

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

In the Matter of:

ELECTRONIC APPLICATION OF LOST CITY)	
RENEWABLES LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
250 MEGAWATT MERCHANT ELECTRIC SOLAR)	2024-00406
GENERATING FACILITY IN MUHLENBERG)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.710 AND 807 KAR 5:110)	

ORDER

On February 20, 2025, 12 adjacent and nearby landowners (Movants) to the Lost City Renewables, LLC (Lost City Renewables) project requested, through counsel, joint intervention in the current proceedings (Motion to Intervene). On March 3, 2025, Movants filed an amended motion (Amended Motion to Intervene) adding 6 additional landowners, bringing the total number requesting intervention to 18. As a basis for the Motion to Intervene, the Movants stated that they had a special interest in these proceedings because of the proximity of their property to the project and the impact the project could have on their land. Lost City Renewables filed a response to Movants' Amended Motion to Intervene (Response) on March 6, 2025.

LEGAL STANDARD

The regulatory standard for permissive intervention, set forth in 807 KAR 5:110, Section 4, is twofold. The regulation requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding; or (2) that the party's participating

in the proceeding will assist the board in reaching its decision and would not unduly interrupt the proceeding.

DISCUSSION AND FINDINGS

The Movants argued that as adjoining and nearby landowners, they will be impacted by Lost City Renewables' proposed construction.¹ Movants further argued that they would raise environmental and conservation issues associated with the proposed construction that would otherwise not be adequately addressed.² The Movants did not provide information concerning the location of their properties, nor did they provide proof of agreement amongst the individual movant parties to work together with one counsel.

Lost City Renewables argued that the Movants' Amended Motion to Intervene should be denied as it was not timely filed, as the procedural schedule in this case established a deadline of February 21, 2025, for motions to intervene and the Amended Motion to Intervene was filed on March 3, 2025.³ Lost City Renewables further argued that the Amended Motion to Intervene contains no information as to why the additional six intervenors meet the standard for intervention.⁴ Based on this, Lost City Renewables argues that the Amended Motion to Intervene should be denied. The Response did not address the original Motion to Intervene.

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Siting Board finds that the Movants' Motion to Intervene has not established

¹ Motion to Intervene (filed Feb. 20, 2025) at 1.

² Motion to Intervene (filed Feb. 20, 2025) at 1.

³ Response (filed March 6, 2025) at 1.

⁴ Response (filed March 6, 2025) at 2.

the facts necessary to prove either prong of 807 KAR 5:110, Section 4, absent additional information concerning the proximity of Movants' properties to the project and evidence of an agreement among the Movants establishing that they have agreed to representation in this matter.

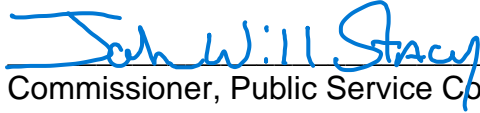
Based on the above, the Siting Board finds that the Movants shall have 10 days from the filing of this Order to provide additional information concerning the proximity of all 18 Movants' properties to the project and proof of agreement among the Movants establishing that they have agreed to be represented in this matter.

IT IS HEREBY ORDERED that the Movants have 10 days from the date of this Order to supplement the Motion to Intervene with information satisfying the requirements of 807 KAR 5:110, Section 4.

KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



Chairman, Public Service Commission

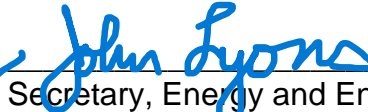


Commissioner, Public Service Commission



Commissioner, Public Service Commission

by AH
w/ permission



Secretary, Energy and Environment Cabinet,
or her designee

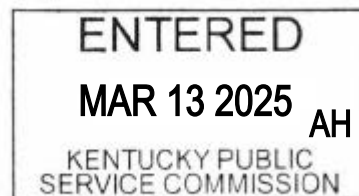


Secretary, Cabinet for Economic Development,
or his designee

ATTEST:



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



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