STITES & HARBISON PLLC



Kenneth J. Gish Jr.

Title: Member

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Ken is a member of the Environmental, Energy & Sustainability Service Group and Business & Finance Service Group where he assists corporate and institutional clients in meeting sustainability goals through renewable energy purchases. Ken also advises clients in the energy industry, routinely representing the firm's utility clients in matters before the Kentucky Public Service Commission, as well as assisting renewable energy developers in all aspects of project development including negotiating offtake agreements, permitting and financing transactions. He counsels the firm's clients in all stages of the permitting process from application to appeals before administrative bodies and in state and federal court. Ken also assists clients in managing regulatory compliance matters arising from federal, state and local laws.

CAPABILITIES

Practice Areas

- Data Center Service Group
- Environmental, Energy & Sustainability
- Renewable Energy Development
- Regulatory Counseling, Permitting, Compliance & Enforcement
- Environmental Litigation
- Manufacturing
- Sustainability & Emerging Technology

RECENT ASSIGNMENTS

- Represented corporate purchases, across multiple industries, in negotiating virtual power purchase agreement (VPPA) from renewable energy sources totaling over 1.25 GW of output including representations of:
  - A multinational imaging technology company in a 124 MW VPPA from a solar energy facility.
  - An auto parts manufacturer in the negotiation of a 142.8 MW VPPA from a solar energy facility.
  - A frozen food manufacturer in a 102 MW VPPA from a solar energy facility.
  - A farm equipment manufacturer in multiple VPPAs totaling 111 MW from a wind energy facility.
  - A global chemical and consumer goods company in a 88 MW VPPA from a wind energy facility.
  - A pharmaceuticals and consumer goods company in a 55 MW VPPA from a solar energy facility.
  - An international athletic clothing manufacturer in a 15 MW VPPA from a wind energy facility.
- Represented an investor owned utility in proceedings before the Kentucky Public Service Commission including in general rate cases, integrated resource plan proceedings, fuel adjustment clause reviews, and certificate of public convenience and necessity approvals.
- Represented solar developers in development of utility scale projects in Kentucky including in matters before the Kentucky State Board on Electric Generation and Transmission Siting.

BAR ADMISSIONS

- Kentucky
- Washington
- North Carolina
- U.S. District Court for the Western District of Washington
- Washington State Supreme Court

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- What is the "Grid?"

  14th Annual Kentucky Energy Management Conference, Kentucky Chamber of Commerce, Lexington, KY, May 7-8, 2025

- Is Nuclear Power the Answer?

  23rd Annual Kentucky Environmental Conference, Kentucky Chamber of Commerce, Lexington, KY, March 26-27, 2024

- Elevating Your Renewable Energy Strategy: Exploring US Corporate VPPAs

  speaker, World Kinect Webinar, March 18, 2025

- Corporate Renewable Energy Solutions

  13th Annual Kentucky Energy Management Conference, Kentucky Chamber of Commerce, Lexington, KY, June 5-6, 2024

- ABC's of Sustainability

  Kentucky Environmental Conference 2024, Kentucky Chamber of Commerce, Lexington, Ky., March 26-27, 2024

- Stites & Harbison welcomes back Ken Gish to the Lexington office

  by staff writer, *The Lane Report*, November 16, 2023

- ESG in the Real World

  NSSGA: Legislative and Policy Forum - 2023, September 25, 2023

- Tips and Tricks for Navigating the Energy Transition

  Energy & Mineral Law Foundation, February 23, 2022

- Navigating Potential Changes in Carbon Reporting Standards

  co-author, *Law360*, January 17, 2023

- State Policies in Support of Offshore Wind - Do They Matter?

  AWEA Windpower Conference, May 20-23, 2019

- Federal Energy Regulatory Commission Opens the Door for Energy Storage Development

  Stites & Harbison Client Alert, February 23, 2018

- Citizen Suit Enforcement - Filling the Gap

  20th Annual Kentucky Environmental Permitting and Reporting Conference, Lexington, KY, August 10-11, 2017

- Don’t Step In it

  Stites & Harbison, PLLC Legal Update, April 13, 2017

- The Changing Face of Kentucky's Energy Future

  Kentucky Journal of Equine, Agricultural & Natural Resources Law Second Annual Symposium: "ENERGY AND THE ENVIRONMENT: The Interplay of Regulations and Natural Resources Law and Policy," University of Kentucky College of Law, Lexington, Ky., March 2, 2016 (link to paper)

- Managing the Risks of Climate Change

  14th Annual Kentucky Environmental Conference, Kentucky Chamber of Commerce, Lexington, Ky., February 10, 2016 ,*with W. Blaine Early III*

- Update on Environmental Liability in Real Estate Transactions: Watch-Outs and Best Practices for the General Practice Lawyer

  2015 Kentucky Law Update, Kentucky Bar Association, Lexington, Ky., December 4, 2015 (link to paper)

- Recent Clean Air Act Supreme Court Decisions

  2015 Kentucky Environmental Law CLE Seminar, Kentucky Bar Association Environment, Energy and Resources Law Section, Frankfort, Ky., April 22, 2015 (link to paper)

- Kentucky's New Brownfield Law: A New Approach for Property Acquisition and Redevelopment

  Stites & Harbison, PLLC, Thirsty Thursday event, May 22, 2014 *,with T. Gregory Ehrhard*

- Environmental Compliance for the Distilling Industry

  Kentucky Bar Association, *Bench and Bar Magazine*, November 2013

- Stormwater Regulation, It's Time to Get Serious

  2013 Kentucky Chamber of Commerce 16th Annual Environmental Permitting & Reporting Conference, August 21, 2013 *,with W. Blaine Early III*

- Understanding Riparian and Water Rights

  Kentucky Land Laws Seminar, Lexington, Ky., August 15, 2013 (link to paper)

- Endangered Species Act in Kentucky

  Kentucky Bar Association Environment, Energy and Resources Law 2013 Kentucky Environmental Law CLE Seminar, April 23, 2013 (link to paper)

- Dangerous Intersections: Understanding and Navigating the Crossroads of Construction and the Environment

  2013 Kentucky Chamber of Commerce Environmental Conference, March 5, 2013

- Here we go again: DC Circuit vacates Cross-State Air Pollution Rule

  Stites & Harbison, PLLC, Client Alert, August 22, 2012

- R&D Today & Tomorrow, and Making it Happen

  Kentucky Association of Manufacturers, 2012 Energy Conference, Louisville, Ky., June 13, 2012

- Emerging Issues in Oil and Gas Production

  Mineral Property Law Seminar, Lexington, Ky., May 17, 2012

- Environmental Protection Regulatory Update

  Second Annual Kentucky Environmental Law CLE seminar, Frankfort, Ky., April 10, 2012

- EPA issues proposed rule limiting carbon dioxide emissions from new power plants

  Stites & Harbison, PLLC, Client Alert, March 27, 2012

- Supreme Court rejects federal common law nuisance claims for greenhouse gas emissions

  Stites & Harbison, PLLC, Client Alert, June 20, 2011

- Comment period opens on EPA’s proposed Mercury and Air Toxics Rule for Coal-Fired Power Plants

  Stites & Harbison, PLLC, Client Alert, May 3, 2011

- Understanding Kentucky's Surface Water Rights

Kentucky Water Laws and Regulations Seminar, Lexington, Ky., March 31, 2011

- EPA issues guidance for controlling greenhouse gas emissions
  Stites & Harbison, PLLC, Client Alert, November 30, 2010

FIRM LEADERSHIP

- Lexington Office Recruiting Committee, Member

MEMBERSHIPS

- American Bar Association,
  - Energy Markets and Finance Committee, Member
  - Vice Chair for Publications (2016-18)
  - Water Resources Committee, Vice Chair Technology (2005), Vice Chair Memberships (2006-08)
- Kentucky Bar Association,
  - Environment, Energy, and Resource Law Section, Past Chair (2014-15)
- King County Bar Association,
  - Environmental Law Section, Member; Secretary (2007-08)
  - Treasurer (2008-10)

COMMUNITY INVOLVEMENT

- Commerce Lexington, Inc., Board of Directors (2025-present)
- LexArts, Inc., Director (2019-2025)
- Leadership Lexington, Class of 2012; Distinguished Leader Award (2012); Steering Committee (2014-20); Steering Committee Chair (2018-19)

EDUCATION

- University of Michigan Law School J.D., *cum laude* 2003
- Georgetown University B.A., Government (American Government Concentration) 1995

BEFORE STITES & HARBISON

Ken previously practiced in the Charlotte and Seattle offices of K&L Gates, LLP. Prior to entering law school, Ken served as a watch and division officer on USS San Juan (SSN-751), a nuclear-powered fast attack submarine.

MORE THAN STITES & HARBISON

Ken is a graduate of the 2012 Leadership Lexington Class and was selected by his classmates for the 2012 Distinguished Leader Award. He served on the Leadership Lexington Steering Committee (2014-20) and was the committee chair (2018-19). Ken currently serves as a Director for Commerce Lexington.

ACCOLADES

- *Best Lawyers in America*®, Energy Law, Environmental Law, Litigation-Environmental (2018-27)
- *Kentucky Super Lawyers*®, Rising Stars (2013)
- *Washington Super Lawyers*®, Rising Stars (2010)