

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF MT OLIVE	)	
CREEK SOLAR, LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY	)	CASE NO.
60 MEGAWATT MERCHANT ELECTRIC	)	2020-00226
SOLAR GENERATING FACILITY IN RUSSELL	)	
COUNTY, KENTUCKY PURSUANT TO KRS	)	
278.700 AND 807 KAR 5:110	)	

SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION  
TO MT. OLIVE CREEK SOLAR, LLC

Mt. Olive Creek Solar, LLC (Mt. Olive Creek), pursuant to 807 KAR 5:001, is to file with the Commission an electronic version of the following information. The information requested herein is due on August 3, 2021. The Commission directs Mt. Olive Creek to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

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 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.

Mt. Olive Creek shall make timely amendment to any prior response if Mt. Olive Creek obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which Mt. Olive Creek fails or refuses to furnish all or part of the requested information, Mt. Olive Creek shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied 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, Mt. Olive Creek 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 the response to Siting Board Staff's First Request for Information (Staff's First Request), Item 7, indicating construction will occur over a period of 573 days, which amounts to about 19 months. The chart provided in that response also provides start and finish dates that occur over more than 2 years (Mon 8/9/21–Wed 10/18/23).

However, the response to Staff's First Request, Appendix Item I.A, states that construction would occur over a 12-month period. Explain the construction schedule and timeline of construction activities.

2. The title of the construction schedule provided in the response to Staff's First Request, Item 7, states Mt. Olive Creek; however, the legend label is listed as Horseshoe Bend. Confirm that the construction schedule and activities provided in the response to Staff's First Request, Item 7, are for the Mt. Olive Solar Project.

3. Refer to the response to Staff's First Request, Appendix Item I.G, that states "restrictions" on the timing of construction activities would be implemented on Sundays "if places of worship are located nearby."

a. Explain the specific timing restrictions would be implemented on Sundays in those areas.

b. Explain whether those timing restrictions will be developed in coordination and consultation with local places of worship.

c. Explain the term "nearby" and how it will be defined, with respect to the distance from a place of worship.

4. Refer to Staff's First Request, Appendix Item II.E, which states that during construction "a main entrance with office trailer will be identified by the future general contractor". The primary access point will indicate the traffic patterns of incoming trucks and workers. Given the locations of the nine construction access points, the locations of Project facilities within the Project boundary and knowledge of construction traffic and activities, explain what entrance point will be the main construction access point.

5. Refer to Staff's First Request, Appendix Item II.E, that states that during operations, "permanent project access will likely be limited to one access point per project section."

a. Confirm that there are four "project sections," as outlined by the orange parcel boundaries in Attachment A of the SAR (Preliminary Project Layout).

b. Given locations of the nine identified access points, the locations of Project facilities within the Project boundary and knowledge of operational traffic and activities, explain what four access points will be used during operations.

6. Refer to the response to Staff's First Request, Appendix Item II. The request was for a series of tables showing distances between ALL residential and non-residential structures up to 2,400 feet from the Project fence line and from solar panels. The response referred to the response to Staff's First Request, Items 8–12. The data only provides distances for the "five nearest" sound receptors (to the substation, inverters or the HVAC system). Given that the Noise and Traffic Study identifies 16 landowner residences within 300 feet of the Project footprint and the Property Value Impact Report lists 30 residences on adjacent properties, the information provided by the Applicant does not respond to the request:

a. Provide a detailed table showing the number of residential structures located within 300-foot intervals from the Project fence line, i.e., from 0–300 feet, from 300–600 feet, up to 2,100–2,400 feet.

b. Provide a detailed table showing the number of non-residential structures, by type of structure (i.e., church, school, commercial, barn, etc.) located within 300-foot intervals from the Project fence line, from 0–300 feet up to 2,100–2,400 feet.

c. Provide a map indicating residences within 300 feet of the Project fence line and a table stating the distances (within 10 feet) of those residences to the fence line.

d. Provide a detailed table showing the number of residential structures located within 300-foot intervals from the nearest solar panels, from 0–300 feet up to 2,100–2,400 feet.

e. Provide a detailed table showing the number of non-residential structures, by type of structure (i.e., church, school, commercial, barn, etc.) located within 300-foot intervals from the nearest solar panels, from 0–300 feet up to 2,100–2,400 feet.

f. Provide a map indicating residences within 300 feet of the nearest solar panels and a table stating the exact distances of those residences to the nearest panels.

7. Refer to the response to Staff's First Request, Appendix Item II.E. The response stated that the number and acreage of the construction staging areas will be determined by the future general contractor. For purposes of impact evaluation, confirm that the "approximately 10 to 15 acres of the Project site" noted for construction staging in the Cumulative Environmental Analysis is the best available estimate at this time.

8. Refer to Mt. Olive Creek's motion for deviation filed May 19, 2021. Explain why the Project cannot be scaled back or reconfigured within the Project boundary to meet the existing requirements.

9. Refer to the response to Staff's First Request, Appendix Item IV.A. The response states that Mt. Olive Creek does not have information about the current property

values of adjacent properties. Explain why Richard Kirkland, who completed the Property Value Impact Report for the SAR, cannot provide that data.

10. Provide a table showing (1) distances from the Project boundary in 100-foot intervals; (2) peak construction noise levels at that distance; including ALL construction activities and noise from vehicles; (3) the duration of that peak noise level at that distance (in days or weeks); and confirm that is assuming that all noise receptors surrounding the site at a distance of 200 feet would experience the same peak noise level for the same amount of time over the course of the construction period.

11. Refer to the response to Staff's First Request, Appendix Item VII.A.9. The response suggests that a package was hand delivered to one local church.

a. Confirm any meetings or phone calls that have occurred with local church officials.

b. There are two churches located to the south of the Project site along Sano Road. Explain whether the second church was contacted to discuss the Project.

12. Refer to the response to Staff's First Request, Appendix Items VII.B.2,3,4, and 5. The request was for a series of tables showing distances between ALL residential and non-residential structures, up to 2,400 feet from the Project inverters and from the substation. The response referred to the response provided to Staff First Request Items 8–10. However, that data only provides distances for the "five nearest" sound receptors. Given that the Noise and Traffic Study identifies 16 landowner residences within 300 feet of the Project footprint and the Property Value Impact Report lists 30 residences on adjacent properties:

a. Provide a table showing the number of residential structures located within 300-foot intervals from the nearest inverter, from 0–300 feet up to 2,100–2,400 feet.

b. Provide a detailed table showing the number of non-residential structures, by type of structure (i.e., church, school, commercial, barn, etc.) located within 300-foot intervals from the nearest inverter, from 0–300 feet up to 2,100–2,400 feet.

c. Provide a detailed table showing the number of residential structures located within 300-foot intervals from the substation, from 0–300 feet up to 2,100–2,400 feet.

d. Provide a detailed table showing the number of non-residential structures, by type of structure (i.e., church, school, commercial, barn, etc.) located within 300-foot intervals from the nearest substation, from 0–300 feet up to 2,100–2,400 feet.

13. Explain whether any measures be taken to reduce the view of construction equipment, workers or vehicles for adjacent landowners during the construction period.

14. Refer to the response to Staff’s First Request, Appendix Item VIII.B, which states that “Locations for plantings of additional vegetative buffering have been determined based on existing vegetation and proximity to existing structures.”

a. Explain the specific criteria, in terms of (1) “existing vegetation” and (2) distance to structures that were used to evaluate the need for vegetative buffers.

b. Explain whether the vegetative buffering was proposed to shield portions of Millerfield Road from view and to shield specific residences located within 150 feet of the Project boundary, which have limited existing vegetation.

c. There are 16 residences located within 300 feet of the Project boundary and there may be others located at further distances, which have a view of the Project. Explain whether the view of the Project evaluated from each of those 16 nearby residences (or others) when developing the vegetative buffering plan.

15. Explain whether property owners adjacent to Project boundaries were consulted when developing the plan for and identifying locations for proposed vegetative buffers.

a. If yes, describe that process and landowner inputs led to the proposed vegetative barriers identified in Attachment A of the SAR (Preliminary Project Layout).

b. If no, explain the plan to coordinate with adjacent landowners to specifically discuss potential visual impacts and mitigation strategies.

16. Refer to the response to Staff's First Request, Appendix Item II.K, that states Mt. Olive Creek has entered into two purchase and sale agreements. The response to Staff's First Request, Appendix Item IX.B, states that one of those purchases was with a landowner that would have been surrounded by the Project.

a. Explain whether that transaction the purchase of the property identified as Residence C on the Map of Nearest Neighbors (Attachment C of the SAR).

b. If yes, explain whether the vegetative buffer located along Sano Road in the vicinity of that residence still be developed.

c. If not, provide a revised map of the final locations of the proposed vegetative buffers.

17. Refer to the response to Staff's First Request, Appendix Items VIII.B.14 and 15, that state that local drivers and residents will not experience any glare from the operations of the panels:

a. Confirm that a glare study for this location has not been completed and provide a basis for this conclusion.

b. Confirm that anti-glare panels will be used and that measures will be taken to reduce glare.

c. Explain any commitment to eliminating any glare issues that might occur for local residents and drivers.

d. Explain if glare issues arise, whether Mt. Olive Creek is willing to change panels, modify or cease operations until the glare issue is resolved.

18. Refer to the response to Staff's First Request, Appendix Item IX.C. Provide the recordings and chat logs for both public meetings.

19. Refer to the response to Staff's First Request, Appendix Item IX.E.

a. Provide the name of the entity responsible for maintaining the cemetery on Sano Road.

b. Explain whether that entity has been contacted specifically to discuss the Project in that area.

20. Refer to the response to Staff's First Request, Appendix Item IX.F.

a. Explain how individual complaints will be addressed during construction and operations.

b. Describe the process for resolving complaints with local landowners.

21. Refer to Attachment E of the Application. Confirm what church was approached by Mt. Olive Creek and clarify whether it was Mt. Olive Missionary Baptist Church, Sano Baptist church or the Church of God.

22. Refer to the response to Staff's First Request, Item 1, and to the response to Staff's First Request, Appendix Item XI.B. Explain what portion of the construction workforce (and the total jobs) will be filled by LOCAL (Russell County) residents.

23. Refer to the response to Staff's First Request, Item 1, and to the response to Staff's First Request, Appendix Item XI.B1 (Table 1), that indicates generation of 191.4 jobs when considering Russell County only. Explain that number as compared with the estimate of 199 new jobs in the County stated in the Economic Report.

24. Refer to the response to Staff's First Request, Item 4, that includes a table of indirect and induced spending in Russell County (top 30 industries), as associated with local construction spending.

a. Describe the assumed amount of direct construction spending that will occur in Russell County vs. expenditures for equipment, etc. procured outside the County.

b. Explain the estimated amount of total spending (direct, indirect, induced) in all industries stemming from construction activity that will occur in Russell County.

c. Explain whether the data provided above include labor costs, as well as materials, supplies and equipment.

25. Describe the types of materials, supplies, equipment that will be purchased in Russell County in support of facility construction.

26. Provide the total estimated economic output generated by Project construction within the Commonwealth of Kentucky.

27. Describe the types of materials and supplies that will be purchased in Russell County to support Project operations.

28. Confirm an estimate of \$90 to \$120 million investment made by the Mt. Olive Creek Solar, is only a small portion of what will be spent in Russell County and what percentage of that will be labor costs.

29. Refer to the response to Staff's First Request, Item XI.E, that states that PILOT payments "will be allocated among the Ambulance District, the County, the Extension District, the Hospital District, the Library District, the Public Health Taxing District, the School District and the Soil Conservation District. The allocation will be made pro rata based on each districts respective tax rate." Provide estimates of the amount of the PILOT payments distributed to each District based on "each district's respective tax rate", for:

- a. Years 1 through 20.
- b. Years 21 through 40.

30. Refer to the response to Staff's First Request, Item XI.E, that also states, "If the allocation to the School District results in the School District receiving an amount less than the amount of property taxes it would have received from the Company if the bonds had not been issued, the Company will make an additional payment to the School District in the amount of such shortfall."

- a. Provide information about the amount of current property tax going to the School District, as specifically associated with the properties included in the Project.

b. Explain whose responsibility it is to make the calculation of the difference between property taxes going to the School District with and without the Industrial Revenue Bond and whether Mt. Olive Creek will be working with the County to monitor that.

c. Explain the approach to be taken for other applicable taxing Districts.

31. Confirm that the decommissioning plan applies to all properties within the Project site, including both leased properties and purchased properties.



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  
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DATED     JUL 19 2021    

cc: Parties of Record

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