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**Case Management System - KY Public Service Commission***Merchant Plant Applications Cases Before the Commission as of April 03, 2025***2022-00131**

RECEIVED: 04/18/23

FILED: 04/18/23

FINAL: 10/12/23

REOPENED:

SUSPENSION DATE:

CASE NATURE: Sebree Solar II, LLC

**CASE CODE**

Merchant Plant - Board Decision Due

**HEARINGS:**

08/17/23 Formal Hearing

**INDEX OF EVENTS:**

12/15/23 Order Entered: 1. Sebree Solar II's motion for rehearing is granted in part and denied in part. 2. Sebree Solar II's motion for rehearing on Mitigation Measure 11 and Mitigation Measure 28 are denied. 3. Sebree Solar II's motion for rehearing on Mitigation Measure 15 is granted. Mitigation Measure 15 in Appendix A to the Final Order is stricken and shall be replaced with the following: Sebree Solar II is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m., Monday through Saturday. Non-noise causing and non-construction activities can take place on the site between 6 a.m. and 10 p.m. Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc. 4. Sebree Solar II's motion for rehearing on Mitigation Measure 18 is granted. Mitigation Measure 18 in Appendix A to the Final Order is stricken and shall be replaced with the following: Sebree Solar II shall place panels, inverters, and substation equipment consistent with the distances to noise receptors to which it has committed in its maps and site plans. The Siting Board approves Sebree Solar II's proposed setback from residences of 150 feet from any panel or string inverter. Nevertheless, Sebree Solar II shall not place solar panels or string inverters, if used, closer than 150 feet from a residence, church, or school, 25 feet from non-participating adjoining parcels, or 50 feet from adjacent roadways.

12/01/23 POST CASE: Brittany Hayes Koenig Sebree Solar II, Inc Responses

11/20/23 Order Entered: 1. Sebree Solar II's motion for confidential treatment is denied. 2. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection. 3. If Sebree Solar II objects to the Siting Board's determination that the requested material is not granted confidential treatment, it must seek either rehearing pursuant to 807 KAR 5:110, Section 5(4), or judicial review of this Order pursuant to KRS 278.712(5). Failure to exercise either of these statutory rights will be deemed as agreement with the Siting Board's determination of which materials should be granted confidential treatment. 4. Within 30 days of the date of service of this Order, Sebree Solar II shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment. 5. The designated material for which Sebree Solar II's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order in order to allow Sebree Solar II to seek a remedy afforded by law.

10/31/23 POST CASE: Brittany Hayes Koenig Sebree Solar II, Inc Motion for Rehearing

10/12/23 Final Order Entered: 1. Sebree Solar II's motion for deviation filed on April 18, 2023, for a deviation from KRS 278.706(2)(f) for landowners that were not part of the project during the initial public meetings is granted. 2. Sebree Solar II's application for a Construction Certificate to construct an approximately 150-MW merchant solar electric generating facility in Henderson County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A to this Order. 3. Sebree Solar II shall fully comply with the mitigation measures and conditions prescribed in Appendix A to this Order. 4. Sebree Solar I, or its subsidiaries, shall assign the leases for the property where the Project is to be sited to Sebree Solar II within 90 days of the date of service of this Order. 5. 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. 6. This case is closed and removed from the Siting Board's docket.

09/27/23 Notice of Filing Hearing Documents

09/05/23 Brittany Hayes Koenig Sebree Solar II, Inc PHDR Responses

08/21/23 SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION TO SEBREE SOLAR II, LLC

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08/21/23 Order Entered: 1. Post-hearing requests for information, if any, shall be filed on or before August 22, 2023. 2. Responses to post-hearing requests for information shall be filed on or before September 5, 2023. 3. This case shall stand submitted for a decision by the Siting Board effective 12:01 a.m. Eastern Daylight Time, September 6, 2023.

08/14/23 Order Entered: 1. Sebree Solar II's motion to allow Erin Bowen, MIA, to adopt the responses to requests for information sponsored by Andrew Lines, MIA, and testify at the August 17, 2023, hearing in his place is granted. 2. Mr. Lines is excused from the August 17, 2023, hearing.

08/11/23 Brittany Hayes Koenig Sebree Solar II, Inc Response to Report

08/09/23 Brittany Hayes Koenig Sebree Solar II, Inc Notice of Proof of Publication of Hearing Notice

08/09/23 Brittany Hayes Koenig Sebree Solar II, Inc Notice of Filing Response to August 2, 2023 Order

08/08/23 Brittany Hayes Koenig Sebree Solar II, Inc Witness List

08/07/23 Collin Abell Wells Engineering Case No. 2022-00131 Sebree Solar II - PSC Consultant Final Report

08/02/23 Order Entered: 1. Sebree Solar II's motion for confidential treatment is granted in part and denied in part. 2. Sebree Solar II's motion for confidential treatment for the material terms of leases provided in response to Siting Board Staff's First Request, Item 1 is granted. 3. Sebree Solar II's motion for confidential treatment for the remaining portions of the leases is denied. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further order of this Siting Board. 5. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:110, Section 5. 6. Sebree Solar II shall inform the Siting Board if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

07/28/23 Brittany Hayes Koenig Sebree Solar II, Inc Motion to Allow Witness to Adopt Response

07/21/23 Brittany Hayes Koenig Sebree Solar II, Inc Response to PSC Staffs DR-2

07/07/23 SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION TO SEBREE SOLAR II, LLC

06/16/23 L. Allyson Honaker Sebree Solar II, LLC Responses to Staffs First Data Request and Motion for Confidential Treatment

05/31/23 SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION TO SEBREE SOLAR II, LLC

05/15/23 Order Entered: 1. The statutory deadline for the processing of this matter is 180 days from the application filing date. 2. The procedural schedule set forth in the Appendix to this Order shall be followed for this proceeding. 3. Sebree Solar II shall respond to all requests for information propounded by Siting Board Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

4. Pursuant to 807 KAR 5:110, Section 3(4), any party filing a paper with the Siting Board shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001E, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Siting Board directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Siting Board. 5. As set forth in 807 KAR 5:110, Section 4, a person requesting to become a party to the proceeding before the Siting Board is required to demonstrate (1) that he or she has a special interest in the proceeding; or (2) that his or her participation in the proceeding will assist the Siting Board in reaching its decision and would not unduly interrupt the proceeding. 6. An evidentiary hearing in this matter shall be held August 17, 2023, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

04/19/23 Acknowledgement Letter of Application Fees

04/19/23 No deficiency letter

04/18/23 Brittany Hayes Koenig Sebree Solar II, Inc Attachment A to Exhibit 12

04/18/23 Brittany Hayes Koenig Sebree Solar II, Inc Application

04/18/23 Sebree Solar II, LLC Letter Regarding Application Fees

10/21/22 No deficiency letter - Notice of Intent

10/20/22 L. Allyson Honaker Sebree Solar II, LLC Amended and Restated Notice of Intent

09/13/22 Letter Filing Document into the Record

09/06/22 Order Entered: Sebree Solar II's motion for deviation is denied.

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08/19/22 L. Allyson Honaker Sebree Solar II, LLC Proof of Notice Publication and Motion for Deviation  
08/17/22 L. Allyson Honaker Sebree Solar II, LLC Entry of Appearance  
07/29/22 David Samford Sebree Solar II, LLC Notice of Withdrawal of Counsel  
06/13/22 Letter Dated June 10, 2022 Filing Executive Order 2022-302 into the Record  
04/29/22 No Deficiency Letter- Notice of Intent  
04/29/22 David S. Samford Sebree Solar II, LLC Notice of Intent  
04/28/22 Acknowledge Receipt of Filing  
04/28/22 Sebree Solar II, LLC Notice of Intent to File an Application for a Certificate to Construct an  
Approximately 150 Megawatt Solar Electric Generating Facility in Henderson County, Kentucky  
pursuant to KRS 278.700 and 807 KAR 5:110 Using Electronic Filing Procedures

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Total Number of Cases: 1