

Sun, Site, and Succeed: Navigating the Solar Siting Process for Local Governments

Kentucky Public Service Commission



TEAM 
KENTUCKY®

Meet the Panelists

- Chair Angie Hatton
- Commissioner Mary Pat Regan
- Commissioner Andrew Wood
- Executive Director Linda Bridwell

Public Service Commission

- Three-member Commission
- Quasi-judicial function
- Regulates rates and service provided by jurisdictional utilities:
 - 1,100 jurisdictional utilities
 - Water and sewer utilities (small systems comprise the bulk of regulated utilities)
 - Natural gas distribution systems and intrastate pipelines
 - Electric utilities (investor-owned and jurisdictional cooperatives)
 - Telecommunications (small number)
 - Does not regulate municipal utilities except: gas pipeline safety and wholesale contracts for service with jurisdictional utilities.
 - Does not regulate electric cooperatives served by TVA.

Public Service Commission

- Mission:

To foster the provision of safe and reliable service at a reasonable price to the customers of jurisdictional utilities while providing for the financial stability of those utilities by setting fair and just rates, and supporting their operational competence by overseeing regulated activities.

Overview of the Kentucky Electric Generation and Transmission Siting Board

- Created by the Kentucky General Assembly in 2002.
- Headquartered at the Public Service Commission for administrative purposes; staffed by PSC staff
- Operations are funded through fees paid by applicants.
- Reviews applications and grants certificates if approved for the construction of electric generating facilities and transmission lines proposed by entities not regulated by the PSC.

Overview of the Kentucky Electric Generation and Transmission Siting Board

- The generating facilities reviewed by the Siting Board sell power into the wholesale market.
- Siting Board approval is required for merchant plants with a generating capacity of 10 megawatts or more and for non-regulated transmission lines capable of carrying 69,000 volts or more.

Seven-Members for Each Siting Board Case

- The three Commissioners of the Public Service Commission
- The Secretary of the Energy and Environment Cabinet or a designee.
- The Secretary of the Cabinet for Economic Development or a designee.
- Ad hoc members:
 - Two local members, with one appointed by the Governor to serve for a specific case from the county where a facility is to be located:
 - Ordinarily Judge/Executive or chair of planning & zoning is one member

Siting Board Process

- 90 days before application filed:
 - Applicant must conduct local public meeting
 - 2 weeks before local public meeting public notice, at a minimum, must be provided to:
 - General public via newspaper
 - Bordering landowners by mail
 - Additional public involvement program activities via other media coverage, direct mailing, fliers, newsletter, additional public meeting, etc. can be conducted

Siting Board Process

- 30 days before application filed:
 - Applicant must file notice with PSC/Siting Board with pertinent information, such as the location and whether P&Z applies
 - Applicant must provide public notice of the location and a general description of the project to the general public (in newspaper) and Bordering landowners
- After the application is filed, ad hoc members are appointed and the Siting Board establishes the procedural schedule.
- By statute, the Siting Board has 120 days to make a decision and issue a final order, or 180 days if there is an evidentiary hearing.

Siting Board Process

- Items that must be included in the application:
 - Proof of public notice and report on public involvement activities
 - Compliance with any local planning and zoning regulations and noise control ordinances
 - Analysis of the effects of the proposed facility on the electric transmission grid
 - Analysis of economic impacts
 - Disclosure of past environmental violations by the applicant

Siting Board Considerations- Site Assessment Report

- By statute, the applicant must submit a Site Assessment Report (SAR) that includes:
 - Surrounding land uses for residential, commercial, agricultural, and recreational purposes;
 - The legal boundaries;
 - Proposed access control;
 - Location of the facility, buildings, transmission lines, and other structures;
 - Location and use of access ways, internal roads, and railways;
 - Existing or proposed utilities;
 - Compliance with applicable setback requirements; and
 - Evaluation of the noise levels.

Criteria for Evaluating an Application

- The Siting Board uses criteria to grant or deny a construction certificate outlined in the statutes:
 - Impact on scenic surroundings, property values, and surrounding roads;
 - Anticipated noise levels during construction and operation of the facility;
 - Economic impact on the region and state;
 - Whether the proposed facility meets all local planning and zoning requirements existing on the date the application was filed;
 - Impact of the additional load on the reliability of jurisdictional utilities;
 - Setback requirements;
 - Efficacy of mitigation measures proposed by an applicant; and
 - Whether the applicant has a good environmental compliance history.
- The Siting Board does not review if it is the highest or best use of land in question, or alternative locations for the project

KRS 278.718 – Construction of Statutes

- *The provisions of KRS 278.700, 278.704, 278.706, 278.708, and 278.710 shall not supplant, any other state or federal law, including the powers available to local governments under the provisions of home rule under KRS 67.080, 67.083, 67.850, 67.922, 67A.060, 67C.101, and 82.082. **An ordinance, permit, or license issued by a local government shall have primacy** over the provisions and requirements of KRS 278.700, 278.704, 278.706, and 278.708, and any conflict between an order of the board and a local ordinance, permit, or license shall be resolved in favor of the local government's ordinance, permit, or license.*

- Application
- Final Order
- Final Order - Denied
- Notice of Intent
- Withdrawn

VOLTAGE (kV)

- 138
- 161
- 345
- 500
- 765

