

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

This matter is before the Siting Board upon an application for rehearing filed on July 6, 2026, by the Intervenor¹s seeking rehearing, modification and clarification of certain mitigation measures and findings from the Siting Board's June 17, 2026 final Order (final Order) that conditionally approved a certificate to construct an approximately 45-megawatt (MW) merchant solar generating facility in Marion County. On July 17, 2026, Crab Run Solar, LLC (Crab Run Solar) filed a response in opposition to the Intervenor¹s' application for rehearing.² The Intervenor¹s filed a reply in support of the motion for rehearing.³

DISCUSSION AND FINDING

The Siting Board is governed by KRS 278.700-KRS 278.716 and 807 KAR 5:110. Consistent with past case precedent, the Siting Board has treated motions or applications

¹ Kathy Dow, Glenn Russell, Lynn Russell, Susan Spalding, Terri Miles, Mary Angela Mattingly, Richard Mattingly, Bobby Thomas, Olivia Thomas, Robert Thomas, Brian Thompson and Kim Thompson.

² Crab Run Solar's Opposition to Intervenor¹s Application for Rehearing (filed July 17, 2026).

³ Intervenor¹s' Reply in Support of the Application for Rehearing (filed July 20, 2026).

for rehearing filed pursuant to KRS 278.400 simply as a motion for reconsideration or clarification. The Siting Board will proceed with ruling on Intervenor's application for rehearing based on the same rationale. The Intervenor presented several grounds for reconsideration as discussed more fully below.

Ground 1

The Intervenor stated that Siting Board's finding of sufficient evidence to conclude that the proposed Crab Run Solar facility would not have a significant adverse impact on nearby property values as long as proper mitigation measures were implemented was not supported by substantial evidence.⁴ The Intervenor also requested that a project specific analysis be conducted in order to support the Siting Board's finding.⁵ The Intervenor stated that the Siting Board only relied on the Property Value Impact Report to support the Board's determination.⁶ The Intervenor argued that Mr. Kirkland has given two different explanations of the inclusion of the Battery Energy Storage System (BESS) in the Property Value Impact Report.⁷ The Intervenor stated that a corrected Property Value Impact Report that did not include the discussion about a BESS and the references to Graves County⁸ was never filed into the record.⁹ The Intervenor argued that the Property Value Impact "[r]eport contradicts itself and explains its negatives away rather

⁴ Intervenor's Application for Rehearing (filed July 6, 2026) at 2.

⁵ Intervenor's Application for Rehearing at 5.

⁶ Intervenor's Application for Rehearing at 2.

⁷ Intervenor's Application for Rehearing at 2.

⁸ The correct county reference should have been Marion County, Kentucky.

⁹ Intervenor's Application for Rehearing at 3.

than engaging in them.”¹⁰ The Intervenors explained that the Property Value Impact Report is only based on a small number of “actual transactions” and the rest of the report relies on brokers comments, tax assessor opinions, and survey responses.¹¹ The Intervenors stated that the Property Value Impact Report measured from panel to dwelling instead of assessing property values and land use for adjacent landowners.¹²

Additionally, the Intervenors argued that the methodology used by the Property Value Impact Report did not produce any comparables that produced a result that was beyond ± 5 percent threshold.¹³ The Intervenors further argued that the Property Value Impact Report ignores and contradicts recent research such as the Virginia Tech Study.¹⁴

The Intervenors stated that the Siting Board’s conclusion of no impact on property value is unreliable.¹⁵ The Intervenors stated that in 2020, the Wells Engineering Report stated that the Kirkland Report was flawed and not credible.¹⁶ The Intervenors also stated that Elliot Engineering concluded that the proximity is neutral with proper setback and landscape buffers.¹⁷

¹⁰ Intervenors Application for Rehearing at 3.

¹¹ Intervenors Application for Rehearing at 3.

¹² Intervenors Application for Rehearing at 4.

¹³ Intervenors Application for Rehearing at 4.

¹⁴ Intervenors Application for Rehearing at 4.

¹⁵ Intervenors Application for Rehearing at 5.

¹⁶ Intervenors Application for Rehearing at 5. Intervenors Citing to Case No. 2020-00219, *AEUG Madison Solar, LLC for a Certificate of Construction for an Approximately 200 Megawatt Merchant Electric Solar Generating Facility in Caldwell County, Kentucky Pursuant to 278.700 and 807 KAR 5:110* (Ky. Siting Board June 9, 2021) Order at 14-15.

¹⁷ Intervenors Application for Rehearing at 5.

In Crab Run Solar's filing in opposition to the Intervenor's application for rehearing, it stated that the "criticisms of Crab Run Solar's property valuation report are both overstated and unrefuted by any other expert evaluation."¹⁸ Crab Run Solar argued that just because the language in regards to the BESS was inadvertently included in the report it does not make the whole Property Value Impact Report unreliable.¹⁹ Crab Run Solar stated that KRS 278.708(3)(c) requires that an evaluation of potential changes in property values and land use for adjacent landowners and does not require a certain methodology be utilized.²⁰ Crab Run Solar stated that the findings of the report are consistent with the Siting Board's consultant and are supported by sufficient evidence.²¹

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, as discussed above, the Siting Board denies the request for reconsideration on this issue because the Siting Board final Order is not unlawful nor unreasonable. Additionally, the Intervenor's are attempting to relitigate the underlying issue.

Ground 2

The Intervenor's stated that, without explanation, the Siting Board deviated from its standard practice when it did not include in the final Order the same decommissioning

¹⁸ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 1.

¹⁹ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 2.

²⁰ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 3.

²¹ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 1.

conditions that were utilized in Starfire,²² Lost City Renewables,²³ Wood Duck Solar²⁴ and McCracken County Solar.²⁵

In response, Crab Run Solar stated that Siting Board orders, “do not create a mandatory template that must be copied word-for-word into every certificate.”²⁶ Crab Run Solar stated it will secure decommissioning security and will comply with all statutory requirements including those provided for by KRS 278.706 and KRS 278.710.²⁷

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, as discussed above, the Siting Board denies the request for reconsideration on this issue because the Siting Board final Order is not unlawful nor unreasonable. Additionally, the Intervenorors are attempting to relitigate the underlying issue.

²² Case No.2024-00255, *Electronic Application of STMO BN, LLC, for a Certificate of Construction for an Approximately 250 Megawatt Merchant Electric Solar Generating Facility in Knott, Breathitt and Perry Counties, Kentucky Pursuant to 278.700 and 807 KAR 5:110* (Ky. Siting Board Aug 1, 2025), Order, Appendix A at 6-7.

²³ Case No. 2024-00406, *Electronic Application of Lost City Renewables, LLC for a Certificate of Construction for an Approximately 250 Megawatt Merchant Electric Solar Generating Facility in Muhlenberg County, Kentucky Pursuant to 278.700 and 807 KAR 5:110* (Ky. Siting Board Apr. 1, 2026), Order, Appendix A at 6-8.

²⁴ Case No. 2024-00337, *Electronic Application of Wood Duck Solar, LLC for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Transmission Line in Barren County, Kentucky Pursuant to 278.700 and 807 KAR 5:110* (Ky. Siting Board Nov. 14, 2025), Order, Appendix at 7-8.

²⁵ Case 2020-00392, *Electronic Application of McCracken County Solar, LLC for a Certificate of Construction for an Approximately 250 Megawatt Merchant Electric Solar Generating Facility in Muhlenberg County, Kentucky Pursuant to 278.700 and 807 KAR 5:110* (Ky. Siting Board Oct.30, 2021), Order, Appendix A at 6-7.

²⁶ Intervenorors' Application for Rehearing at 4.

²⁷ Intervenorors' Application for Rehearing at 4.

Ground 3

The Intervenor argued that the 500-foot setback should be measured to the parcel boundaries of the residences in the neighborhood and not from the dwellings.²⁸ The Intervenor argued that a residential neighborhood is “identified by density and not parcel lines.”²⁹ The Intervenor argued that the “setback is measured to the parcel boundaries of the residences that comprise the neighborhood, not to the dwellings.”³⁰ The Intervenor argued that this would be consistent with the Siting Board’s own finding that Neighborhood 3 is a residential neighborhood.³¹ The Intervenor stated that a determination is needed by the Siting Board to ensure that the final site plan that is submitted by Crab Run Solar complies with the Siting Board mitigation measures.³²

In response, Crab Run Solar argued that, if the Siting Board interprets the setback as proposed by the Intervenor, it would create a greater and more burdensome setback than originally required by the Siting Board.³³ Crab Run Solar further argued that the Intervenor “seek to redefine the endpoint of that measurement to outer parcel boundary of any nonparticipating residence they contend comprises a residential neighborhood.”³⁴ Crab Run Solar further argued that KRS 278.700(6) does not support the Intervenor’s argument that setbacks should be measured from the parcel boundary of every residential

²⁸ Intervenor’s Application for Rehearing at 8.

²⁹ Intervenor’s Application for Rehearing at 8.

³⁰ Intervenor’s Application for Rehearing at 8.

³¹ Intervenor’s Application for Rehearing at 9.

³² Intervenor’s Application for Rehearing at 9.

³³ Crab Run Solar’s Opposition to Intervenor’s Application for Rehearing at 5.

³⁴ Crab Run Solar’s Opposition to Intervenor’s Application for Rehearing at 5.

property in the neighborhood.³⁵ Further, Crab Run Solar explained that the Siting Board's determination of whether an area qualifies as a residential neighborhood is different from the method that is used to establish a setback between solar generating equipment and residential structures.³⁶ Crab Run Solar argued that language in other Siting Board orders is not the only way of determining or measuring setback distances, and each case is determined on its own record.³⁷

The Intervenors also sought clarification and modification in regard to the 100-foot setback from any exterior property line and the 25 feet from nonparticipating adjoining parcel.³⁸ The Intervenors requested a setback of a 300-foot property line setback for parcels outside a residential neighborhood.³⁹

Crab Run Solar argued that the Intervenors are attempting to rewrite or increase the required mitigation measure.⁴⁰ Crab Run Solar argued that is not a correction but a new condition that was not implemented by the Siting Board in the final Order.⁴¹

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, as discussed above, the Siting Board denies the request for reconsideration on this issue because the Siting Board final Order is not unlawful nor

³⁵ Crab Run Solar's Opposition to Intervenors' Application for Rehearing at 5.

³⁶ Crab Run Solar's Opposition to Intervenors' Application for Rehearing at 6.

³⁷ Crab Run Solar's Opposition to Intervenors Application for Rehearing at 6.

³⁸ Crab Run Solar's Opposition to Intervenors Application for Rehearing at 12.

³⁹ Crab Run Solar's Opposition to Intervenors Application for Rehearing at 12.

⁴⁰ Crab Run Solar's Opposition to Intervenors Application for Rehearing at 9.

⁴¹ Crab Run Solar's Opposition to Intervenors Application for Rehearing at 9.

unreasonable. Additionally, the Intervenor's are attempting to relitigate the underlying issue.

Ground 4

The Intervenor's requested that the Siting Board grant rehearing and modify the final Order to require an earthen berm of at least 10 feet long along the perimeter abutting non-participating parcels that would be constructed prior to construction and native evergreen plantings be utilized.⁴² The Intervenor's argued that the Siting Board's finding that the earthen berm is not needed is not supported by substantial evidence.⁴³

Crab Run Solar argued that according to the statute the standard is mitigation of adverse impacts and it does not require that all possible views of the project be eliminated.⁴⁴ Crab Run Solar also argued that if a berm is required it raises issues in regard to grading, drainage, erosion control, constructability, setbacks, land disturbance, cost and compatibility with the final site plan.⁴⁵ Crab Run Solar argued that this condition was not "fully developed" during the final hearing.⁴⁶

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, as discussed above, the Siting Board denies the request for reconsideration on this issue because the Siting Board final Order is not unlawful nor unreasonable. Additionally, the Intervenor's are attempting to relitigate the underlying issue.

⁴² Intervenor's Application for Rehearing at 11.

⁴³ Intervenor's Application for Rehearing at 11.

⁴⁴ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 7.

⁴⁵ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 8.

⁴⁶ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 9.

Request for Corrections and Clarifications

The intervenors stated, in the body of the final Order, requires a setback of 650 feet from a central inverter and an energy storage system and in Appendix A requires a setback of 450 feet from a central inverter and an energy storage system.⁴⁷ The Intervenor requested that this discrepancy be corrected.

Crab Run Solar stated that the requested corrections and clarifications do not meet the standard of rehearing.⁴⁸ Crab Run Solar stated that, if the corrections are made, they should be done so narrowly and setback distances that were required in the final Order should not be rewritten or increased.⁴⁹ Crab Run Solar stated that the Intervenor's request that the Siting Board replace the existing non-participating parcel setback with a 300-foot property line setback is not a clarification error but an attempt by the Intervenor to have the Siting Board adopt a new mitigation measure.⁵⁰

The Siting Board acknowledges the typographical error of 450 feet was included in the final Order Appendix A in Mitigation Measure 21. As stated in the final Order, the nearest nonparticipating residence to a project inverter is 657 feet.⁵¹

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, the Siting Board finds that in order to be consistent with the setback of 650 that was included in the body of the final Order the Siting Board finds that Mitigation

⁴⁷ Intervenor's Application for Rehearing at 12.

⁴⁸ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 9.

⁴⁹ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 9.

⁵⁰ Crab Run Solar's Opposition to Intervenor's Application for Rehearing at 9-10.

⁵¹ Crab Run Solar's Response to Siting Board Staff's Second Request (filed Mar. 23, 2026) (Staff's Second Request), Item 23 and Order (Ky. Siting Board June 17, 2026) at 25.

Measure 21 the setback of 450 feet should be changed to 650 feet from a central inverter and energy storage system.

The Intervenor requested a correction in Appendix A Mitigation Measure 21 because the word “and” was included at the end of third sentence.⁵² The Siting Board acknowledges the typographical error of the word “and” at the end of sentence three in the Appendix A in Mitigation Measure 21.

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, the Siting Board finds that the word “and” at the end of sentence three in the Appendix A in Mitigation Measure 21 should be removed because it is a typographical error.

The Intervenor stated that in the body of the Order and in Appendix A includes conditions on a battery energy storage system but this proposed project does not include a battery energy storage system.⁵³ The Intervenor argued that the inclusion of these “references corroborates that the property value report and resulting conditions were drawn from another project.”⁵⁴

The Intervenor is referring to the following references: (1) On page 27 of the final Order states the following: “Crab Run Solar’s shall not place a central inverter, and *if used*, energy storage system ...” and (2) in the final Order in Appendix A Mitigation Measure 21 states, “Crab Run Solar shall not place a central inverter, and *if used*, energy storage systems . . .” (emphasis added). The Siting Board strongly disagrees with

⁵² Intervenor’s Application for Rehearing at 12.

⁵³ Intervenor’s Application for Rehearing at 12.

⁵⁴ Intervenor’s Application for Rehearing at 12.

Intervenors' assertion that the inclusion of the phrase of "battery energy storage system" means that no additional analysis was conducted for this proposed project. The Intervenors fail to recognize the phrase "*if used*" preceding energy storage systems. Logically, if no energy storage system will be utilized for the proposed project, it would not apply.

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, the Siting Board finds the references to the battery energy storage system should not be removed because the references to the battery energy storage system reflect standard language utilized in Siting Board orders and Moreover, Crab Run Solar is required to submit a final plan for approval prior to beginning construction, during which time the Siting Board will evaluate any material changes to the project.

The Intervenors stated that, in the operations phase impact of the Economic Impact Section of the final Order, the operations phase numbers that were used should be corrected.⁵⁵ The Intervenors stated that, according to Crab Run Solar Economic Report, the operations phase will add an additional 3.34 jobs and \$342,841.93 labor income per year with a total of \$1.65 million for annual operations phase impact.⁵⁶

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, the Siting Board finds that the operations phase numbers that were utilized in this section were not correct and that paragraph should be stricken from the record and will be replaced according to the correction included in the findings section of this order.

⁵⁵ Intervenors' Application for Rehearing at 13.

⁵⁶ Intervenors' Application for Rehearing at 13.

The Intervenor argued that there are several parts of the final Order that uses the incorrect number references that are contained in mitigation measures in Appendix A.⁵⁷ As a matter of clarity, these changes should be corrected; however, it should be noted that none of these corrections substantively change the findings of the Siting Board.

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, the Siting Board finds that some of the cross references included in the final Order need to be corrected. The corrections can be found in the findings sections of this order.

The Intervenor stated the final Order contained references to Wells Engineering as the consultant for this project.⁵⁸ Elliot Engineering was formerly known as Wells Engineering. As a matter of clarity, the Siting Board finds that this typographical error should be corrected.

Having reviewed the relevant record, the rehearing pleadings, and being otherwise sufficiently advised, the Siting Board finds that any reference to “the Wells Report” should be replaced with “Elliot Engineering Report” and any reference to “Wells” should be replaced with “Elliot”.

IT IS THEREFORE ORDERED that:

1. Intervenor’s request for modification is denied as to Ground 1.
2. Intervenor’s request for modification is denied as to Ground 2.
3. Intervenor’s request for modification is denied as to Ground 3.
4. Intervenor’s request for modification is denied as to Ground 4.

⁵⁷ Intervenor’s Application for Rehearing at 13.

⁵⁸ Intervenor’s Application for Rehearing at 13.

5. The Intervenor's request to adopt a 300-foot property line setback for parcels outside a residential neighborhood is denied.

6. The Intervenor's request to revise Mitigation Measure 21 to exclude any reference to a battery energy storage system is denied.

7. Mitigation Measure 17 shall be stricken from the final Order, Appendix A, that was issued on June 17, 2026.

8. Finding that June 17, 2026 final Order should be amended, the Siting Board
HEREBY ORDERS, *nunc pro tunc*, that:

a. The first paragraph on page 20 shall be stricken and replaced with the following:

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.⁵⁹ 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 \$342,841.93 per year and \$1.65 million per year in economic value added.⁶⁰ 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.⁶¹

b. Mitigation Measure 21 in Appendix A to the final Order is stricken from the record and shall be replaced with the following:

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

⁵⁹ Application, Tab 10, Attachment H at 8-9.

⁶⁰ Application, Tab 10, Attachment H at 11.

⁶¹ Crab Run Solar's Response to Siting Board Staff's Second Request, item 7.

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. Crab Run Solar shall not place a central inverter, and if used, energy storage systems, closer than **650 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.

c. Cross References

(1). On page 16 the last sentence in the first paragraph is stricken and shall be replaced with the following:

These mitigation measures are outlined in Appendix A to this Order, specifically mitigation measures 18-20.

(2). On page 28 in the last sentence, of the first paragraph is stricken and shall be replaced with the following:

Exceptions to these setback requirements for participating landowners, and easement holders, are included in Appendix A, mitigation measure 21.

(3). On page 29 in the last paragraph on the page is stricken and shall be replaced with the following:

The measures related to the transfer of ownership or control are set forth more fully in Appendix A, mitigation measure 31.

(4). On page 30-31 in the last sentence beginning with "The Siting Board will also require . . ." is stricken and shall be replaced with the following:

The Siting Board will also require additional mitigation measures related to decommissioning, which are outlined in Appendix A to this Order, mitigation measures 33 and 34.

9. The Siting Board finds that any reference to “the Wells Report” should be replaced with “Elliot Engineering Report” and any reference to “Wells” should be replaced with “Elliot”.

10. All other provisions of the Siting Board’s June 17, 2026 final Order that are not in conflict with the terms of the Order shall remain in effect.

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Entered on this 14th day of August, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING



Angie Hutton
Chair, Public Service Commission



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



Mary Pat Regan
Vice Chair, Public Service Commission

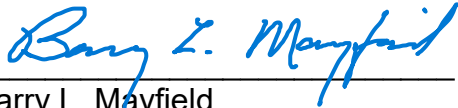


Jeff Noel
Secretary, Cabinet for Economic
Development, or his designee



Andrew W. Wood
Commissioner, Public Service Commission

David Daugherty, ad hoc member



Barry L. Mayfield
Commissioner, Public Service Commission

Jim Downs, ad hoc member

ATTEST:



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

Service List for Case 2025-00276

James H Downs
770 Hazy Downs Road
Raywick, KY 40060

* David Daugherty
Judge Executive of Marion County
540 North Loretto Road
Lebanon, KY 40033

* Dylan F. Borchers
Bricker Graydon LLP
100 South Third Street
Columbus, OH 43215

* Jeannine Johnson
Savion, LLC
422 Admiral Blvd.
Kansas City, MS 64106

* Bobby Thomas
3815 Frogtown Rd
Loretto, KY 40037

* Kara H. Herrnstein
Bricker Graydon LLP
100 South Third Street
Columbus, OH 43215

* Kim Thompson
3290 Frogtown Road
Loretto, KY 40037

* Richard Mattingly
6320 Loretto Road
Lebanon, KY 40033

* Mary Angela Mattingly
6320 North Loretto Rd
Loretto, KY 40033

* Kathy Dow
3260 Frogtown Rd
Loretto, KY 40037

* Olivia Thomas
3470 Frogtown Rd
Loretto, KY 40037

* Denotes served by Email

* Robert Thomas
3470 Frogtown Rd
Loretto, KY 40037

* Sommer L. Sheely
Bricker Graydon LLP
100 South Third Street
Columbus, OH 43215

* Susan Spalding
3250 Frogtown Rd
Loretto, KY 40037

* Brian Thompson
3290 Frogtown Road
Loretto, KY 40037

* Glenn and Lynn Russell
3285 Frogtown Rd
Loretto, KY 40037

* Terri L Miles
3410 Frogtown Rd
Loretto, KY 40037