

278.702 Kentucky State Board on Electric Generation and Transmission Siting.

- (1) There is hereby established the Kentucky State Board on Electric Generation and Transmission Siting. The board shall be composed of seven (7) members as follows:
 - (a) The three (3) members of the Kentucky Public Service Commission;
 - (b) The secretary of the Energy and Environment Cabinet or the secretary's designee;
 - (c) The secretary of the Cabinet for Economic Development or the secretary's designee;
 - (d)
 1. If the facility subject to board approval is proposed to be located in one (1) county, two (2) ad hoc public members to be appointed by the Governor from a county where a facility subject to board approval is proposed to be located:
 - a. One (1) of the ad hoc public members shall be the chairman of the planning commission with jurisdiction over an area in which a facility subject to board approval is proposed to be located. If the proposed location is not within a jurisdiction with a planning commission, then the Governor shall appoint either the county judge/executive of a county that contains the proposed location of the facility or the mayor of a city, if the facility is proposed to be within a city; and
 - b. One (1) of the ad hoc public members shall be appointed by the Governor and shall be a resident of the county in which the facility is proposed to be located.
 2. If the facility subject to board approval is proposed to be located in more than one (1) county, two (2) ad hoc public members to be chosen as follows:
 - a. One (1) ad hoc public member shall be the county judge/executive of a county in which the facility is proposed to be located, to be chosen by majority vote of the county judge/executives of the counties in which the facility is proposed to be located; and
 - b. One (1) ad hoc public member shall be a resident of a county in which the facility is proposed to be located, and shall be appointed by the Governor.

If a member has not been chosen by majority vote, as provided in subdivision a. of this subparagraph, by thirty (30) days after the filing of the application, the Governor shall directly appoint the member.
 3. Ad hoc public members appointed to the board shall have no direct financial interest in the facility proposed to be constructed.
- (2) The term of service for the ad hoc members of the board shall continue until the merchant electric generating facility for which they were appointed has been constructed and begins generating electricity for sale or the construction certificate expires. The remaining members of the board shall be permanent members.

- (3) The board shall be attached to the Public Service Commission for administrative purposes. The commission staff shall serve as permanent administrative staff for the board. The members of the board identified in subsection (1)(a) to (d) of this section shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement KRS 278.700 to 278.716.
- (4) No member of the board shall receive any salary or fee for service on the board or shall have any financial interest in any facility the application for which comes before the board, but each member shall be reimbursed for actual travel and expenses directly related to service on the board.
- (5) The chairman of the Public Service Commission shall be the chairman of the board. The chairman shall designate one (1) member of the board as vice chairman. A majority of the members of the board shall constitute a quorum for the transaction of business. No vacancy on the board shall impair the right of the remaining members to exercise all of the powers of the board. The board shall convene upon the call of the chairman.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 140, sec. 1, effective June 29, 2023. -- Amended 2010 Ky. Acts ch. 24, sec. 605, effective July 15, 2010. -- Created 2002 Ky. Acts ch. 365, sec. 2, effective April 24, 2002.