

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF GLOVER)	
CREEK SOLAR, LLC FOR A CONSTRUCTION)	
CERTIFICATE TO CONSTRUCT AN)	
APPROXIMATELY 55 MEGAWATT)	CASE NO.
MERCHANT ELECTRIC SOLAR GENERATING)	2020-00043
FACILITY IN METCALFE COUNTY,)	
KENTUCKY PURSUANT TO KRS 278.700 AND)	
807 KAR 5:110)	

ORDER

This matter is before the Siting Board upon the following: (1) petition for reconsideration and clarification filed on October 19, 2020, by Glover Creek Solar, LLC (Glover Creek) requesting reconsideration and clarification of certain mitigation requirements imposed by the September 23, 2020 Order (Final Order); (2) a motion to amend project boundaries filed on May 21, 2021; and (3) a motion filed on August 27, 2021, wherein Glover Creek requested amendments to modifications of mitigation measures and withdrew certain modifications requested in its petition for reconsideration and clarification.

On March 27, 2020, Glover Creek filed an application requesting a Certificate of Construction to construct a 55-megawatt alternating current solar photovoltaic electric generating facility to be located in, Metcalfe County, Kentucky. The Siting Board's Final Order conditionally authorized Glover Creek a Certificate of Construction to construct the

proposed solar facility subject to Glover Creek complying with the mitigation requirements that were discussed in the Final Order and set forth in Appendix A to the Final Order.

Glover Creek states that it “has reviewed the Siting Board’s proposed mitigation measures in detail, and the majority of the measures are acceptable to Glover Creek” and that the “[p]etition is designed to seek changes and clarifications to a small group of mitigation measures that will inhibit the ability for solar to be developed in Kentucky, including the ability of the [Glover Creek Solar Project] to move forward.”¹

Glover Creek subsequently filed a motion on August 27, 2021, in which Glover Creek narrowed the scope of its petition for reconsideration by withdrawing certain requests. It continues to seek modification of three mitigation measures and one ordering paragraph from the Final Order.

Glover Creek seeks modification of mitigation measure 7, as provided in the Final Order, which stated therein:

Where there are potential visual or noise impacts created by the solar facility, Glover Creek shall plant a 15-foot wide vegetative buffer consisting of two staggered rows of evergreen shrubs. The evergreen shrubs shall be either mature at the time of planting of at least six feet in height, or if Glover Creek elects to plant non-mature evergreen shrubs of at least 3 feet at the time of planting, Glover Creek shall also include additional temporary buffers that would immediately help to mitigate any potential noise and visual impacts until the evergreen shrubs have grown to maturity.

¹ Petition for Reconsideration and Clarification at 3.

Glover Creek points to a recent Siting Board decision that has a similar mitigation measure regarding certain requirements for vegetative buffers.² Glover Creek requests a similar mitigation measure that specifically incorporates information from its application and Site Assessment Report. The Siting Board finds that this modification is reasonable, with the clarification that the first sentence of the proposed mitigation measure shall read, “Glover Creek shall plant native evergreen species as a visual buffer to mitigate viewshed impact at locations shown **and in the manner described** in the site development plan in Attachment A of the Site Assessment Report for planting areas and described in Section 2 of the application.” (Emphasis added.)

Glover Creek seeks modification of mitigation measure 8, as provided in the Final Order, which stated therein:

Glover Creek shall implement the modified vegetative buffers to those properties that are within 1,500 feet of the solar facilities’ boundary lines before the tamping of the racking panels and Glover Creek shall schedule the tamping process at these nearby homes so that the tamping will occur at the end of the tamping process period.

Glover Creek points to recent Siting Board decisions that have similar mitigation measures that require a construction method that will suppress noise from the pile driving process to be implemented when pile driving is within 1,500 feet from a noise sensitive receptor,³ and states that it is amenable to this mitigation measure. The Siting Board finds that this modification is reasonable.

² Case No. 2020-00190, *Electronic Application of Horseshoe Bend Solar, LLC for a Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Green County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. June 11, 2021).

³ Case No. 2020-00219, *Electronic Application of AEUG Madison Solar, LLC, for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility in Madison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. June 9, 2021); Case No. 2020-00206, *Electronic Application of AEUG Fleming Solar, LLC, for a Certificate of Construction for an*

Glover Creek seeks modification of mitigation measure 17, as provided in the Final Order, which stated therein:

Glover Creek shall fix or pay for damage resulting from any vehicle transport to the project site.

Glover Creek points to recent Siting Board decisions that have a similar mitigation measure that requires fixing or paying 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.⁴ As each decision by the Siting Board is based on the independent facts of each case, and in order to protect against any potential damage to roadways, the Siting Board finds this modification is not reasonable, and instead will modify this measure to read, “Glover Creek 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.**”

(Emphasis added.)

Glover Creek has also requested a modification of ordering paragraph 2 from the Final Order, which granted Glover Creek’s motion for deviation from the setback requirements, with the exception “that the inverters be located at least 2,000 feet from the closest residence given that the application provided that the location of the inverters will

Approximately 188 Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110 (K.S.B. May 24, 2021).

⁴ Case No. 2020-00242, *Electronic Application of Unbridled Solar, LLC, for a Certificate of Construction for Approximately 160 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Henderson and Webster Counties, Kentucky* (K.S.B. June 4, 2021), Appendix A at 2; Case No. 2020-00208, *Electronic Application of Northern Bobwhite Solar, LLC for a Certificate of Construction for Approximately 160 Megawatt Merchant Electric Solar Generating Facility in Marion County, Kentucky, Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. July 19, 2021) at 2.

be at least at such a distance.” In support of its requested change, Glover Creek points to recent Siting Board decisions that approve 450-foot setbacks for central inverters and 150-foot setbacks for string inverters and solar panels.⁵ The Siting Board finds that this modification is reasonable, with the clarification that the last two sentences of the proposed mitigation measure shall read, “These setbacks shall not be required for residences owned by landowners involved in the project **that explicitly agree to lesser setbacks, and have done so in writing**. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of construction of the Project.” (Emphasis added.)

Glover Creek also seeks approval to incorporate approximately 160 additional acres to its Project area that was not included in the preliminary site plan submitted with its application. Glover Creek responded to the Siting Board Staff’s Third Request for Information regarding this additional acreage. After careful review of this information, the Siting Board finds that, upon the addition of 160 acres to the Project, Glover Creek remains compliant with all other minimum statutory obligations required for the granting of a Certificate of Construction.

The Siting Board finds that Glover Creeks request is reasonable with the understanding that the Siting Board’s modification measures (as amended herein) will apply to the entire project, including this additional acreage.

⁵ Case No. 2020-00190, *Electronic Application of Horseshoe Bend Solar, LLC for a Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Green County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. June 11, 2021), Appendix A at 4; Case No. 2020-00208, *Northern Bobwhite Solar, LLC* (K.S.B. July 19, 2021), Appendix A at 2.

IT IS THEREFORE ORDERED that:

1. The seventh mitigation measure in the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following mitigation measure:

7. Glover Creek shall plant native evergreen species as a visual buffer to mitigate viewshed impact at locations shown and in the manner described in the site development plan in Attachment A of the Site Assessment Report for planting areas and described in Section 2 of the application. The evergreen shrubs shall be either mature at the time of planting of at least six feet in height, or if Glover Creek elects to plant non-mature evergreen shrubs of at least 3 feet at the time of planting, Glover Creek shall also include additional temporary buffers that would immediately help to mitigate any potential noise and visual impacts until the evergreen shrubs have grown to maturity.

2. The eighth mitigation measure in the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following mitigation measure:

8. If the pile driving activity occurs within 1,500 feet of a noise sensitive receptor, Glover Creek shall implement a construction method that will suppress the noise generated during the pile driving process (i.e., semi-tractor and canvas method; sound blankets on fencing surrounding the solar site; or any other comparable method).

3. The seventeenth mitigation measure in the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following mitigation measure:

17. Glover Creek 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.

4. The second ordering paragraph on page 39 of the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following ordering paragraph:

Glover Creek's motion for deviation from the 2,000 feet setback requirement is granted in part, such that the following setbacks shall apply: (1) the Central Inverter shall be no closer to a noise receptor than 450 feet, (2) the String Inverter shall be no closer to a noise receptor than 150 feet, and (3) Solar Panels shall be no closer to a noise receptor than 150 feet. These setbacks shall not be required for residences owned by landowners involved in the project that explicitly agree to lesser setbacks, and have done so in writing. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of construction of the Project.

5. Glover Creek's petition for reconsideration and clarification filed on October 19, 2020, is granted in part and denied as moot in part, as described above.

6. Glover Creek's motion to amend project boundaries filed on May 21, 2021, is granted.

By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink that reads "Linda Bridwell". The signature is written in a cursive, flowing style.

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

Case No. 2020-00043

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