

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

In the Matter of:

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

ORDER

This matter is before the Siting Board upon a motion for reconsideration filed on March 28, 2024, by Banjo Creek Solar, LLC (Banjo Creek) for reconsideration and clarification of certain mitigation requirements imposed by the Siting Board's March 5, 2024 Order (Final Order) that conditionally approved a certificate to construct an approximately 120-megawatt (MW) merchant solar generating facility in Graves County.

DISCUSSION AND FINDINGS

Mitigation Measure 31

Banjo Creek requested reconsideration of Mitigation Measure 31, which requires Banjo Creek to file a decommissioning plan with the Siting Board. Banjo Creek argued that, in the body of the final order, the Siting Board stated that a decommissioning plan was filed with the application.¹ However, Mitigation Measure 31 requires that Banjo Creek file a decommissioning plan with the Siting Board.

¹ Motion for Clarification (filed Mar. 28, 2024) at 2.

Based upon the motion and the Final Order, and being otherwise sufficiently advised, the Siting Board finds that Banjo Creek did file a decommissioning plan when the application was filed. Mitigation Measure 31 is amended to reflect the filing.

Mitigation Measure 35

Banjo Creek requested reconsideration of Mitigation Measure 35, which requires Banjo Creek to provide the Graves County Planning and Zoning Development Commission with the contact information for individuals within the company that can be contacted with concerns. Banjo Creek argued that Graves County does not have planning and zoning and requested that the mitigation measure be amended replacing the language “Graves County Planning and Zoning Development Commission” with “Graves County Judge Executive”.²

Based upon the motion and the Final Order, and being otherwise sufficiently advised, the Siting Board finds that Banjo Creek should be required to provide the contact information to the Graves County Fiscal Court, not to the planning and zoning commission.

IT IS THEREFORE ORDERED that:

1. Banjo Creek motion for reconsideration and clarification is granted.
2. Mitigation Measure 31 in Appendix A to the Final Order is stricken and shall

be replaced with the following:

Banjo Creek did file a decommissioning plan with the Siting Board. If this decommissioning plan should change Banjo Creek shall submit an updated decommissioning plan pursuant to KRS 278.710(8).

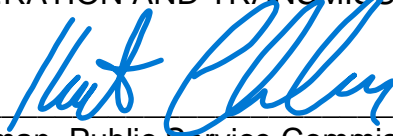
² Motion for Clarification at 2-3.

3. Mitigation Measure 35 in Appendix A to the Final Order is stricken and shall be replaced with the following:

Banjo Creek shall provide Graves County Fiscal Court contact information for individuals within the company that can be contacted with concerns. This shall include contact information for the general public to reach individuals that can address their concerns. Banjo Creek shall update this contact information yearly, or within 30 days of any change in contact information.

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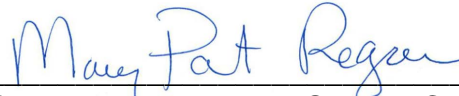
KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



Chairman, Public Service Commission

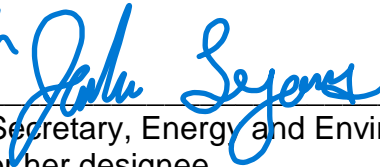


Vice Chairman, Public Service Commission



Commissioner, Public Service Commission

by KAC
w/permission

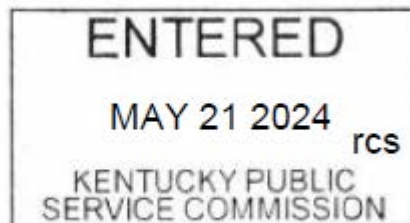


Secretary, Energy and Environment Cabinet,
or her designee

ATTEST:



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Public Service Commission
*on behalf of the Kentucky State
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