

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

In the Matter of:

ELECTRONIC APPLICATION OF CLOVER	)	
CREEK SOLAR PROJECT D/B/A NEW	)	
FRONTIERS SOLAR PARK FOR A CERTIFICATE	)	
OF CONSTRUCTION FOR AN APPROXIMATELY	)	
100 MEGAWATT MERCHANT ELECTRIC SOLAR	)	CASE NO.
GENERATING FACILITY AND NONREGULATED	)	2024-00253
ELECTRIC TRANSMISSION LINE IN	)	
BRECKINRIDGE 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 May 22, 2025, by Clover Creek Solar Project, LLC d/b/a New Frontiers Solar Park (Clover Creek Solar) seeking reconsideration and clarification of certain mitigation requirements imposed by the Siting Board's May 2, 2025 Order (final Order) that conditionally approved a certificate to construct an approximately 100-megawatt (MW) merchant solar generating facility in Breckinridge County.

DISCUSSION AND FINDINGS

Mitigation Measure 20

Clover Creek Solar requested reconsideration of Mitigation Measure 20. Mitigation Measure 20 reads as follows:

Clover Creek Solar shall place panels, inverters, and substation equipment consistent with the distances to noise receptors to which it has committed in its maps and site plans. The Siting Board approves Clover Creek Solar's proposed

setback from residences of 800 feet from any panel or string inverter. The Siting Board also approves a distance of 800 feet between any solar panel or string inverter and 350 feet between any residential neighborhood as set forth in this order and 100 feet from any exterior property line. The Siting Board also approves the distance of 350 feet between the substation and the nearest residential neighborhood. Clover Creek Solar shall not place solar panels or string inverters, if used, closer than 800 feet from a residence, church, or school, 100 feet from non-participating adjoining parcels, or 50 feet from adjacent roadways. Clover Creek Solar shall not place a central inverter, and if used, energy storage systems, closer than 450 feet from any adjacent residences, church, or school.<sup>1</sup>

Clover Creek Solar first argued that the final Order mistakenly applied the 800 feet setback to individual residences as well as residential neighborhoods.<sup>2</sup> Clover Creek Solar next argued that there are no state statutory setback mandating specific setbacks from individual residences or churches.<sup>3</sup> Clover Creek Solar argued the only deviation that is available is through KRS 278.704(4) which applies to residential neighborhoods.<sup>4</sup> Lastly, Clover Creek Solar stated that the allowing the setback of 800 feet disregards the fact that the church is 501 feet from a panel and residence is 464 feet from the panel.<sup>5</sup> Ultimately, Clover Creek Solar suggested that the Siting Board should add language that the site plan controls, or the setbacks should be revised to reflect that residences be setback at a minimum of 464 feet from panels and churches no closer than 501 feet from panels.<sup>6</sup>

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<sup>1</sup> Order (Ky. Siting Board May 2, 2025), Appendix A at 9.

<sup>2</sup> Motion for Reconsideration and Clarification (filed on May 22, 2025) at 2.

<sup>3</sup> Motion for Reconsideration and Clarification at 4.

<sup>4</sup> Motion for Reconsideration and Clarification at 4.

<sup>5</sup> Motion for Reconsideration and Clarification at 4.

<sup>6</sup> Motion for Reconsideration and Clarification at 4.

Clover Creek Solar originally did not request a setback related to churches or residences. Upon reviewing Post Hearing Request for Information, the Siting Board requested that Clover Creek Solar provide the distances to the closest residence in each neighborhood.<sup>7</sup> The information provided by Clover Creek Solar was not responsive to the question as it only provided the distances to the residential neighborhoods.<sup>8</sup>

Pursuant to KRS 278.708(6), the Siting Board may require the implementation of any mitigation measures that the Siting Board deems appropriate. Accordingly, even though there are no proscribed statutory setbacks for individual residences, it is within the authority of the Siting Board to require an additional setback requirement for residences. The Siting Board granted the motion for setbacks as it was written, and the final Order was consistent with prior Siting Board decisions.<sup>9</sup>

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, as discussed above, the Commission finds that Clover Creek Solar's motion for reconsideration and clarification is denied.

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<sup>7</sup> Siting Board Staff's Post Hearing Request for Information to Clover Creek Solar Project d/b/a New Frontiers Solar Park (issued Mar. 25, 2025).

<sup>8</sup> Clover Creek Solar's Response to Post Hearing Request for Information (filed on Apr. 1, 2025), Item 9.

<sup>9</sup> Case No. 2022-00115, *Electronic Application of Thoroughbred Solar For a Certificate of Construction For An Approximately 50 Megawatt Merchant Electric Solar Generating Facility in Hart County, Kentucky* (Ky. Siting Board April 10, 2023) Order Appendix A at 4; Case No. 2022-00272, *Electronic Application of Hummingbird Energy, LLC For a Certificate of Construction For An Approximately 200 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*. (Ky. Siting Board Dec. 13, 2023) Order Appendix A at 4; Case No. 2023-00360, *Electronic Application of FRON BN, LLC (FRONTIER SOLAR) For a Certificate of Construction For An Approximately 120 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Marion and Washington Counties, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*. (Ky. Siting Board June. 25, 2024) Order Appendix A at 4; Case No. 2024-00105, *Electronic Application of Pike County Solar Project, For a Certificate of Construction For An Approximately 100 Megawatt Merchant Electric Solar Generating Facility in Pike County, Kentucky* (Ky. Siting Board Nov. 15, 2024) Order Appendix A at 4.

Additionally, the Siting Board addresses a typographical error that occurred in the final Order. The Siting Board issued an Order conditionally granting a Certificate of Construction for an approximately 100-megawatt solar generating facility, subject to full compliance with mitigation measures and conditions prescribed in Appendix A of the Order. The Order included a typographical error in the third sentence in Mitigation Measure 20 in Appendix A. In the third sentence after string inverter Mitigation Measure 20 included the language “350 feet between.” The Siting Board finds that this language should be stricken and removed from Mitigation Measure 20.

The Siting Board, by its own motion, finds that May 2, 2025 final Order should be amended. The Siting Board HEREBY ORDERS, *nunc pro tunc*, that Mitigation Measure 20 is amended to read as follows:

Clover Creek Solar shall place panels, inverters, and substation equipment consistent with the distances to noise receptors to which it has committed in its maps and site plans. The Siting Board approves Clover Creek Solar’s proposed setback from residences of 800 feet from any panel or string inverter. The Siting Board also approves a distance of 800 feet between any solar panel or string inverter and any residential neighborhood as set forth in this order and 100 feet from any exterior property line. The Siting Board also approves the distance of 350 feet between the substation and the nearest residential neighborhood. Clover Creek Solar shall not place solar panels or string inverters, if used, closer than 800 feet from a residence, church, or school, 100 feet from non-participating adjoining parcels, or 50 feet from adjacent roadways. Clover Creek Solar shall not place a central inverter, and if used, energy storage systems, closer than 450 feet from any adjacent residences, church, or school.

IT IS THEREFORE ORDERED that:

1. Clover Creek Solar’s motion for reconsideration and clarification on Mitigation Measure 20 is denied.
2. The May 2, 2025 final Order should be amended *nunc pro tunc* and Mitigation Measure 20 in Appendix A page 5 shall read as set forth in this Order.

3. All other provisions of the Siting Board's May 2, 2025 final Order that are not in conflict with the terms of this Order shall remain in effect.

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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



Secretary, Energy and Environment Cabinet,  
or her designee



Secretary, Cabinet for Economic Development,  
or his designee

by Aff  
w/ permission

ATTEST:



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



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