

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF CRAB RUN)	
SOLAR, LLC FOR A CERTIFICATE OF)	CASE NO.
CONSTRUCTION FOR AN UP TO 45)	2025-00276
MEGAWATT ELECTRIC SOLAR GENERATING)	
FACILITY IN MARION COUNTY, KENTUCKY)	

ORDER

On December 19, 2025, Crab Run Solar, LLC (Crab Run Solar) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) seeking a Construction Certificate to construct an approximately 45-megawatt ground-mounted solar photovoltaic electric generating facility (Project) comprising approximately 412 acres of land in Marion County, Kentucky. A site visit was held on February 23, 2026.

Pursuant to a procedural schedule established on January 7, 2026, Crab Run Solar responded to two rounds of discovery.¹ On January 29, 2026, Crab Run Solar filed a motion requesting leave to reissue notice pursuant to KRS 278.706(2).² Crab Run Solar's motion for leave to re-issue notice was granted on February 17, 2026.³ From

¹ Crab Run Solar's Response to Siting Board Staff's First Request for Information (Staff's First Request) (filed Jan. 30, 2026); Supplemental responses were filed Feb. 16, 2026; Crab Run Solar's Response to Siting Board Staff's Second Request for Information (Staff's Second Request) (filed Mar. 23, 2026).

² Crab Run Solar's Motion for Leave to Reissue Notice of Application (filed Jan. 29, 2026).

³ Siting Board Order (Ky. Siting Board Feb. 17, 2026).

March 13 through 19, 2026, the Siting Board received 17 letters requesting intervention.⁴ On April 3, 2026, 12 adjacent landowners were granted intervention by the Siting Board and the procedural schedule was amended to allow for the Intervenor to submit requests for information.⁵ Siting Board consultant, Wells Consultant (Wells), filed its report on April 6, 2026 (Wells). A formal hearing was held on April 28, 2026. Two Intervenor, Angela Mattingly and Richard Mattingly (jointly, the Mattinglys) participated in person at the hearing. Both the Mattinglys and Crab Run Solar filed post-hearing briefs.⁶ Crab Run Solar filed its responses to post-hearing requests for information on May 11, 2026. The matter now stands submitted for a decision.

LEGAL STANDARD

The filing requirements and standard of review for requests to construct a merchant generating facility are set forth in KRS 278.700–.718.⁷ KRS 278.704(1) requires that an application be filed with and approved by the Siting Board before the construction of a merchant electric generating facility can commence. KRS 278.706 requires that the application include evidence of public notice and compliance with local planning and zoning ordinances.

KRS 278.708(2) requires Crab Run Solar to prepare a site assessment report (SAR) that includes (1) a detailed description of the proposed site; (2) an evaluation of

⁴ <https://psc.ky.gov/Case/ViewCaseFilings/2025-00276/Public>.

⁵ Order (Ky. PSC Apr. 3, 2026).

⁶ Intervenor's Brief filed by Angela Mattingly (filed May 5, 2026); Crab Run Solar's Post-Hearing Brief (filed May 5, 2026).

⁷ On April 14, 2026, the Kentucky General Assembly enacted modifications to KRS 278.706. The modifications to the statute were not made retroactive by the General Assembly, so this application was reviewed under the laws as of the filing date.

the compatibility of the facility with scenic surroundings; (3) potential changes in property values and land use resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the site; (4) evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; (5) the impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility; and (6) any mitigating measures to be suggested by Crab Run Solar to minimize or avoid adverse effects identified in the SAR.

KRS 278.710(1) delineates the criteria on which the Siting Board will grant or deny the certificate, which include (1) impact on scenic surroundings, property values, and surrounding roads; (2) anticipated noise levels during construction and operation of the facility; (3) economic impact on the region and state; (4) whether the proposed facility meets all local planning and zoning requirements existing on the date the application was filed; (5) impact of the additional load on the reliability of jurisdictional utilities; (6) setback requirements; (7) efficacy of mitigation measures proposed by Crab Run Solar; (8) whether the applicant has a good environmental compliance history; and (9) whether the decommissioning plan is complete and complies with KRS 278.706(2)(m). Statutorily, the Siting Board is not permitted to deny an application because haul routes, construction schedules, geotechnical and environmental studies have not been completed. The Siting Board decision is only based on the criteria in KRS 278.710(1). Additionally, KRS 278.710(1) does not require a purchase power agreement or to identify any power purchaser.

PROPOSED FACILITY

The Project will be located on 412 acres within an unincorporated area of Marion County, Kentucky.⁸ The main project components include approximately 110,052 photovoltaic solar panels, medium voltage collection system, above and below ground cabling, module mounting system, 12 inverters.⁹ A project substation will connect a newly constructed East Kentucky Power Cooperation (EKPC) switchyard and will be point of interconnection (POI) with the existing 69-kilovolt (kV) transmission line.¹⁰

DISCUSSION AND FINDINGS

I. KRS 278.708: SAR Filing Requirements and Mitigation Measures

Mitigation Measures Proposed by Crab Run Solar and Siting Board Consultant

As required by KRS 278.708(4), Crab Run Solar proposed various mitigation measures consistent with the statutes regarding traffic, noise, roadway preservation, permitting, setbacks, public safety, scenic preservation, and decommissioning.¹¹ In accordance with KRS 278.708(5), Wells recommended mitigation measures in the following areas: site development, compatibility with scenic surroundings, road degradation, setback and south mitigation methods.¹² Crab Run Solar did not file any responses to Wells recommended mitigation measures.

⁸ Application, Tab 2, Proposed Site Description at 1.

⁹ Application, Tab 12, Decommissioning Plan, Exhibit I at 5.

¹⁰ Application, Tab 2, Proposed Site Description at 2.

¹¹ Application, Tab 12, Site Assessment Report at 11-12.

¹² Wells Engineering Solar Generation Siting and Final Report (Wells Report) (filed on April 6, 2026), Section 4 at 77.

The Siting Board has reviewed the mitigation measures proposed by Crab Run Solar and the Wells Report, and finds that, in addition to those Crab Run Solar had initially proposed, the mitigation measures set forth in Appendix A to this Order and discussed throughout this Order are appropriate and reasonable because they achieve the statutory purpose of mitigating the adverse effects identified in the SAR and the Wells Report in accordance with KRS 278.708.

Detailed Site Description

KRS 278.708(3)(a)(1–6) requires that the detailed site description in the SAR include a description of (1) surrounding land uses for residential, commercial, agricultural, and recreational purposes; (2) the legal boundaries of the proposed site; (3) proposed access control to the site; (4) the location of facility buildings, transmission lines, and other structures; (5) location and use of access ways, internal roads, and railways; and (6) existing or proposed utilities to service the facility.

Crab Run Solar submitted the required SAR with its application.¹³ The SAR contained a preliminary site plan,¹⁴ which was updated during the pendency of proceedings.¹⁵ The proposed site plan included a proposed Project boundary, proposed point of interconnection, proposed gen-tie, existing roads, proposed access roads, proposed site entrances, security fence, vegetative screening, proposed substation location, proposed potential operating and maintenance (O&M) building location.¹⁶ The

¹³ Application, Tab 12, Site Assessment Report.

¹⁴ Application, Tab 12, Site Assessment Report, Exhibit A.

¹⁵ Crab Run Solar's Response to Siting Board Staff's First Request, Attachment C.

¹⁶ Crab Run Solar's Response to Siting Board Staff's First Request, Attachment C.

Project will not be using railways for any construction or operation activities.¹⁷ Crab Run Solar does not plan to demolish any existing structures.¹⁸ Crab Run Solar anticipates removal of up to 8.46 acres of trees during construction.¹⁹ Crab Run Solar assumed the presence for federally listed forest-dwelling bat species, and tree removal actions will be coordinated with the United States Fish and Wildlife Service's Kentucky Field Office.²⁰ The legal descriptions of the proposed site are contained in the application.²¹ Copies of the lease agreements were provided through requests for information.²²

The Project will have three site entrances; two located along Arthur Mattingly Road and one located near the intersection of Ben Daugherty Road and Frogtown Road.²³ Access roads will be gravel-surfaced and approximately 16 feet in finished width.²⁴ Crab Run Solar stated all necessary state county and local roadway permits will be obtained.²⁵ The Project perimeter will be fenced, and all entrances will be secured with a gate.²⁶ All perimeter security will be installed according to the National Electric Safety Code (NESC)

¹⁷ Application, Tab 2, Proposed Site Description at 10-11.

¹⁸ Crab Run Solar's Response to Siting Board Staff's First Request, Item 85.

¹⁹ Crab Run Solar's Response to Siting Board Staff's First Request, Item 21.

²⁰ Crab Run Solar's Response to Siting Board Staff's First Request, Item 21.

²¹ Application, Tab 12, Site Assessment Report, Exhibit C.

²² Crab Run Solar's Response to Siting Board Staff's First Request, Attachment A.

²³ Application, Tab 12, Site Assessment Report at 3.

²⁴ Application, Tab 2, Proposed Site Description at 1.

²⁵ Crab Run Solar's Response to Siting Board Staff's First Request, Item 24.

²⁶ Crab Run Solar's Response to Siting Board Staff's First Request, Item 19.

standards.²⁷ The fence style proposed will be an seven-foot agricultural style fence.²⁸ Fencing will be installed prior to the start of any electrical work.²⁹ The substation and POI will each be secured by separate layer of chain-link fencing with barbed wire, also meeting NESC standards.³⁰ Crab Run Solar and the selected EPC will control site access during construction and operations.³¹ The Project will be secured with approximately 48,800 linear feet of perimeter fence.³² The Project will use approximately 110,052 ground-mounted photovoltaic (PV) modules that will be connected to approximately 12 power inverters,³³ through approximately 55,810 linear feet of MV collection system cables.³⁴ No transmission line construction will occur.³⁵ The connection will occur at an adjacent onsite, newly-constructed East Kentucky Power Cooperation (EKPC) switchyard serving as the POI with the existing 69 kilovolt (kV) line.³⁶ The final construction plan for the O&M building will determine the extent of the need for water, gas, and sanitary sewer.³⁷ Electric service will be provided to the site.³⁸

²⁷ Crab Run Solar's Response to Siting Board Staff's First Request, Item 16.

²⁸ Crab Run Solar's Response to Siting Board Staff's First Request, Item 74.

²⁹ Crab Run Solar's Response to Siting Board Staff's First Request, Item 16.

³⁰ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 42.

³¹ Crab Run Solar's Response to Siting Board Staff's First Request, Item 42.

³² Crab Run Solar's Response to Siting Board Staff's First Request, Item 87.

³³ Application, Tab 2, Proposed Site Description at 1.

³⁴ Crab Run Solar's Response to Siting Board Staff's First Request, Item 88.

³⁵ Crab Run Solar's Response to Siting Board Staff's First Request, Item 29.

³⁶ Crab Run Solar's Response to Siting Board Staff's First Request, Item 29.

³⁷ Crab Run Solar's Response to Siting Board Staff's First Request, Item 84.

³⁸ Crab Run Solar's Response to Siting Board Staff's First Request, Item 84.

The Project will be located on land currently being used for agricultural purposes in an unincorporated area of Marion County, Kentucky.³⁹ The area leased for the Project includes approximately 412 acres of private land (the Project Area).⁴⁰ A total of four wetlands, totaling 2.27 acres, 13 streams and ditches totaling 13,806 linear feet, and six open waterbodies totaling 3.65 acres, were identified within the Project Area.⁴¹ According to the Phase 1 Environmental Site Assessment, there is no evidence of any recognized environmental conditions, controlled recognized environmental conditions or a significant data gaps within the property.⁴² A study provided as evidence identified 2 archaeological sites, 1 cemetery, and 8 architectural resources within the 1.0-mile search buffer.⁴³ None of the archaeological sites, cemetery, or architectural resources identified are eligible or listed on the National Registry of Historic Places (NRHP).⁴⁴ The Project expects to utilize a 75-foot setback from sinkholes and/or karst features.⁴⁵

The nearest nonparticipating residence to the Project fence is 3250 Frogtown Road at 166 feet.⁴⁶ The nearest nonparticipating residence to a Project solar panel is 3250 Frogtown Road at 335 feet.⁴⁷ The nearest nonparticipating residence to the Project

³⁹ Application, Tab 2, Proposed Site Description at 1.

⁴⁰ Application, Tab 2, Proposed Site Description at 1.

⁴¹ Crab Run Solar's Response to Siting Board Staff's First Request, Attachment G at 8.

⁴² Crab Run Solar's Response to Siting Board Staff's First Request, Attachment K at 27.

⁴³ Crab Run Solar's Response to Siting Board Staff's First Request, Attachment P at 4.

⁴⁴ Crab Run Solar's Response to Siting Board Staff's First Request, Attachment P at 4.

⁴⁵ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 43.

⁴⁶ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 16.

⁴⁷ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 16.

inverter is 3180 Frogtown Road at 657 feet.⁴⁸ The nearest nonparticipating residence to the Project substation is 480 Arthur Mattingly Road at 1,699 feet.⁴⁹ The Project is proposing approximately 4,165 linear feet of vegetative screening.⁵⁰ West Marion Elementary School is located within one mile, and Marion County Middle School is located within two miles of the Project Area.⁵¹ The St. Charles Catholic Church is located within one mile of the Project Area.⁵² No hospitals, nursing homes, or public or private parks were identified within two miles of the Project Area.⁵³ There are 58 residential structures and 161 non-residential structures within 2,000 feet of the Project boundary.⁵⁴ Crab Run Solar stated that there are two residential neighborhoods that the Siting Board should consider in their analysis.⁵⁵

Having reviewed the record of this proceeding, the Siting Board finds that Crab Run Solar has complied with the requirements for describing the facility and a site development plan as required by KRS 278.708. However, the Siting Board finds that it is necessary to impose specific mitigation measures and requirements related to the description of the facility and the proposed site development plan. The Siting Board will require that Crab Run Solar keep the Siting Board apprised of changes throughout the

⁴⁸ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 16.

⁴⁹ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 16.

⁵⁰ Crab Run Solar's Response to Siting Board Staff's First Request, Item 86.

⁵¹ Application, Tab 2, Proposed Site Description at 2-3.

⁵² Application, Tab 2, Proposed Site Description at 2-3.

⁵³ Application, Tab 2, Proposed Site Description at 2.

⁵⁴ Crab Run's Response to Siting Board Staff's First Request, Item 73.

⁵⁵ Crab Run's Response to Siting Board Staff's First Request, Item 103.

development of the Project and, as such, will order Crab Run Solar to provide a final site plan for approval before the commencement of construction. The final site plan should indicate any change, including those to the design and boundaries of the Project, from the proposed site plan provided to the Siting Board during the pendency of this matter. The final site plan submitted should also include details about the O&M building including identifying if other utilities will be utilized for the structure. Furthermore, based on the findings and proposals of the Wells Report, the Siting Board finds that additional mitigation measures are required. These mitigation measures are outlined in Appendix A to this Order as mitigation measures 1 through 9.

Compatibility with Scenic Surroundings

Crab Run Solar indicated that the Project site will be located on land that is currently being used for agricultural purposes.⁵⁶ Crab Run Solar stated that in addition to the existing vegetation it has proposed enhanced vegetation screening buffers along parts of east and west boundaries, as well as parts of Frogtown Road, North Loretto Road, and Authur Mattingly Road.⁵⁷ Crab Run Solar has created a vegetative screening plan that includes a double row of staggered evergreen trees and shrubs at a minimum of four to six feet in height at planting.⁵⁸ Wells reviewed and evaluated the SAR and stated that the data and conclusions contained in the SAR complied with the statutory requirements for compatibility with scenic surroundings required by KRS 278.708.⁵⁹

⁵⁶ Application, Tab 2, Proposed Site Description at 2.

⁵⁷ Application, Tab 12, Site Assessment Report at 6.

⁵⁸ Application, Tab 12, Exhibit F.

⁵⁹ Wells Report at 75.

The Intervenors recommended a continuous triple row of staggered, evergreen buffers with a mix of native evergreen trees and shrubs planted at a minimum of six feet along the perimeter of the proposed project.⁶⁰ Additionally, the Intervenors requested that Crab Run Solar construct a 10-foot earthen berm along the full project perimeter abutting any non-participating parcel boundary.⁶¹

The Siting Board concludes that, as discussed in more detail below, by adding the additional row of vegetative buffer and 500-foot setback, the earthen berm is not necessary. Additionally, due to the impact that this mitigation measure would have on the project layout for this proposed project the Intervenors should have addressed this mitigation in either a request for information during discovery or at the hearing so that Crab Run Solar could have the opportunity to respond.

Having reviewed the record, the Siting Board finds that, there will be an impact on the scenery of neighboring properties. Crab Run Solar should review the vegetative plan that it has proposed and make it more robust including adding a third row of vegetative screening. The proposed vegetative buffer, along with other mitigation measures proposed by Crab Run Solar and Wells, will minimize the effect that the proposed facility will have on the scenic surroundings of the site. However, the Siting Board will require mitigation measures in addition to those proposed by Crab Run Solar. Those are set forth in Appendix A to this Order, specifically mitigation measures 10 to 16.

⁶⁰ Intervenors' Post-Hearing Brief (filed on May 5, 2026) at 15.

⁶¹ Intervenors' Post-Hearing Brief (filed on May 5, 2026) at 16.

Impact on Property Values

Crab Run Solar submitted a property value impact report conducted by Kirkland Appraisals (Kirkland Report), a certified real estate appraiser.⁶² The Kirkland Report found that, based upon a matched paired analysis and the sale/resale analysis, the solar facility will have no impact on the property values of abutting or adjoining residential or agricultural properties.⁶³ The report indicated that the solar facility would function in a harmonious manner with the nearby surroundings, which are mostly agricultural, and that operation of the Project would not generate the level of noise, odor, or traffic to negatively impact the nearby surroundings as compared to a fossil-fuel generating facility or other industrial facilities.⁶⁴

The Intervenors took exception to issues and conclusions from the Property Value Impact Report. Some of those concerns include the distance that was utilized in the report is the distance from the panel to the dwelling and not the property line;⁶⁵ no site visits were conducted to the adjacent homes; and an allegation that the matched paired analysis that was used was flawed. Additionally, the Intervenors stated that Mr. Kirkland confirmed he has never completed a report that concluded that the proposed facility would have a negative impact on property value.⁶⁶

⁶² Application, Tab 12, Site Assessment Report, Exhibit B.

⁶³ Application, Tab 12, Site Assessment Report, Exhibit B at 1–2.

⁶⁴ Application, Tab 12, Site Assessment Report, Exhibit B at 1–2 and 162.

⁶⁵ Intervenors' Post-hearing Brief at 11.

⁶⁶ Intervenors' Post-hearing Brief at 10.

The Wells Report provided a review and analysis by Clark Toleman, MAI, on the Kirkland Report and its findings.⁶⁷ Mr. Toleman analyzed the paired sales analysis prepared by the Kirkland Report to determine that there is a strong indicator that the proximity to a solar facility has a neutral impact on adjoining property values with proper setbacks and landscape buffers.⁶⁸

Having reviewed the record, the Siting Board finds sufficient evidence to conclude that the proposed Crab Run Solar facility will not have a significant adverse impact on nearby property values as long as proper mitigation measures are implemented. The characteristics of the solar facility's operations are passive, and the facility will be temporary, with the land returned to its natural state after a few decades of operation. The facility does not produce any air, noise, waste, or water pollution, nor does it create any traffic issues during operations.

Anticipated Noise Level

Crab Run Solar's Noise Assessment Report was completed by Environmental Resources Management, Inc. (ERM).⁶⁹ ERM used representative noise levels from the Federal Highway Administration's Roadway Construction Model.⁷⁰ ERM stated the estimated maximum noise levels during construction will occur during pile driving, and estimated that, the closet receiver, 340 feet from the closet panel,⁷¹ would have noise

⁶⁷ Wells Report, Attachment B.

⁶⁸ Wells Report, Attachment B at 9.

⁶⁹ SAR, Tab 12, Exhibit D, Noise Assessment Report.

⁷⁰ SAR, Tab 12, Exhibit D, Noise Assessment Report at 11.

⁷¹ SAR, Tab 12, Exhibit D, Noise Assessment Report, Table 1 at 3.

levels during pile driving of 76.5 decibels A-weighted scale (dBA).⁷² ERM stated that construction related activity is expected to occur between 8 a.m. and 8 p.m.⁷³

ERM found operational noise will emanate from inverters and transformers.⁷⁴ Based on ERM's operational sound modeling, the highest sound level at nearby sensitive receptors was 35.7 dBA.⁷⁵ ERM stated that the Project's generated noise levels are estimated to be below the U.S. Environmental Protection Agency's recommended protective noise level during both daytime and nighttime operating conditions.⁷⁶ ERM concluded that noise levels would exceed the estimated existing ambient conditions at all noise sensitive area (NSA) locations when pile driving activities are at the nearest approach to the NSA.⁷⁷ ERM further stated that pile driving will occur over a large area, and no individual NSA will experience the same or constant noise level.⁷⁸

Cloverlake evaluated the Noise Assessment Report conducted by ERM, on behalf of Wells⁷⁹ and concluded that the Project's construction phase will produce the highest noise levels, especially during pile-driving activity.⁸⁰ Cloverlake noted construction

⁷² SAR, Tab 12, Exhibit D, Noise Assessment Report, Table 6 at 11.

⁷³ SAR, Tab 12, Exhibit D, Noise Assessment Report at 11.

⁷⁴ SAR, Tab 12, Exhibit D, Noise Assessment Report at 7.

⁷⁵ SAR, Tab 12, Exhibit D, Noise Assessment Report, Table 5 at 7.

⁷⁶ SAR, Tab 12, Exhibit D, Noise Assessment Report at 14.

⁷⁷ SAR, Tab 12, Exhibit D, Noise Assessment Report at 14.

⁷⁸ SAR, Tab 12, Exhibit D, Noise Assessment Report, Table 6 at 11.

⁷⁹ Wells Report at 74.

⁸⁰ Wells Report, Attachment A, Environmental Impact Report at 5.

activities within the Project Area would progress throughout the site and are not expected to occur near any individual sensitive receptor for more than a few weeks.⁸¹

In its SAR, Crab Run Solar detailed the following noise mitigation measures,⁸²

As a noise mitigation measure, no nighttime pile driving will be conducted, with pile driving scheduled to only occur between the hours of 8 a.m. and 8 p.m. Additionally, residential landowners located within 1,500 feet of where pile driving will occur will be notified prior to commencing construction.

The Intervenors requested a setback of 300 feet from inverters and transformers to any non-participating parcel boundary.⁸³ Other recommendations from the Intervenors include: prior to construction noise measurements be taken at each non-participating residential property boundary at night; continuous noise monitoring for each nonparticipating property boundary; construction noise not to exceed 85 dBA; and pile driving be limited to 7:00 a.m. to 6:00 p.m.⁸⁴

Based on the case record, the Siting Board finds that Crab Run Solar's application is in compliance with the statutory requirements for disclosing noise levels. As indicated by ERM and Cloverlake, the noise will be loudest during the construction phase but will not be permanent for nearby residents. The Siting Board further finds that the operational noise from inverters and the main transformer should have little to no effect on residences in the area.

⁸¹ Wells Report, Attachment A, Environmental Impact Report at 5.

⁸² SAR, Tab 12, Exhibit D, Noise Assessment Report Table 6 at 11.

⁸³ Intervenors' Post Hearing Brief at 16.

⁸⁴ Intervenors' Post Hearing Brief at 17.

Based on the case record, the Siting Board finds that Crab Run Solar application is in compliance with the statutory requirements for disclosing noise levels. However, the Siting Board further finds that, based on the entire record, to ensure the impact of construction noise does not unduly impact nearby residents, Crab Run Solar will be required to implement specific mitigation measures. The mitigation measures implemented by the Siting Board are designed to limit the effects of construction noise by controlling the hours of construction in general, as well as the time and manner pile driving can occur. The Siting Board will require Crab Run Solar to mitigate construction noise up to 1,500 feet to ensure the surrounding community is not negatively impacted by the construction noise. Crab Run Solar may forgo noise suppression if it employs a panel installation method that does not involve pile driving, so long as the method does not produce noise levels similar to pile driving. These mitigation measures are outlined in Appendix A to this Order, specifically mitigation measures 19 through 21.

Impact on Roads, Railways, and Fugitive Dust

Construction is anticipated to take nine months.⁸⁵ The primary access point for the project will be along Arthur Mattingly Road.⁸⁶ There will be a secondary access through a private entrance along Frogtown Road.⁸⁷ The Traffic Impact Study that was conducted by Palmer Engineering also studied the impact of operating conditions for the following roadways: KY-9002, KY-555, KY-55, KY-2154, and KY-49.⁸⁸ Palmer

⁸⁵ Hearing Video Testimony (HVT) of the April 28, 2026, hearing, Jeannine Johnson Testimony at 10:08:02-10:08:07.

⁸⁶ Application, Tab 12, Site Assessment Report, Exhibit H at 3.

⁸⁷ Application, Tab 12, Site Assessment Report, Exhibit H at 3.

⁸⁸ Application, Tab 12, Site Assessment Report, Exhibit H at 3.

Engineering concluded that, due to the short duration, the construction for this project will not adversely affect the operation of the roadways that were studied as long as the traffic utilizes Arthur Mattingly Road as the primary access point.⁸⁹

During the operational phase of the project, Palmer Engineering stated that the proposed facility will only be managed and monitored.⁹⁰ Palmer Engineering concluded that the additional traffic during the operation phase of the project will not have a measurable impact on traffic and infrastructure.⁹¹

The Siting Board finds that traffic and road degradation issues can be addressed with Crab Run Solar's mitigation measures, the additional measures proposed by Wells, and further finds that the mitigation measures set forth in Appendix A to this Order and in particular, mitigation measures 23 through 30, should be implemented.

The Siting Board anticipates some fugitive dust from the construction phase. Crab Run Solar stated that it will mitigate the dust from the construction by utilizing best management practices that include implementing the use of water for dust control.⁹² Dust will not be a factor during the operation's phase.

The Siting Board requires additional mitigation measures to reduce any potentially harmful effects on the area, which are outlined in Appendix A to this Order. The Siting Board will require Crab Run Solar to inform the Siting Board and the Energy and Environment Cabinet (EEC) of the date construction will commence, not less than 30

⁸⁹ Application, Tab 12, Site Assessment Report, Exhibit H at 8.

⁹⁰ Application, Tab 12, Site Assessment Report, Exhibit H at 8.

⁹¹ Application, Tab 12, Site Assessment Report, Exhibit H at 9.

⁹² Application, Tab 12, Site Assessment Report, Exhibit H at 10.

days prior, to ensure the proper permits have been obtained and whether proper steps have been taken to comply with the mitigation measures set forth in Appendix A to this Order.

II. KRS 278.710(1) Criteria

In addition to the evaluation of the factors addressed in the SAR, the Siting Board considered the below-described factors set forth in KRS 278.710(1) in rendering its decision.

Economic Impact on Affected Region and the State

According to Crab Run Solar's economic impact report, the proposed solar facility is expected to generate significant positive economic and fiscal impacts to Marion County. The project will be conducted in two phases: a construction phase and an operation phase.⁹³

The IMPLAN model used for the economic impact analysis of the eight-month construction phase of the project focused on Marion County and its six surrounding counties due to the small size of the local industry.⁹⁴ Dr. Joshua Pinkston stated the exception to this is the proprietor⁹⁵ income portion of the direct effect which focused on statewide data due concerns about Marion County inflating estimated income in

⁹³ Application, Tab 10, Attachment H at 8.

⁹⁴ Application, Tab 10, Attachment H at 8-9.

⁹⁵ Crab Run Solar's Response to Siting Board Staff's First Request, Item 75. Proprietors being defined as owners of firms contracted and subcontracted to work on the project during the construction phase.

calculations.⁹⁶ Crab Run Solar estimated that total construction phase costs for the project will be \$37.6 million.⁹⁷

This translates to a direct effect as well an indirect effect and an induced effect.⁹⁸ The first component of the direct effect is employee compensation with the project requiring an average of 95 temporary, full time jobs over the construction period with a total direct payroll of approximately \$3.85 million including fringe benefits with an average wage of \$40,515.42 per construction job.⁹⁹ The second component of the direct effect is the project will require 27.48 proprietors with \$1.3 million in income.¹⁰⁰ Adding the two components together yields 122.48 total jobs with over \$5.1 million in income and over \$13 million in economic value added.¹⁰¹

The indirect effect will result in 37.8 more jobs with \$1.18 million in labor income and \$3.35 million in economic value added.¹⁰² The indirect effect will result in 15.4 more jobs with \$640,429 million in labor income and \$1.27 million in economic value added.¹⁰³ The total construction phase economic impact is estimated to be 175.71 total jobs with labor income of \$7.6 million and \$17.68 million in economic value added.¹⁰⁴

⁹⁶ Application, Tab 10, Attachment H at 9.

⁹⁷ Application, Tab 10, Attachment H at 8.

⁹⁸ Application, Tab 10, Attachment H at 7.

⁹⁹ Application, Tab 10, Attachment H at 9.

¹⁰⁰ Application, Tab 10, Attachment H at 9.

¹⁰¹ Application, Tab 10, Attachment H at 9.

¹⁰² Application, Tab 10, Attachment H at 10.

¹⁰³ Application, Tab 10, Attachment H at 10.

¹⁰⁴ Application, Tab 10, Attachment H at 10.

The IMPLAN model used for the economic impact analysis of the 30-year operations phase of the project focused on Marion County and its six surrounding counties due to the small size of the local industry.¹⁰⁵ The operational phase is estimated to have a very small ongoing economic impact relative to the one-time impacts from the construction phase. The total operations phase economic impact is estimated to be 3.34 total jobs with labor income of \$7.6 million and \$17.68 million in economic value added.¹⁰⁶ For both phases, Crab Run Solar intends to emphasize using local channels in hiring workers as much as possible for the project and only using non-local channels when there are gaps due to local supply or skill-set.¹⁰⁷

Crab Run Solar may negotiate an Industrial Revenue Bond (IRB) and a Payment in Lieu of Taxes (PILOT) Agreement with Marion County.¹⁰⁸ If an IRB and PILOT are not agreed upon, Crab Run Solar estimated that it will pay \$66,953 in occupational taxes to the county for the construction portion of the project and \$2,649 annually in occupational taxes for the operations phase of the project.¹⁰⁹ The property taxes paid on the parcels of the project in their current agricultural use was \$2,740.82 in 2024. If the parcels of the project site are not in agricultural use because of being part of the project site, property

¹⁰⁵ Application, Tab 10, Attachment H at 8–9.

¹⁰⁶ Application, Tab 10, Attachment H at 10.

¹⁰⁷ Crab Run Solar's Response to Siting Board Staff's Second Request, Item 7.

¹⁰⁸ Application, Tab 10, Attachment H at 14 and Crab Run Solar's Response to Siting Board Staff's First Request, Item 59.

¹⁰⁹ Application, Tab 10, Attachment H at 13.

taxes paid on them will increase five to six times as a result of being eligible to be taxed on their fair cash value.¹¹⁰

The Intervenors argued that the economic benefits of this proposed facility are overstated.¹¹¹ The Intervenors argued that, after reviewing the Martin County Solar project, only 47 out of 420 construction workers were from Martin County.¹¹² The Intervenors stated that no IRB or PILOT discussions had occurred between Crab Run Solar and local officials.¹¹³

Wells evaluated the economic impact of the project.¹¹⁴ Based upon its review and analysis, Wells concluded that the project would provide significant positive economic effects to the region and Commonwealth during the construction and operations phases of the project.¹¹⁵

Having reviewed the record, the Siting Board finds that the Crab Run Solar facility will have a positive economic impact on the region.

Existence of Other Generating Facilities

Crab Run Solar indicated that there are no existing facilities near the proposed site that generate electricity.¹¹⁶ Crab Run Solar stated that the Project was sited in a location

¹¹⁰ Application, Tab 10, Attachment H at 13.

¹¹¹ Intervenors' Post-hearing Brief at 12.

¹¹² Intervenors' Post-hearing Brief at 12.

¹¹³ Intervenors' Post-hearing Brief at 12.

¹¹⁴ Wells Report, Attachment C at 1.

¹¹⁵ Wells Report, Attachment C at 6.

¹¹⁶ Application, Tab 7, Efforts to Locate Project Near Existing Electric Generating Facilities at 1.

with proximity to existing transmission infrastructure.¹¹⁷ Crab Run Solar stated that a 69 kV transmission system that is owned and maintained by EKPC and a 345 kV transmission system that is owned and maintained by Louisville Gas and & Electric Company/Kentucky Utilities Company (LG&E/KU) are located in the Project area.¹¹⁸

Local Planning and Zoning Requirements

Marion County does not have planning and zoning and has not enacted any zoning ordinances or setback requirements. The statutory requirements of KRS 278.706(2)(e) apply unless a deviation is applied for and granted by the Siting Board. KRS 278.706(2)(e) requires that all proposed structures or facilities used for generation of electricity must be 2,000 feet from any residential neighborhood, school, hospital, or nursing home facility. The Project will be closer than that to residences, but there are no schools, hospitals, or nursing homes within 2,000 feet.¹¹⁹ Issues surrounding residential neighborhoods are discussed below.

Impact on Transmission System

The project is located within the territory of the PJM Interconnection, LLC (PJM).¹²⁰ Crab Run Solar obtained a queue position for interconnection with PJM on March 31, 2021.¹²¹ Crab Run Solar stated that EKPC will be constructing a new switchyard that will be adjacent to the project substation.¹²² Due to the construction of the new switchyard,

¹¹⁷ Application, Tab 7, Efforts to Locate Project Near Existing Electric Generating Facilities at 1.

¹¹⁸ Application, Tab 7, Efforts to Locate Project Near Existing Electric Generating Facilities at 1.

¹¹⁹ Application at 12.

¹²⁰ Application, Tab 9, Effect on the Electric Transmission System in Kentucky at 1.

¹²¹ Application, Tab 9, Effect on the Electric Transmission System in Kentucky at 1.

¹²² Application, Tab 7, Efforts to Locate Project Near Existing Electric Generating Facilities at 1.

the project will not require construction of a gen-tie line as part of Crab Run Solar's application.¹²³ Currently, this project is in PJM's Phase 2.¹²⁴ The System Impact Study for Phase 1 has been completed.¹²⁵ Crab Run Solar stated that the Phase 2 results from PJM are expected in June 2026.¹²⁶

Based upon the case record, the Siting Board finds that Crab Run Solar has satisfied the requirements of KRS 278.710(f) and that the additional load imposed upon the electricity transmission system by the generation of electricity at Crab Run Solar's facility will not adversely affect the reliability of service for retail customers of electric utilities regulated by the Kentucky Public Service Commission. This finding is based upon Crab Run Solar's commitment to the interconnection process and protocols consistent with the requirements of KRS 278.212.

Compliance with Setback Requirements

Marion County does not have planning and zoning. Additionally, there are no applicable setbacks established by Marion County for the project. KRS 278.706(2)(e) requires that all proposed structures or facilities used for electric generation be at least 2,000 feet from any residential neighborhood, school, hospital, or nursing home facility.¹²⁷ KRS 278.700(6) defines residential neighborhood as a populated area of five or more acres containing at least one residential structure per acre.¹²⁸ KRS 278.704(4) authorizes

¹²³ Application, Tab 7, Efforts to Locate Project Near Existing Electric Generating Facilities at 1.

¹²⁴ HVT of the April 28, 2026, hearing, Jeannine Johnson Testimony at 10:25:52-10:26:02.

¹²⁵ HVT of the April 28, 2026, hearing, Jeannine Johnson Testimony at 10:26:02-10:26:08.

¹²⁶ HVT of the April 28, 2026, hearing, Jeannine Johnson Testimony at 10:26:08-10:26:11.

¹²⁷ KRS 278.706(2)(e).

¹²⁸ KRS 278.700(6).

the Siting Board to grant a deviation from the setback requirements in KRS 278.706(2)(e), if requested.¹²⁹

The Siting Board finds the primary purpose or intent of the legislature is to protect property owners from potentially negative effects of electric generation siting, including scenic surroundings and property values, and that the statutory definitions at issue should be liberally construed to effectuate this intent. Thus, the Siting Board finds that the legislature did not intend for the definition of “residential neighborhoods” to be based on parcel boundaries, but rather, finds that the legislature intended to protect any populated areas, which may include any contiguous area so long as it is reasonable in shape.

Crab Run Solar has requested a deviation from the setback requirements in KRS 278.706(2)(e).¹³⁰ Crab Run Solar stated that there are two residential neighborhoods. Crab Run Solar argued that, due to the distance of the nearest residence and the Siting Board’s past practices, an alleged third residential neighborhood should not be considered in the Siting Board analysis.¹³¹ The distance to the nearest residence located within the identified residential neighborhoods is 2,915 feet away from a solar panel.¹³² Crab Run Solar stated that the southern portion of the this neighborhood is located less than 2,000 feet from the project and consists of one large 133 acre parcel.¹³³ Crab Run Solar stated that the parcel boundary is 73 feet away from the solar panel.

¹²⁹ KRS 278.704(4).

¹³⁰ Crab Run Solar’s Motion for Deviation from Setback Requirements (Motion for Deviation) (filed on Jan. 23, 2026) at 2.

¹³¹ Crab Run Solar’s Motion for Deviation at 3.

¹³² Crab Run Solar’s Motion for Deviation at 3.

¹³³ Crab Run Solar’s Motion for Deviation at 2.

Crab Run Solar requested to be allowed to place generating equipment no closer than 335 feet from the nearest residential neighborhood.¹³⁴ Additionally, Crab Run Solar argued that, based on past case precedent, the setback distance was calculated from the residence to any generating equipment.¹³⁵

The Intervenors in this matter proposed that a fourth residential neighborhood should be considered; it includes five residences on Loretto Road and Arthur Mattingly Road.¹³⁶

Although Crab Run Solar discussed the three clusters of residences in its motion, and identified two it considered residential neighborhoods within 2,000 feet of the project's boundaries.¹³⁷ Of the three residential neighborhoods, Neighborhood 1 is the closest.¹³⁸ The Project's fencing is proposed to be 166 feet from the closest residence in Neighborhood 1.¹³⁹ The closest solar panel is proposed to be 335 feet from the closest residence in Neighborhood 1.¹⁴⁰ Neighborhood 1 is the closest to the project's inverters.¹⁴¹ The closest inverter is 657 feet from the closest home in Neighborhood 1. All the neighborhoods are over 2,600 feet from the project's substation.¹⁴²

¹³⁴ HVT of the April 28, 2026, hearing, Jeannine Johnson Testimony at 10:13:33-10:13:37.

¹³⁵ Crab Run Solar's Motion for Deviation at 3.

¹³⁶ Intervenors' Post Hearing Brief at 3.

¹³⁷ Crab Run Solar's Motion for Deviation at 1-2.

¹³⁸ Crab Run Solar's Response to Staff's Second Request, Item 23.

¹³⁹ Crab Run Solar's Response to Staff's Second Request, Item 23.

¹⁴⁰ Crab Run Solar's Response to Staff's Second Request, Item 23.

¹⁴¹ Crab Run Solar's Response to Staff's Second Request, Item 23.

¹⁴² Crab Run Solar's Response to Staff's Second Request, Item 23.

In analyzing the three areas that were identified in Crab Run Solar's motion regarding setbacks, the Siting Board finds that all three areas are residential neighborhoods as defined by KRS 278.700(6). Crab Run Solar relies on the final Order in a highly contentious case, Lost City Renewables, to argue that the setback distance should be calculated from the residence to any generating equipment.¹⁴³ Crab Run Solar stated that there were 80 residences in Neighborhood 3 but none of the residences are within 2,000 foot buffer.¹⁴⁴ Crab Run Solar stated that the southernmost portion of the residential neighborhood is located less than 2,000 feet from the project and consists of one large 133-acre parcel. In keeping with the intent of the statute, the Siting Board finds that Neighborhood 3 is a residential neighborhood. Neighborhood 3 meets the statutory definition of residential neighborhood and based on the response of the community in this matter; the Siting Board would be remiss to allow one past case to negate the public interest in this matter.

The Siting Board finds that the fourth residential neighborhood proposed by the Intervenors does not meet the definition of a residential neighborhood. The Siting Board finds that the proposed residential Neighborhood 4 is spread out, unreasonably disparate, and considering all the criteria, does not meet the definition of a residential neighborhood.

KRS 278.710 gives the Siting Board the authority to require "the implementation of any mitigation measures that the board deems appropriate."¹⁴⁵ Every application that is submitted to the Siting Board is reviewed on a case-by-case basis. In this case, there

¹⁴³ Crab Run Solar's Motion for Deviation at 3 and Order (Ky. Siting Board July 28, 2025).

¹⁴⁴ Crab Run Solar's Motion for Deviation at 2.

¹⁴⁵ KRS 278.708(6).

were twelve Intervenors who were granted intervention. There were numerous intervenors' residences that ranged from 335 feet to 634 feet from their residence to a solar panel.¹⁴⁶ The closest Intervenors' residence to the project fencing is 166 feet.¹⁴⁷ The Siting Board recognizes that Crab Run Solar plans to mitigate the potential visual impacts of the project by utilizing existing vegetation and implementing additional vegetative screening. Even with the planned vegetative buffer, it is going to take at least five years for the vegetative screening to completely shield the proposed facility to the homes located on Frogtown Road.¹⁴⁸ The Siting Boards finds that additional steps such as increase setback distance from residences and residential neighborhoods is warranted.

The Siting Board finds that Crab Run Solar shall not place solar panels or string inverters, if used, closer than 500 feet from a residence. The Siting Board also approves a distance of 500 feet from any solar panel or string inverter and any residential neighborhood and 100 feet from any exterior property line. Additionally, Crab Run Solar shall not place solar panel or string inverters closer than 50 feet from adjacent roadways.

Crab Run Solar's shall not place a central inverter, and if used, energy storage systems, closer than 650 feet from any adjacent residences, churches, or schools. The motion for deviation is granted; however, the proposed setback of 335 proposed by Crab Run Solar is denied.

¹⁴⁶ Crab Run Solar's Response to Post Hearing Data Request, Item 2.

¹⁴⁷ Crab Run Solar's Response to Post Hearing Data Request, Item 2.

¹⁴⁸ Crab Run Solar's Response to Post Hearing Data Request, Item 5, Attachment C at 3.

The Siting Board finds given the totality of the mitigation measures proposed by Crab Run Solar, the nature of the surrounding property, and the mitigation measures the Siting Board has imposed in Appendix A, the statutory purposes are met by the project. Exceptions to these setback requirements for participating landowners, and easement holders, are included in Appendix A, mitigation measure 22.

History of Environmental Compliance

In the application, Crab Run Solar stated that neither it, nor anyone with an ownership interest in it, has violated any environmental laws, rules, or administrative regulations.¹⁴⁹ Further, Crab Run Solar asserted that it is not aware of any pending judicial or administrative actions regarding violations of any state environmental laws or regulations against Crab Run Solar nor any entity with direct ownership interest in the Project.¹⁵⁰

Transfer of Ownership

Solar developments are often sold to other companies during the planning, construction, and operation of projects. When a construction certificate for a solar facility is sought, the Project and the developers are thoroughly evaluated to ensure that the Project will comply with all statutory and regulatory requirements. After review, the construction certificate is conditionally granted contingent on full compliance with all mitigation measures, some of which continue into the operation of the project. As noted in the preceding section, the Siting Board not only reviews the history and abilities of the

¹⁴⁹ Application, Tab 11, Environmental Violation Record at 1.

¹⁵⁰ Application, Tab 11, Environmental Violation Record at 1.

Person¹⁵¹ seeking the certificate, but also the entities that have an ownership interest in the Project. Here, Crab Run Solar has no resources or employees of its own and instead depends on the resources and employees of affiliates or entities with an ownership interest in it. Crab Run Solar indicated that it would employ the persons responsible for compliance with the construction certificate during construction and the persons responsible for the continued compliance during operations.¹⁵² However, without Savion LLC, Crab Run Solar would not have the managerial, technical, or financial capability necessary to construct or operate the facility, nor to comply with the conditions required herein.

As such, the Siting Board finds that any transfer of ownership or control of Crab Run Solar, the person seeking and being granted, with conditions, the construction certificate in this matter, must be approved by the Siting Board in advance of the transfer of ownership or control taking place. Without knowledge of who provides the resources and employees to operate the Crab Run Solar project to ensure ongoing compliance with the measures required herein, there is no way to ensure the requirements are adhered to throughout the life of the Project. The Siting Board must approve all transfers to determine if they meet the criteria set forth in KRS 278.710(3). The measures related to the transfer of ownership or control are set forth more fully in Appendix A, mitigation measure 32.

¹⁵¹ KRS 278.700(3) defines a person as any individual, corporation, public corporation, political subdivision, governmental agency, municipality, partnership, cooperative association, trust, estate, two (2) or more persons having a joint or common interest, or any other entity.

¹⁵² Crab Run Solar's Response to Staff's Second Request, Item 10.

Decommissioning

Crab Run Solar submitted a decommissioning plan with the application.¹⁵³ The decommissioning plan outlines the removal of underground components to the depth of three feet including underground wiring and conduits.¹⁵⁴ Crab Run Solar indicated it will secure a bond to assure financial performance of the decommissioning obligation.¹⁵⁵

The Siting Board finds that Crab Run Solar must return the land to its original use, to the extent possible, at the end of the Project's life. Returning the land back to its original state and use after decades of operation is an important part of the Siting Board's finding regarding the impact of the facilities on scenic surroundings, property values, and the economy. The relative "temporary" nature of the facilities compared to other types of more permanent development, such as thermal merchant generation facilities, industrial operations, or housing, is a prime consideration of the Siting Board in granting a certificate, with conditions, in this matter. An inability or unwillingness to return the land back to its prior state after the life of the facility, including leaving underground facilities in excess of three feet, increases the permanence of the facility. As such, the Siting Board requires the removal of all components above and below ground. Removal of all underground components and regrading or recompacting the soil for later use will mitigate any damage to the land, thus returning the land to a state that provides at least as great of an economic impact as it does today. The Siting Board will also require additional

¹⁵³ SAR, Exhibit I.

¹⁵⁴ SAR, Exhibit I at 5.

¹⁵⁵ SAR, Exhibit I at 11.

mitigation measures related to decommissioning, which are outlined in Appendix A to this Order, mitigation measures 33 and 34.

ADDITIONAL INTERVENOR ARGUMENTS SUMMARIZED

The Intervenors made several other recommendations in the Post Hearing Brief. The Intervenors recommended that no chemicals be utilized to clean during panel cleaning.¹⁵⁶ Pursuant to KRS 278.710(9), once the proposed facility begins to generate electricity, the Siting Board no longer has authority it falls under the jurisdiction of the Energy and Environment Cabinet. The Intervenors recommended that Crab Run Solar sign a written agreement to provide a cash contribution to the Marion County Area Technology Center.¹⁵⁷ The Siting Board cannot require Crab Run Solar to enter into such an agreement.

In their post-hearing brief, Intervenors requested a community liaison.¹⁵⁸ In this case and many other proposed projects, the Siting Board will require that Crab Run Solar establish a complaint resolution program and a project website. It is the opinion of the Siting Board that the complaint resolution program will adequately address the concerns of residents during the construction and operation phase of the project.

The Intervenors also requested full disclosure of the IRB or PILOT programs that may be entered into with Marion County Fiscal Court.¹⁵⁹ The IRB or PILOT program is an agreement that is entered into with local county officials. The decision of whether the

¹⁵⁶ Intervenors' Post Hearing Brief at 18.

¹⁵⁷ Intervenors' Post Hearing Brief at 19.

¹⁵⁸ Intervenors' Post Hearing Brief at 18.

¹⁵⁹ Intervenors Post Hearing Brief at 17.

county chooses to enter into an IRB or PILOT program and the terms of the agreement is determined by local officials. The Siting Board may not require information from the Marion County Fiscal Court outside of the scope of this proceeding.

CONCLUSION

After carefully considering the criteria outlined in KRS Chapter 278, the Siting Board finds that Crab Run Solar has presented sufficient evidence to support the issuance of a Construction Certificate to construct the proposed merchant solar facility. The Siting Board conditions its approval upon the full implementation of all mitigation measures and other requirements described herein and listed in Appendix A to this Order. A map showing the location of the proposed solar generating facility is attached hereto as Appendix B.

IT IS THEREFORE ORDERED that:

1. Crab Run Solar's application for a Construction Certificate to construct an approximately 45 MW merchant solar electric generating facility in Marion County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A to this order.
2. Crab Run Solar's motion for deviation from setback requirements in KRS 278.704(2) is granted in part and denied in part. Crab Run Solar shall comply with the setbacks prescribed in the mitigation measures in Appendix A to this order.
3. Crab Run Solar shall fully comply with the mitigation measures and conditions prescribed in Appendix A to this Order.
4. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A to this Order, the measures in Appendix A shall control.

5. This case is closed and removed from the Siting Board's docket.

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Entered on this 17th day of June, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING



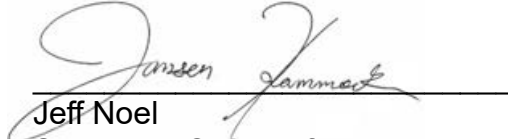
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Chair, Public Service Commission



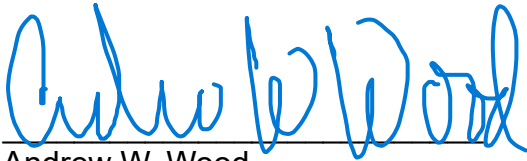
John Lyons
Secretary, Energy and Environment
Cabinet, or his designee



Mary Pat Regan
Vice Chair, Public Service Commission



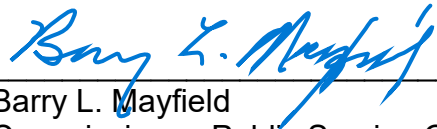
Jeff Noel
Secretary, Cabinet for Economic
Development, or his designee



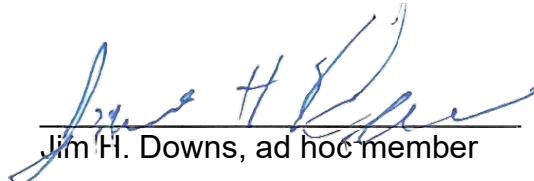
Andrew W. Wood
Commissioner, Public Service Commission



David Daugherty, ad hoc member



Barry L. Mayfield
Commissioner, Public Service Commission



Jim H. Downs, ad hoc member

ATTEST:



Linda C. Bridwell, PE
Executive Director
Public Service Commission
on behalf of the Kentucky State Board on
Electric Generation and Transmission Siting



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE NO. 2025-00276 DATED JUN 17 2026

MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Crab Run Solar, LLC (Crab Run Solar) to ensure that the facilities proposed in this proceeding are constructed as ordered.

1. A final site layout plan shall be submitted for approval to the Siting Board upon completion of the final site design and no less than 30 days prior to construction. Deviations from the preliminary site layout should be clearly indicated in the revised graphic. Those changes could include, but are not limited to, location of solar panels, inverters, transformers, substations, operation and maintenance building, transmission line route, battery energy storage system, or other Project facilities and infrastructure.

2. Any change in the Project boundaries from the information that formed this evaluation shall be submitted to the Siting Board for review.

3. The Siting Board will determine whether any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts.

4. Crab Run Solar shall provide the date that construction will commence to the Siting Board and the EEC, Division of Waste Management at least 30 days prior to the commencement of construction of the Project.

5. Crab Run Solar shall submit a status report to the Siting Board every six months from the date of this Order until the project begins generating electricity to update

the Siting Board on the progress of the Project. The report shall reference this case number and be filed in post-case correspondence in this case.

6. Crab Run Solar shall comply with all requirements in KRS 278.710 for monitoring by EEC.

7. At least 14 days prior to construction, Crab Run Solar shall provide a finalized Emergency Response Plan to the local fire district, first responders, and any county emergency management agency. Crab Run Solar shall provide site-specific training for local emergency responders at their request. Access for fire and emergency units shall be set up after consultation with local authorities.

8. Crab Run Solar or its contractor will control access to the site during construction and operation. All construction entrances will be gated and locked when not in use.

9. Crab Run Solar's access control strategy shall also include appropriate signage to warn potential trespassers. Crab Run Solar must ensure that all site entrances and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners.

10. The security fence as described in the Order must be installed prior to activation of any electrical installation work in accordance with National Electrical Safety Code (NESC) standards. The switching station shall have its own separate security fence and locked access installed in accordance with NESC standards.

11. Existing vegetation between solar arrays and nearby roadways and homes shall be left in place to the extent feasible to help minimize visual impacts and screen the Project from nearby homeowners and travelers. Crab Run Solar will not remove any

existing vegetation except to the extent it must remove such vegetation for the construction and operation of Project components.

12. If any components of the facility are visible to neighboring homes after construction, Crab Run Solar shall assess the feasibility of a screening plan, including consulting neighbors to determine whether there are adverse impacts to their viewshed. If a screening plan is considered, regardless of whether it is ultimately implemented, notice of such consideration shall be filed with the Siting Board.

13. To the extent that an affected adjacent property owner indicates to Crab Run Solar that a visual buffer is not necessary, Crab Run solar will obtain that property owner's written consent and submit such consent in writing to the Siting Board.

14. Crab Run Solar shall implement planting of native evergreen species as a visual buffer to mitigate visual viewshed impacts, in areas where those viewshed impacts occur from residences or roadways directly adjacent to the Project and there is not adequate existing vegetation. If it is not adequate, then vegetation ten feet thick reaching six feet at maturity (in four years) will be added by Crab Run Solar between Project infrastructure and residences, or other occupied structures, with a line of sight to the facility to the reasonable satisfaction of the affected adjacent property owners. Planting of vegetative buffers may be done over the construction period; however, Crab Run Solar should prioritize vegetative planting at all periods of construction to reduce viewshed impacts. All planting shall be done prior to the operation of the facility.

15. Crab Run Solar shall cultivate at least two acres of native, pollinator-friendly species onsite.

16. Crab Run Solar shall develop a more robust visual screening plan than what was proposed in its application, SAR, and the maps, including adding third row of vegetative screening. Crab Run Solar is required to ensure that the proposed new vegetative buffers are successfully established and developed as expected over time. Should vegetation used as buffers die over time, Crab Run Solar shall replace plantings as necessary.

17. To the extent that an affected adjacent property owner indicates to Crab Run Solar that a visual buffer is not necessary, Crab Run Solar will obtain that property owner's written consent and submit such consent in writing to the Siting Board.

18. Crab Run Solar is required to limit construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. local time, Monday through Saturday. The Siting Board directs that construction activities that create a higher level of noise, such as pile-driving, will be limited to 9 a.m. to 5 p.m. local time, Monday through Friday. Non-noise causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m. local time, Monday through Sunday, including field visits, arrival, departure, planning, meetings, mowing, surveying, etc.

19. If the pile-driving activity occurs within 1,500 feet of a noise-sensitive receptor, Crab Run Solar shall implement a construction method that will suppress the noise generated during the pile-driving process (i.e., semi-tractor and canvas method; sound blankets on fencing surrounding the solar site; or any other comparable method). Crab Run Solar can forego using noise suppression measures if it employs a panel installation method that does not use pile driving, so long as that method does not create noise levels similar to pile driving.

20. Crab Run Solar shall notify residents and businesses within 2,400 feet of the Project boundary about the construction plan, the noise potential, any mitigation plans, and its Complaint Resolution Program referred to in Item 34 of this Appendix, at least one month prior to the start of construction.

21. Crab Run Solar shall place panels, inverters and switchyard components consistent with the distances that have been prescribed in this Order. The Siting Board approves a distance of 500 feet between any solar panel or string inverter and any residential neighborhood and 100 feet from any exterior property line. Crab Run Solar shall not place solar panels or string inverters, if used, closer than 500 feet from a residence, church, or school, 25 feet from non-participating adjoining parcels, or 50 feet from adjacent roadways and. Crab Run Solar shall not place a central inverter, and if used, energy storage systems, closer than 450 feet from any adjacent residences, churches, or schools. These further setbacks shall not be required for residences owned by landowners involved in the Project that explicitly agree to lesser setbacks and have done so in writing. All agreements by participating landowners to lesser setbacks must include language advising the participating landowners of the setbacks otherwise required herein. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of the Project.

22. Crab Run Solar shall fix or pay for repairs for damage to roads and bridges resulting from any vehicle transport to the site. For damage resulting from vehicle transport in accordance with all permits, those permits will control.

23. Crab Run Solar shall comply with all laws and regulations regarding the use of roadways.

24. Crab Run Solar shall implement ridesharing between construction workers when feasible, use appropriate traffic controls, or allow flexible working hours outside of peak hours to minimize any potential traffic delays during AM and PM peak hours.

25. Crab Run Solar shall consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

26. Crab Run Solar shall consult with the Marion County Road Department (MCRD) regarding truck and other construction traffic and obtain any necessary permits from the MCRD.

27. Crab Run Solar shall develop special plans and obtain necessary permits before transporting heavy loads, especially the substation transformer, onto state or county roads.

28. Crab Run Solar shall comply with any road use agreement executed with MCRD. Such an agreement might include special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

29. Crab Run Solar shall develop and implement a traffic management plan to minimize the impact on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any traffic-related noise concerns during the construction phase and develop measures that would address those noise concerns.

30. Crab Run Solar shall properly maintain construction equipment and follow best management practices related to fugitive dust throughout the construction process, including the use of water trucks. Dust impacts shall be kept at a minimal level. The Siting Board requires Crab Run Solar's compliance with 401 KAR 63:010.

31. If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Crab Run Solar or its successors or assigns shall request explicit approval from the Siting Board with notice of the request provided to the Marion County Fiscal Court. In any application requesting such abandonment, sale, or change of control, Crab Run Solar shall certify its compliance with KRS 278.710.

32. As applicable to individual lease agreements, Crab Run Solar, its successors, or assigns will abide by the specific land restoration commitments agreed to by individual property owners as described in each executed lease agreement.

33. Crab Run Solar did file a decommissioning plan with the Siting Board. If this decommissioning plan should change, Crab Run Solar shall submit an updated decommissioning plan pursuant to KRS 278.710(8).

34. Crab Run Solar shall initiate and maintain the Complaint Resolution Program provided to the Siting Board in the case record to address any complaints from community members. Crab Run Solar shall also submit annually a status report associated with its Complaint Resolution Program, providing, among other things, the individual complaints, how Crab Run Solar addressed those complaints, and the ultimate resolution of those complaints identifying whether the resolution was to the complainant's satisfaction.

35. Crab Run Solar shall provide the Marion County Judge Executive the 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. Crab Run Solar shall update this contact information yearly, or within 30 days of any change in contact information.

36. Crab Run Solar should work with Marion County Fiscal Court to address any concerns that arise at any point regarding its proposed decommissioning plan.

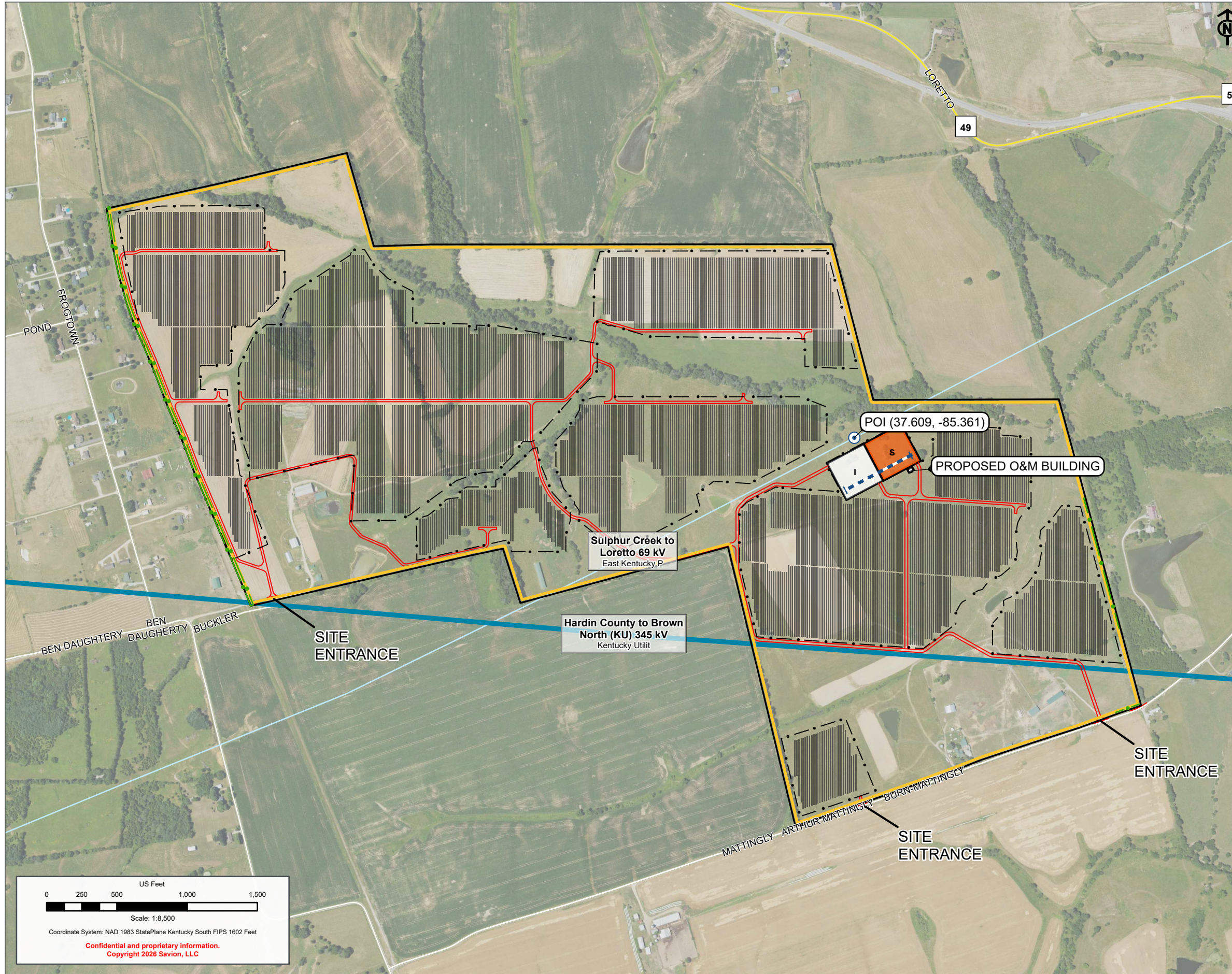
37. The Siting Board can reconvene to enforce any of the above mitigation measures until the generation of electricity commences.

38. Within 30 days of service of this Order, Crab Run Solar shall send a copy of this Order to all the adjoining landowners who previously were required to receive notice of this Project.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2025-00276 DATED JUN 17 2026

ONE PAGES TO FOLLOW

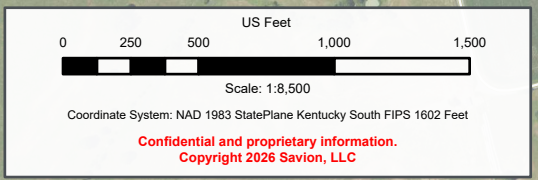


- Project Boundary
- Point of Interconnection
- Project Layout**
- Panel
- Project Gen-Tie
- Access Road
- Security Fence
- Vegetative Screening
- Project Facilities**
- POI Switching Station
- Substation
- Proposed O&M Building
- Existing Transmission Lines**
- Voltage kV**
- 69
- 345



PRELIMINARY DESIGN – NOT FOR CONSTRUCTION

PROJECT: CRAB RUN	
DEVELOPER: SAVION, LLC	ENGINEER:
DATE: 2/12/2026	SCALE: 1 INCH : 708 FEET
NOTES:	
SHEET: EXHIBIT A PROJECT SITE MAP	



Service List for 2025-00276

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