

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
A CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY AND SITE COMPATIBILITY)	
CERTIFICATES FOR THE CONSTRUCTION OF)	
A 96 MW (NOMINAL) SOLAR FACILITY IN)	CASE NO.
MARION COUNTY, KENTUCKY AND A 40 MW)	2024-00129
(NOMINAL) SOLAR FACILITY IN FAYETTE)	
COUNTY, KENTUCKY AND APPROVAL OF)	
CERTAIN ASSUMPTIONS OF EVIDENCES OF)	
INDEBTEDNESS RELATED TO THE SOLAR)	
FACILITIES AND OTHER RELIEF)	

ORDER

On August 16, 2024, intervenors Lexington-Fayette Urban County Government (LFUCG) and Fayette Alliance, Inc. (Fayette Alliance) jointly filed a motion for a hearing in this matter. Fayette Alliance and LFUCG expressed concerns about the proposed location of the Fayette County solar farm.¹ Specifically, LFUCG and Fayette Alliance raise concerns about the Fayette facility being built on prime farmland, being located in an area designated as a Kentucky State Scenic By-Way, and stated that public comments were generally against the project.²

¹ Case No. 2024-00129, *Electronic Application of East Kentucky Power Cooperative, Inc. for a Certificates of Public Convenience and Necessity and Site Compatibility Certificates for The Construction of A 96 Mw (Nominal) Solar Facility in Marion County, Kentucky and A 40 Mw (Nominal) Solar Facility In Fayette County, Kentucky And Approval Of Certain Assumptions Of Evidences Of Indebtedness Related To The Solar Facilities And Other Relief* (filed August 8, 2024) Motion For Hearing.

² Case No. 2024-00129, *Electronic Application of East Kentucky Power Cooperative, Inc. for a Certificates of Public Convenience and Necessity and Site Compatibility Certificates for The Construction Of A 96 Mw (Nominal) Solar Facility in Marion County, Kentucky and A 40 Mw (Nominal) Solar Facility In Fayette County, Kentucky And Approval Of Certain Assumptions Of Evidences Of Indebtedness Related*

Pursuant to 807 KAR 5:001, Section 9(1), “[u]nless a hearing is not required by statute, is waived by the parties in the case, or is found by the commission to be unnecessary for protection of substantial rights or not in the public interest, the commission shall conduct a hearing if . . . [a] request for hearing has been made.” Under KRS 278.020(1)(b), the Commission has discretion to hold a public hearing.

LFUCG has substantial rights involving land use within its borders, particularly with regards to the project’s effect on the US-60 Kentucky State Scenic Byway. Fayette Alliance and the public also has a significant interest in the siting and construction of large solar farms. Therefore, the Commission finds that LFUCG and Fayette Alliance’s motion for hearing should be granted.

IT IS THEREFORE ORDERED that:

1. A hearing in this matter shall be held on October 29, 2024, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

2. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

3. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the hearing. If any witnesses will be substituted

To The Solar Facilities And Other Relief (filed August 8, 2024) Motion For Hearing, at unnumbered page 2 and 3.


for witnesses who sponsored schedules, testimony, or responses to requests for information, parties shall file into the record the identity of the substituted witnesses and the schedules, testimony, or responses to requests for information they will sponsor on or before October 22, 2024.

4. East Kentucky Power Cooperative, Inc. (EKPC) shall file a witness list at least seven days prior to the hearing date.

5. EKPC shall give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b). In addition, the notice of hearing shall include the following statements: “This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov” and “Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov.” At the time the notice is mailed or publication is requested, EKPC shall forward a duplicate of the notice and request to the Commission.


6. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of the hearing.

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner



ATTEST:



Executive Director

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