, among others, created by Large Scale Ground Mounted Solar Energy Systems as defined herein in order to protect adjoining properties and public rights-of-way; and

**WHEREAS**, the Christian County Fiscal Court desires to exercise its authority pursuant to this subsection; and

**NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF CHRISTIAN, COMMONWEALTH OF KENTUCKY:**

**1. DEFINITIONS:**

**BUILDING.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**MERCHANT ELECTRIC GENERATING FACILITY** means, except for a qualifying facility as defined in KRS 278.700(7), an electricity generating facility or facilities that, together with all associated structures and facilities:

- (a) Are capable of operating at an aggregate capacity of ten megawatts (10MW) or more; and
- (b) Sell the electricity they produce in the wholesale market, at rates and charges not regulated by the Public Service Commission.

**SOLAR ENERGY SYSTEM (SES).** A device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are in turn divided into three types depending on how the system is incorporated into the existing land use:

- (1) **INTEGRATED SOLAR ENERGY SYSTEM (INTEGRATED SES).** An SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight shingles, canopy, light, or parking meter.
- (2) **ROOFTOP SOLAR ENERGY SYSTEM (ROOFTOP SES).** An SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- (3) **GROUND MOUNTED SOLAR ENERGY SYSTEM. (GROUND MOUNTED SES).** An SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Ground Mounted SESs are subcategorized as follows:
- (a) *Small Scale Ground Mounted Energy System (Small Scale SES)* which is a Ground Mounted SES with a footprint of less than 2,500 square feet.
  - (b) *Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES)* which is a Ground Mounted SES with a footprint of between 2,501 square feet and forty (40) acres and which does not constitute a Merchant Electric Generating Facility as provided in KRS 278.700(2).
  - (c) *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES with a footprint of more than forty (40) acres. This term also includes any non-exempt SES that, irrespective of footprint size or configuration, constitutes a Merchant Electric Generating Facility as defined by the terms of KRS 278.700(2) and is otherwise subject to review and approval by the Kentucky State Board on Electric Generation and Transmission Siting.

**DECOMMISSIONING PLAN FOR GROUND MOUNTED SES.** A plan prepared by a licensed engineer that establishes the party responsible for the decommissioning, the anticipated life of the project, the estimated cost for removal of the SES facility, the costs for restoring the land to its original condition, and all other plan information required by this ordinance.

**ENLARGEMENT.** To increase the size of an SES footprint or relocate an SES footprint to an area of land not included as part of an original license's approval or any change which would exceed the scope (increased height or decreased setback or buffer) of the original license's approval. SES enlargement does not include the repair, modification, retrofitting, or enhancement of a licensed facility provided such repair, modification, retrofitting, or enhancement does not violate the terms of this ordinance or a condition of the license's approval.

**EXEMPT SOLAR ENERGY SYSTEM (EXEMPT SES).** An SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324.

**NON-PARTICIPATING PROPERTY.** Any property that is not a participating property.

**PARTICIPATING PROPERTY.** A property on which a Solar Energy System (SES), as regulated by the terms of this ordinance, is to be constructed in whole or part. This includes any property for which the owner(s) has provided their signature(s) on a written and recorded agreement, explicitly consenting to be a party to the licensure application for the construction of an SES. Such signature(s) shall constitute prima facie evidence of the owner(s)' consent and/or agreement to any terms set forth in the licensure application, including the waiver of any setback requirements from non-participating properties as subsequently defined herein.

**PHYSICAL CONSTRUCTION (SES FACILITY).** The excavation or movement of earth, erection of forms or structures, or similar activities undertaken in the construction of an SES Facility. This term does not include any activity or construction undertaken prior to the issuance of all required certificates, approvals and permits, if any, as required under KRS Chapter 278 and other applicable state statutes.

**RESPONSIBLE ENTITY.** The owner of the Solar Energy System and related improvements irrespective of land ownership by fee simple title, lease agreement, or other instrument. The responsible entity is the applicant under the terms of this ordinance.

**SES FOOTPRINT.** An area calculated by drawing a perimeter around the outermost SES panels

and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter.

**SETBACK.** The minimum distance established by this ordinance measured from the property line of a non-participating property or boundary of a public roadway or rail-line to the nearest portion of an SES Footprint or other regulated SES feature. The setback distance required by this ordinance is to be contained within the boundary of a participating property and is the minimum distance from a non-participating property or public roadway or rail-line boundary that an SES Footprint or other regulated SES feature is allowed to be constructed.

**SITING BOARD REGULATED SES.** An SES that constitutes a "merchant electric generating facility" under KRS 278.700(2). the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.

2. **APPLICABILITY.** This ordinance and its requirements for licensure shall apply to the siting, construction, installation, enlargement, operation, maintenance, and decommissioning of Large Scale SES facilities in all unincorporated areas of Christian County, Kentucky. The requirements of this ordinance shall not apply to the following:

- (a) Integrated SES;
- (b) Rooftop SES;
- (c) Small-Scale SES;
- (d) Intermediate Scale SES; and
- (e) Large Scale SES where physical construction began prior to the effective date of this ordinance provided:
  - (1) Physical construction is completed within two (2) years of the effective date of this ordinance; and
  - (2) The SES footprint is not thereafter cumulatively enlarged by more than five (5) percent.

**3. LICENSE REQUIRED AND RENEWAL LICENSE:**

Prior to the commencement of physical construction or enlargement of a Large Scale Solar Energy System (SES), the responsible entity (applicant) must obtain a Christian County Solar Energy System License. Additionally, a renewal license shall be required concomitant with the updating of the decommissioning plan, as stipulated in Section 4(d) hereafter. All applications and supporting documents for licensure shall be submitted by the applicant to the Hopkinsville-Christian County Planning Commission (Planning Commission) for a determination of conformance with the requirements of this ordinance. A request for licensure shall contain the following:

(a) An application for licensure that includes –

- (1) The name of the applicant and owner(s) of participating property (if different);
- (2) The street address and tax map parcel number of the property for which a license is sought to include all participating property;
- (3) The current mailing address and phone number of the applicant and the owner(s) of participating property;
- (4) A copy of deeds and lease agreements for participating property;
- (5) A listing of the names, mailing addresses, and property addresses (including tax map parcel number) of all adjoining non-participating property owners to include all owners within 2,500 feet of the proposed SES footprint;
- (6) A written description of the proposed facility that includes a statement of conformance with the requirements of this ordinance; and
- (7) The signed statement of the applicant and all participating property owners attesting to the truthfulness and exactness of information supplied in the application.

(b) Supplemental documents and exhibits that include –

- (1) Twenty-four copies (24) of a site plan, drawn to a scale of no greater than 1" to 100', which illustrates:
  - a. A vicinity map denoting the location of the proposed facility;
  - b. Property lines of participating properties and adjacent nonparticipating

- properties, public rights-of-way, and rail-lines within 2500 feet of the SES footprint (due to scale, this information may be provided on a separate sheet at a scale of no greater than 1' to 300');
- c. Required setbacks with plan notes detailing the minimum distance to be provided from the SES Footprint to the boundary of non-participating properties and public streets and rail-lines;
  - d. Adjoining roads and points of proposed access to the facility;
  - e. The proposed location of all buildings, panels, invertors, transformers, and other onsite supporting facilities with plan notes detailing the height of such features;
  - f. The proposed location of perimeter fencing with plan notes detailing type, height, and setback;
  - g. The proposed location of the vegetative buffer with plan notes detailing plant type, planting height and anticipated mature height, and opacity; and
  - h. Any additional site plan depictions or accompanying descriptions which may be required to determine compliance with this ordinance

(2) A decommissioning plan and surety instrument.

- (c) A statement of the proposed Large Scale SES's conformance (or pending conformance) with the requirements of KRS 278.700 et seq. where the State Board of Electric Generation and Transmission Siting's approval is required.
- (d) **Fee Entitlement for Review and Application.** The Hopkinsville Christian County Planning Commission is hereby authorized to impose a fee for the review and processing of licensure applications. The amount of this fee shall be deemed reasonable and commensurate with the services provided. The specific fee schedule shall be determined and established by the Planning Commission at their discretion and formalized through a duly adopted resolution. This fee shall be payable upon submission of a licensure application and is non-refundable. Additionally, the Christian County Fiscal Court may establish a separate fee for the issuance of a license, which is in addition to any review fee specified herein.

Within sixty (60) days of its receipt of a complete licensure application, supplemental documents

and exhibits, and fee, the Planning Commission shall review and recommend that the application for licensure be 1) approved, 2) approved with conditions or required modifications, or 3) denied, with cause stated. Such recommendation shall be recorded in the minutes of the Planning Commission. Notification of the Planning Commission's recommendation shall be provided to the applicant and the Christian County Judge Executive.

Within thirty (30) days of receiving a recommendation from the Hopkinsville Christian County Planning Commission regarding a licensure application, the Christian County Judge Executive's Office shall:

1. Issue the requested license with or without conditions or modifications as deemed appropriate,
2. Deny the license request, providing the cause for denial in writing, or
3. Remand the matter back to the Planning Commission for additional review and findings. In such cases, the Christian County Judge Executive shall specify the reasons necessitating further review with particularity.

Should the matter be remanded, the Planning Commission is required to re-examine the application and submit a report to the Christian County Judge Executive within forty-five (45) days of the remand receipt. This report should address the specified reasons for remand and provide additional findings as requested.

When a license is issued, it shall remain in effect, unchanged, provided the applicant maintains compliance with the terms of this ordinance and the conditions of the original approval.

Upon the issuance of a Solar Energy System License by the Christian County Judge Executive's Office, it shall be recorded with the Christian County Clerk's Office to place notice upon all bona fide purchasers for value of the existence of said license.

In the event of a denial, the County Judge Executive will provide the decision in writing, which shall be sent via certified mail, with return receipt requested, to the applicant, all participating properties, and any non-participating properties included within the application. Furthermore, the denial will be published in accordance with the provisions of Chapter 424 of the Kentucky Revised Statutes.

Any aggrieved party by either the issuance or denial of a license shall have a period of thirty (30) days from the date of the recording of the license or the publication of the denial of said license to file an action with the Christian Circuit Court seeking judicial review.

**4. SPECIFIC REQUIREMENTS.**

The following standards shall apply to the siting, construction, installation, enlargement, operation, maintenance, and decommissioning of Large Scale SES:

- (a) Setbacks. The SES footprint shall be setback no less than 2,000 feet from any non-participating property line and any right-of-way for a publicly maintained roadway or rail-line.
- (b) Perimeter Access and Screening. Access to the site must be controlled by a fence of at least eight (8) feet in height with a vegetative landscape buffer provided between the fencing and the property line. The fence shall be equipped with screening to help shield the facilities and equipment from view. Screening shall consist of:
  - (1) An eight (8) foot tall fence and a double row of staggered evergreen trees (minimum five (5) feet in height at planting and maturing to a minimum of fifteen (15) feet in height);
  - (2) Evergreen trees shall be planted exterior to the fence and shall be setback no less than fifteen (15) feet from any property line;
  - (3) Screening shall achieve an opacity of 90% to a height of no less than eight (8) feet within three (3) years of planting;
  - (4) Screening shall be installed within 180 days of the start of physical construction and shall be maintained until the decommissioning of the SES is completed; and
  - (5) All unhealthy, dead, or noncompliant plantings shall be repaired or replaced within ninety (90) days of such occurrence.
- (c) Lighting. Lighting of a Ground Mounted SES shall be limited to the minimum necessary for safe operation, and shall be directed downward, incorporate full cut-off features, and incorporate motion sensors where feasible. Lighting shall be

designed to avoid light trespass. Nothing in this section is intended to preclude installation of lighting required by the Federal Aviation Administration.

(d) Decommissioning Plan Required. The applicant shall be responsible for a decommissioning plan, prepared by a registered professional engineer at the expense of the applicant, and updated not less than once every five (5) years, containing the following:

(1) The anticipated life of the project and defined conditions upon which decommissioning will be initiated;

(2) The estimated decommissioning costs, including removal of the Solar Energy System and related foundations, pads, underground collector lines and roads, transmission lines, and the revegetation and restoration of the property, including soils, to its original condition and all calculations supporting the decommissioning estimate;

(3) The manner in which the project will be decommissioned, including provision and a timetable (such timetable not to exceed five years) for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition;

(4) The manner of SES component disposal including the estimated recycled value of components; and

(5) A copy of any contract containing specific agreements regarding decommissioning.

(e) Surety Instrument Required. The applicant shall provide a surety instrument in an amount and form acceptable to the Christian County Judge Executive, upon recommendation of the Planning Commission, sufficient to cover the costs of decommissioning the SES in accordance with the approved plan in the event the applicant defaults in its decommissioning obligations. The surety instrument shall be updated and revised in conjunction with a resubmitted decommissioning plan

not less than once every five (5) years. A surety instrument shall be continuously maintained by applicant, their successors in interest and/or assigns, until such time as the Large Scale SES is decommissioned and all disturbed areas are reclaimed, revegetated, and restored. The form and content of surety shall be in accordance with the requirements of KRS 278.706(2)(m)5 and shall name Christian County Government as secondary beneficiary.

- (f) For projects with an SES Footprint located within an airport's approach zones or airport imaginary surfaces as defined by the United States Code of Federal Regulations or within one thousand (1,000) feet of an Accident Potential Zone (APZ 1 or APZ 2), the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration Office of Airports, the Kentucky Airport Zoning Commission, and the United States Army, Fort Campbell Directorate of Public Works.

5. **DECOMMISSIONING REQUIRED.** The applicant shall begin decommissioning no later than twelve (12) months after a Large Scale SES has ceased to generate electricity or thermal energy. All structures and facilities associated with the SES shall be removed within six (6) months of the beginning of decommissioning. All materials shall be recycled or otherwise reused to the extent reasonably practicable and the disturbed areas shall be reclaimed, revegetated, and restored.

Failure of the applicant to decommission a Large Scale Solar Energy System (SES) in accordance with this Ordinance and the approved decommissioning plan shall be grounds for the County to invoke the surety instrument. The County shall be entitled to recover from the surety instrument proceeds that are necessary to complete the decommissioning of the facility. Furthermore, should the costs of decommissioning exceed the value of the surety instrument, the County shall be entitled to recover the excess amount necessary to complete the decommissioning process.

In the event of a failure to perform, default, or failure to extend a surety instrument, the County reserves the right to take all available legal and administrative actions necessary to compel the completion of the decommissioning by the applicant. This includes securing all necessary

**easements and rights of entry, and/or to recoup any public funds expended by the County in the fulfillment of the applicant's obligation.**

**A failure to decommission a Large SES Facility as required herein is a violation of this ordinance and is subject to the enforcement and penalties as provided herein.**

**6. LICENSE REVOCATION.** The Christian County Judge Executive may revoke a license, subject to a 90-day written notice to the applicant, upon the occurrence of one (1) or more of the following:

- (a) The applicant has 1) provided false or inaccurate information as part of the application for licensure; 2) the false or inaccurate information would result in the siting, construction, or operation of a Large SES Facility in violation of this ordinance; and 3) the applicant has failed to correct the violation through the resubmittal of an amended and approvable application and perform any necessary site modifications within the 90 day notification period;**
- (b) The applicant has 1) failed to construct or maintain the Large Scale SES in accordance with this ordinance and the approved plan; and 2) the applicant has failed to correct the violation within the 90 day notification period;**
- (c) The applicant has 1) failed to decommission the Large SES Facility in accordance with this Ordinance; and 2) the applicant has failed to correct the violation within the 90 day notification period;**
- (d) The applicant has 1) failed to submit an updated decommissioning plan and accompanying revised surety instrument within the five (5) year period as required by Section 4(d), and 2) the applicant has failed to correct the violation within the 90 day notification period; or**
- (e) The applicant has failed to transfer the license upon change of responsible entity in accordance with Section 7 of this ordinance.**

Any license revocation issued under this section shall be recorded at the Christian County Clerk's Office. Within 90 days of the recording of a revocation of a license, the Large Scale SES shall cease operation and, within 12 months thereafter, be decommissioned in accordance with Section 5 of this ordinance.

7. **LICENSE TRANSFER; NOTIFICATION; REQUIRED EXHIBITS.** A change in or transfer of the responsible entity's ownership, as contained on a Large Scale SES application and accompanying license, shall require the issuance of an amended license which shall be so recorded at the Christian County Clerk's Office. No later than thirty (30) days following the sale or transfer of a Large SES Facility, the responsible entity that has or is assuming ownership shall provide written notification to the Christian County Judge Executive and shall submitted the following information:

- (a) The name and mailing address of the current, licensed responsible entity and license number;
- (b) The name and mailing address of the responsible entity assuming ownership with proof of ownership;
- (c) A statement that lease agreements for participating property, if any, are transferable with accompanying documentation;
- (d) A statement of conformance with this ordinance. If SES enlargement or change to the conditions of the original application (other than ownership) is to occur, a new application as provided in Section 3 is required; and
- (e) A revised surety instrument bearing the name of the new responsible entity.

Within sixty (60) days of receipt of notification, the Christian County Judge Executive shall 1) approve the issuance of the amended license; or 2) deny the issuance of the amended license with cause stated. In the review of the license transfer, the Judge Executive may refer the requested transfer to the Planning Commission for recommendation.

8. All other state and regulatory laws that are not specifically addressed by this ordinance remain in effect.

9. Severability If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the

act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

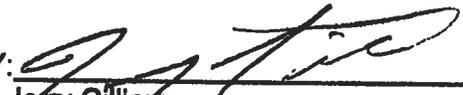
10. Any person found in violation of this ordinance shall be guilty of a misdemeanor and shall be fined not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars. Each day of violation shall constitute a separate offense.

11. Ordinance 22-04 is hereby repealed and replaced, and this ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

First reading of this ordinance approved on the 14 day of November, 2023.

Second reading of this ordinance approved on the 28 day of November, 2023.

**Christian Fiscal Court**

BY:   
Jerry Gilliam,  
Christian County Judge Executive

ATTEST:

  
Melinda Humphries, Christian County Clerk

**ORDERS**

CHRISTIAN COUNTY FISCAL COURT

29<sup>th</sup> Day of November, 2022

The Fiscal Court in and for Christian County met for a Special Called Meeting at 8:30 a.m. at the Christian County Courthouse and the following proceedings were had. Present and presiding was Esquire Mark Cansler. The following lady and gentlemen. Justices in Commission. were present:

Darrell Gustafson	Phillip Peterson
Mark Wells	Jerry Gilliam
Magaline Ferguson	Terry Bowman
Rich Liebe	

Also present were John Soyars County Attorney and Mike Kem County Clerk.

**PRAYER AND PLEDGE OF ALLEGIANCE**

Esquire Liebe offered the invocation. Esquire Mark Cansler then led the Pledge of Allegiance.

**COMMISSION & BOARD REPORTS:**

Esquire Ferguson reminded court members of upcoming events throughout our community.

**CITIZENS PARTICIPATION:**

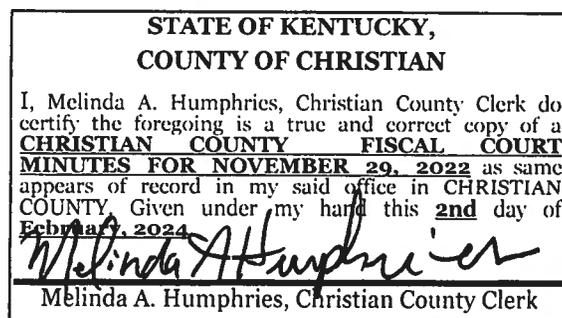
Lawyer Todd Osterloh spoke on behalf of Oriden requesting that court members decrease the setback requirements set forth in the ordinance and clarify the provision options.

Megan Stahl, representing Oriden shared the positive elements she believes a solar farm would bring to the community.

Wayne Hunt presented a Kentucky agricultural graph showing the economic impact agriculture has on our community and state.

Pat Morris asked court members to consider both sides before voting on the Ordinance. Renting his land to a Solar Farm would benefit not only himself but also generations to come.

Heather Cook thanked magistrates for their hard work and asked them to please pass the Ordinance. She presented a map showing the negative impact the solar farm would have on her property.



**OLD BUSINESS:****Approve 2<sup>nd</sup> Reading of Christian County Solar Panel Farm Ordinance #2022-04**

Upon motion of Esquire Jerry Gilliam, seconded by Esquire Darrell Gustafson, it is hereby ordered to approve on the 2<sup>nd</sup> reading of Ordinance #2022-04 authorizing the establishing setback requirements, screening and decommissioning requirements for solar energy system installations in Christian County, Kentucky.

All voting aye by roll call: Esquires –Darrell Gustafson, Magaline Ferguson, Rich Liebe, Phillip Peterson, Jerry Gilliam.

Esquire Wells and Esquire Bowman abstained from the vote.

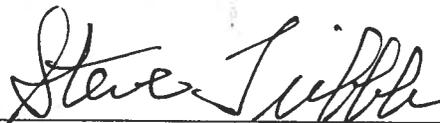
**UPCOMING MEETINGS:**

Esquire Mark Cansler announced the next regular meeting will be at the Courthouse on Tuesday December 13, 2022 at 8:30 am and Tuesday January 10, 2023 at 8:30 am.

**ADJOURNMENT:**

Upon motion of Esquire Phillip Peterson, seconded by Esquire Jerry Gilliam, it is hereby ordered to adjourn at 9:35 a.m.

All voting aye by voice vote: Esquires –Darrell Gustafson, Mark Wells, Magaline Ferguson, Rich Liebe, Jerry Gilliam and Terry Bowman.



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CHRISTIAN COUNTY JUDGE/EXECUTIVE  
STEVE TRIBBLE

**KENTUCKY COURT OF JUSTICE--CHRISTIAN CIRCUIT COURT DIVISION 2**

**MEMORANDUM ORDER DISMISSING**

**CASE NUMBER(S): 22-CI-01010**

**DOGWOOD CORNERS, LLC**

**PLAINTIFF,**

**VS.**

**CHRISTIAN COUNTY FISCAL COURT**

**DEFENDANT**

This matter was originally filed as a Declaratory Judgment action pursuant to KRS 418.040, *et. seq.* and CR 57, claiming the existence of an actual, justifiable controversy between the parties.

The Court has considered the arguments of counsel, pleadings and exhibits presented by both sides. The Court is also aware of developments outside the record and takes judicial notice of the repeal of the ordinance that formed the basis for the original petition.

The repeal of the ordinance in question obviates the controversy cited as the basis for the Declaratory Judgment action and requires dismissal. Separate grounds for relief stated not and pending motions need not be addressed in light of the Court's ruling.

So ordered: This 8<sup>th</sup> day of January, 2024.

/s/John L. Atkins



Judge John Atkins, Division Two

Cc: counsel of record

AS CLERK OF THE CHRISTIAN CIRCUIT/DISTRICT COURT I DO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ENTERED OF RECORD IN MY OFFICE IN CHRISTIAN COUNTY, KENTUCKY THIS 1.30.24 PAIGE PARKER, CHRISTIAN CIRCUIT CLERK BY Hutchett C

\*Ben Bolinger  
Chairman of the Hopkinsville-Christian County  
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