

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF SUMMER)	
SHADE SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
106-MEGAWATT MERCHANT ELECTRIC SOLAR)	2025-00064
GENERATING FACILITY IN METCALFE)	
COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.700 AND 807 KAR 5:110)	

SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION
TO SUMMER SHADE SOLAR, LLC

Summer Shade Solar, LLC (Summer Shade), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on July 31, 2025. The Siting Board directs Summer Shade to the Kentucky Public Service Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Summer Shade shall make timely amendment to any prior response if Summer Shade obtains information that indicates the response was incorrect or incomplete when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

For any request to which Summer Shade fails or refuses to furnish all or part of the requested information, Summer Shade shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied or scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Summer Shade shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to Summer Shade's response to Siting Board Staff's First Request for Information (Staff's First Request), Item 18 and Noise Assessment Report, Appendix A. The table submitted in response to Item 18 outlines 119 residential structures within 2,000 feet of the Project boundary line. The Noise Assessment Report shows 109 residential structures. Explain the discrepancy.

2. Refer to Summer Shade's response to Staff's First Request, Item 19. Identify the type of non-residential structures within 2,000 feet of the Project boundary line.

3. Refer to Summer Shade's response to Staff's First Request, Item 19. Provide, in detail, how Summer Shade has contacted non-residential structures within 2,000 feet of the Project boundary line in regard to the construction of this project.

4. Refer to Summer Shade's response to Staff's First Request, Item 18. Provide, in detail, the communication and contact that Summer Shade has had with the owners of the residential structures within 2,000 feet of the Project boundary line in regard to the construction of this project.

5. Refer to Summer Shade's response to Staff's First Request, Item 22. Provide the noise level for the residences during peak construction for those nearest non-participating residences identified as being nearest to the fencing, closest solar panel, closest inverter, substation and battery storage.

6. Explain whether Goodson Chapel Methodist Church is permanently closed and how Summer Shade confirmed this fact.

7. List and describe all cave systems that exist within two miles of the project.

8. List and describe all the archeological sites identified in the Stantec Cultural Resources Critical Issues Analysis Report.

9. Explain whether Light Detection and Ranging (LIDAR) has been utilized during the research and evaluation of the project.

10. Refer to Summer Shade's response to Staff's First Request First, Item 61. Submit the map mentioned in the response.

11. Refer to Summer Shade's response to Staff's First Request, Item 99. Submit the attachment mentioned in the response.

12. Refer to Summer Shade's response to Staff's First Request, Item 55. Explain whether Summer Shade will adopt the recommendations made in the geotechnical report.

13. Refer to Summer Shade's response to Staff's First Request, Item 55, the Geotechnical Report and Attachment F, Karst Risk Map. Explain whether any sections of the proposed site plan need to be reconfigured to accommodate the recommended karst setbacks displayed on the map. If yes, provide an updated site plan.

14. Explain whether the United States Army Corps of Engineers and Environmental Protection Agency have been contacted to make a determination as to the presence of, and extent of, jurisdictional waters of the United States are present within the site. If yes, provide the determinations. If not, provide when contact will be made.

15. Explain what mitigation measures will be put in place to protect the proposed endangered tricolored bat (*perimyotis subflavus*) located close to the project boundary.

16. Refer to Summer Shade's response to Staff's First Request, Item 81 and Stantec Bat Mist Net Survey. Of the 523.08 acres of forest which was determined to be potential summer habitat for the federally endangered Indiana bat (*myotis sodalis*) and northern long-eared bat (*myotis septentrionalis*), as well as the proposed federally endangered tricolored bat (*Perimyotis subflavus*), describe the portion proposed to be deforested during construction.

17. Refer to Summer Shade's Response to Staff's First Request, Item 81 and Stantec Bat Mist Net Survey. Provide a map showing the boundaries of the 523.08 acres of summer bat habitat forest, and the proposed 246 acres of vegetative clearing expected during construction.

18. Provide the name and business who will perform inspections of the BESS facility prior to and during operations. Include in the response the frequency of inspections and details of inspection criteria.

19. All other qualifications for the positions being equal, explain whether Summer Shade intends to hire as many local workers for the construction and operation phases of the project as possible. If so, include how Summer Shade intends to accomplish that.

20. Provide the anticipated start date and end date of construction.

21. Detail any communications with members of the public, including neighboring landowners, regarding construction noise.

22. Provide a chart with the expected noise level during pile driving at each noise receptor within 1,500 feet of the project boundaries.

23. Explain any plans to coordinate with local landowners or others in case of complaints or other issues that might arise during the construction or operations.

24. Refer to Exhibit D, Noise Assessment. Provide additional calculated noise level reflecting the cumulative levels of construction related and ambient noise for the following noise receptors:

a. R66.

b. R61.

c. R05.

d. R42.

25. Explain any mitigation measures for time of day and day of week for pile driving or other construction activities that produce the same level of sound.

26. Describe any specific measures to be taken to reduce noise impacts for nearby residents during construction.

27. Provide the expected percentage of construction traffic that will utilize each of the construction site entrances. Include in the response separate percentages for delivery traffic and commuting worker traffic by entrance. If this is expected to change during different phases of construction, break the percentages down by construction phase.

28. Provide an updated delivery plan for the construction phase of the project. Include in the response a list of all roads and bridges that will be used and what equipment will be delivered along which routes and through which access points.

29. Explain whether a power purchase agreement has been finalized. If not, provide a timeline for drafting and finalizing a power purchase agreement.

30. Provide information on the anticipated impact that fugitive dust will have on the project.

31. Provide any updates to vegetative screening plans.

32. State the number of years it will take for planted trees and shrubs to reach mature height.

33. Describe any other forms of visual barriers to be implemented between the time of vegetation planting and the time when trees and shrubs will reach mature height.

34. Provide the average number of construction workers on-site each day over the course of the construction period.

35. Provide the peak daily number of construction vehicles accessing the site, identified by vehicle type (i.e. worker vehicles, delivery trucks, cement trucks, water trucks, tractor trailers or other types of general delivery trucks (if utilized), and other.

36. Provide the maximum expected load weights, for each type of delivery truck, identified by the type of truck, including cement trucks, water trucks, tractor trailers or other types of general delivery trucks.

37. Provide the peak daily number of construction vehicles accessing the site, identified by vehicle type (i.e. worker vehicles, delivery trucks, cement trucks, water trucks, tractor trailers or other types of general delivery trucks (if utilized), and other.

38. Refer to Summer Shade's Application, page 4. Summer Shade stated, "[t]here are six residential neighborhoods, per KRS 278.700(6), within 2,000 feet of the Project's radius." Refer to Appendix D, Limited Noise Assessment, provides there are six residential receptors located within 2,000 feet of the Project boundary that meet the definition of residential neighborhood according to KRS 278.700. Refer to Motion for Deviation, page 1, provides that there are no residential neighborhoods, schools, hospital or nursing homes facilities within 2,000 feet of the Project. Explain the discrepancy.

39. Explain the justification for requesting a deviation from the 2,000-foot setback requirement for residential neighborhoods.

40. Provide the distance of the setback that Summer Shade is requesting if the Motion for Deviation is granted.

41. Explain whether a complaint resolution program is going to be created for this project. If so, explain in detail the program. If not, please explain why not.

42. Explain whether the decommissioning will result in any significant economic impact benefitting state and local governments, the community, and its residents.

43. Explain whether neighbors or adjacent landowners will be affected by noise levels during pile driving. Provide any documents or studies to support the explanation.

44. Refer to Exhibit D, Noise Assessment. Provide additional calculated noise levels reflecting the cumulative levels of construction related and ambient noise for the following noise receptors:

- a. R61.
- b. R66.
- c. R05.
- d. R42.

45. Provide information on whether there will be an erosion and sedimentation control plan for the project. If so, provide the plan.

46. Explain any commitments regarding infrastructure removal or land restoration during decommissioning, including in the landowner lease agreements.

47. Provide the name of the company that will employ the individuals that are or will be responsible for ensuring compliance with the statements in the Application, as well as any conditions imposed by the Siting Board during construction and operation of the project.

48. Explain whether Summer Shade will pursue an Industrial Revenue Bond or PILOT with Metcalfe County.

49. Provide a parcel map for the proposed site. Include all residences within 500 feet of the proposed project site. Include whether the residences are participating or non-participating homes.

50. Refer to Summer Shade's response Staff's First Request, Item 18. Provide a detailed table listing all residential structures within 2,000 feet of the Project boundary line. Indicate whether the residential structures are participating or non-participating.

51. Refer to Summer Shade's response Staff's First Request, Item 55. The map attached in response to this data request did not include whether the parcel owner is participating or non-participating and the parcel use. Provide an update map that includes all of the information requested.

52. Provide the estimated maximum construction sound level or the maximum potential construction sound for all receptors that are 500 feet away from project components (i.e., fence, panel, inverter, substation, BESS).

53. Refer to Summer Shade's Motion for Deviation. Provide a parcel map for each of the six areas that were discussed in Summer Shade's Motion for Deviation. For each parcel provide the total acreage and whether the parcel has a residential structure on the land. If there is a structure on the parcel explain the structure's design, historical use, and current condition.



Linda C. Bridwell, PE
Executive Director
Public Service Commission *on behalf*
of the Kentucky State Board on
Generation and Transmission Siting
P.O. Box 615
Frankfort, KY 40602

DATED JUL 17 2025

cc: Parties of Record

*Aubree Muse
Development Manager
Summer Shade Solar, LLC
500 Sansome Street
Suite 500
San Francisco, CA 94111

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

*Rebecca C. Price
Sturgill, Turner, Barker & Moloney
155 East Main Street
Lexington, KY 40507

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