

On August 6, 2026, Governor Andy Beshear issued [Executive Order 2026-494](#), establishing requirements for all data center projects seeking to locate and operate in the Commonwealth of Kentucky.

Executive Order 2026-494 takes precedence over any of the guidelines provided by this Cabinet for the legislatively approved Data Center Incentive. Consideration by the Kentucky Cabinet for Economic Development for any use of the Data Center Incentive shall be consistent with Executive Order 2026-494, and any guidelines and processes established as part of the implementation of the Executive Order.

For a data center to be considered an economic development project, all parameters of the project should be known, with written quantifiable benefits that the community will see as a result of the project, such as the number of jobs created and assurances that short- and long-term costs associated with the project do not have unintended consequences including rate hikes or shortages of utilities.

Communication and engagement with all stakeholders that have a vested interest in the project is key to a successful business relationship. This communication should occur early and often. It is advisable that state and local economic development partners, utility providers, local elected leadership, etc., have been engaged as part of any project exploration phase. The below items are required for all data center projects in Kentucky.

DATA CENTER PROJECT CHECKLIST

Please check all that apply and provide the requested documentation for each applicable item.

- ☐ **The data center has local support for the project.**
Provide letters of engagement, resolutions of support from the local government jurisdictions (Mayor and/or County Judge Executive), as applicable.
- ☐ **The data center has an energy plan that complies with the Governor's Executive Order and has been submitted.**
Provide the Energy Plan submitted to the Energy and Environment Cabinet (EEC) demonstrating how the project will protect ratepayers, meet its energy needs and avoid imposing rate increases due to data center costs on non-data center utility ratepayers.
- ☐ **The data center has provided information regarding projected local and state tax contributions. The data center agrees to pay their fair share and comply with the Executive Order.**
Provide a letter outlining projected local and state taxes to be paid and stating the company's intent, or not, to seek further incentives, as this may impact compliance with Executive Order 2026-494.
- ☐ **The data center has identified how it will protect any community investment if projected jobs and tax revenues do not materialize.**
Provide documentation outlining the manner in which the project will protect any community investment into the project, if projected jobs or tax revenues do not materialize.

- ☐ **Water, sewer and public protection service providers have been engaged and can document their ability to serve the project.**

Provide documentation from applicable service providers regarding their ability to serve the project while maintaining reasonable capacity for expected residential, commercial and industrial growth.

- ☐ **Infrastructure needs associated with the project have been identified.**

Provide information identifying all required infrastructure upgrades, who will fund them and potential benefits to the regional economy.

- ☐ **The project's anticipated impact on available water and wastewater capacity has been identified.**

Provide the percentage of total available water and wastewater capacity that will be committed to the project at initial operations and at full build-out. If additional investments are required, please provide information regarding how they will be financed and the financial obligation of the data center.

- ☐ **Community education and engagement.**

Please provide your communication plan, dates and location of public town halls/ community meetings and approximate attendance of each.

PLEASE SEND ALL WRITTEN MATERIALS TO

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