

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF AEUG)	
MADISON, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
100 MEGAWATT MERCHANT ELECTRIC)	2020-00219
SOLAR GENERATING FACILITY IN MADISON)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

ORDER

This matter is before the Siting Board upon the following: (1) a petition for reconsideration and clarification filed on July 9, 2021, by AEUG Madison Solar, LLC (AEUG Madison) requesting reconsideration and clarification of certain mitigation requirements imposed by the June 9, 2021 Order (Final Order); and (2) a motion for expedited review, filed on September 23, 2021, requesting the Siting Board narrow its review to certain issues addressed in its Petition for Reconsideration and Clarification and to withdraw its request for formal conference with the Siting Board members.

On December 11, 2020, AEUG Madison filed an application requesting a Certificate of Construction to construct a 100-megawatt alternating current solar photovoltaic electric generating facility to be located in Richmond, Madison County, Kentucky. The Siting Board's Final Order conditionally authorized AEUG Madison a Certificate of Construction to construct the proposed solar facility subject to AEUG Madison complying with the mitigation requirements that were discussed in the Final Order and set forth in Appendix A to the Final Order.

AEUG Madison states that it “has reviewed the Siting Board’s proposed mitigation measures in detail, and the majority of the measures are acceptable to AEUG Madison” and that the “[p]etition is designed to seek changes and clarifications to a small group of mitigation measures that may inhibit the ability of the [AEUG Madison] Project to move forward.”¹

AEUG Madison seeks modification of mitigation measure 17, as provided in the Final Order, which states:

17. AEUG Madison should limit the construction activity, process, and deliveries to the hours of 8 a.m. and 6 p.m. Monday through Saturday. These hours represent a reasonable timeframe to ensure that nearby property owners are not too impacted by the construction activities.

AEUG Madison requests that pre-construction meetings, arrival on site, bend-and-stretch activities, and other on-site activities to prepare of construction activities and deliveries be permitted to occur before 8 a.m. The Siting Board finds this request reasonable and finds that mitigation measure 17 should be modified to clarify that “Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.”

AEUG Madison seeks modification of mitigation measure 18, as provided in the Final Order, which states:

18. AEUG Madison must commit to fix or fully compensate the appropriate transportation authorities for any damage or degradation to roads or bridges that it causes or to which it materially contributes to.

¹ Petition for Reconsideration and Clarification at 2.

AEUG Madison requests a clarification that this mitigation measure would require that AEUG Madison fix or pay for damage resulting from any vehicle transport to the project site as may be required by the applicable transportation permits obtained from state and local road authorities. The Siting Board finds that this request is reasonable, with mitigation measure 18 to be modified to state, “AEUG Madison shall fix or pay for damage resulting from any vehicle transport to the project site in accordance with all applicable transportation permits obtained from State and local road authorities. For damage resulting from vehicle transport in accordance with all permits, those permits will be controlling.”

AEUG Madison has also requested a modification of mitigation measure 24 from the Final Order, which states:

24. AEUG Madison should place panels, inverters and substation equipment no closer to noise receptors than indicated in AEUG Madison’s noise and traffic study.

AEUG Madison seeks to utilize the standard adopted in the Conditional Use Permit, which requires noise not to exceed 50 decibels at the property boundary, instead of the minimum measurements of distance provided in the noise and traffic study. The Siting Board denies the requested modification and finds that AEUG Madison should be required to place facilities consistent with the distances provided in the noise and traffic studies, as conducted. Nonetheless, the Siting Board finds that mitigation measure 24 should be modified to clarify that “AEUG Madison shall place panels, inverters, and substation equipment consistent with the distances to noise receptors indicated in AEUG Madison’s noise and traffic study. Nevertheless, AEUG Madison shall place panels and

string inverters, if used, no closer than 150 feet to a home, church or school, and central inverters no closer than 450 feet to a home, church or school.”

AEUG Madison also requests that mitigation measure 27 be deleted in its entirety because it is identical to mitigation measure 24. The Commission finds that this request should be granted.

IT IS THEREFORE ORDERED that:

1. Mitigation measure 17 in the Siting Board’s Order of June 9, 2021, is hereby stricken and replaced with the following mitigation measure:

17. AEUG Madison 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 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

2. Mitigation measure 18 in the Siting Board’s Order of June 9, 2021, is hereby stricken and replaced with the following mitigation measure:

18. AEUG Madison shall fix or pay for damage resulting from any vehicle transport to the project site in accordance with all applicable transportation permits obtained from State and local road authorities. For damage resulting from vehicle transport in accordance with all permits, those permits will be controlling.

3. Mitigation measure 24 in the Siting Board’s Order of June 9, 2021, is hereby stricken and shall be replaced with the following mitigation measure:

24. AEUG Madison shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in AEUG Madison’s noise and traffic study. Nevertheless, AEUG Madison shall place panels and string inverters, if used, no closer than 150 feet to a home, church or school, and central inverters no closer than 450 feet to a home, church or school.

4. Mitigation measure 27 in the Siting Board's Order of June 9, 2021, is hereby stricken.

5. AEUG Madison's petition for reconsideration and clarification filed on July 9, 2021, is granted in part and denied as moot in part, as described above.

6. This case is closed and removed from the Commission's docket.

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By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
and Transmission Siting

*AEUG Madison Solar, LLC
55 East Monroe Street
Suite 1925
Chicago, ILLINOIS 60603

*Richard M Thomas
Resident Representative
268 Clairmont Dr.
Richmond, KENTUCKY 40475

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Reagan Taylor
Madison Co. Judge Executive
135 West Irvine St.
Richmond, KENTUCKY 40475

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507