

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF HORUS	)	
KENTUCKY 1 LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY	)	CASE NO.
69.3 MEGAWATT MERCHANT ELECTRIC	)	2020-00417
SOLAR GENERATING FACILITY IN SIMPSON	)	
COUNTY, KENTUCKY PURSUANT TO KRS	)	
278.700 AND 807 KAR 5:110	)	

SITING BOARD STAFF'S SECOND REQUEST FOR INFORMATION  
TO HORUS KENTUCKY 1, LLC

Horus Kentucky 1, LLC (Horus Kentucky 1) pursuant to 807 KAR 5:001, is to file with the Commission an electronic version of the following information. The information requested is due on September 30, 2021. The Siting Board directs Horus Kentucky 1 to the Kentucky Public Service Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> 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 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 person supervising the preparation of the response on behalf of the entity

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<sup>1</sup> 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).

that the response is true and accurate to the best of that person's knowledge, in formation, and belief formed after a reasonable inquiry.

Horus Kentucky 1 shall make timely amendment to any prior response if Horus Kentucky 1 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 Horus Kentucky 1 fails or refuses to furnish all or part of the requested information, Horus Kentucky 1 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, Horus Kentucky 1 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 Horus Kentucky 1's response to Staff's First Request for Information (Staff's First Request) Item 24 (a) and (b).
  - a. Provide a list of the different construction activities, or types of activities, required to complete the Project, in the order that they are likely to occur.
  - b. Provide a tentative or preliminary schedule for those activities, which according to the response to Item 24 (b), will occur sequentially.

c. Confirm the response to Item 24 (b) implies that individual construction activities for Horus Kentucky 1 will not overlap.

2. Refer to Horus Kentucky 1's response to Staff's First Request Item 24 (c). Indicate which quarter of the construction year will be the peak period.

3. Refer to response Horus Kentucky 1's response to Staff's First Request Item 24 (d). Provide the range of on-site construction workers over the 12-month construction period.

4. Refer to Horus Kentucky 1's response to Staff's First Request Item 24 (e). Provide the days of the week and times of day that construction activity is allowed, per the Simpson County building requirements.

5. Refer to Horus Kentucky 1's response to Staff's First Item 24 (h). State whether the Simpson County building requirements allow for construction activities on Sundays.

6. Refer to Horus Kentucky 1's response to Staff's First Request Item 27 (f)

a. Confirm that the risk avoidance areas are related to geological features or conditions on the Project site.

b. Confirm that no construction activities will occur within any of the risk avoidance areas

c. Confirm that no Project facilities or infrastructure will be located within any of the risk avoidance areas

d. Confirm that land within any of the risk avoidance areas will not be disturbed.

7. Refer to Horus Kentucky 1's response to Staff's First Request Item 27 (g).

- a. Confirm that the Project site includes one Excluded Zone.
  - b. Confirm that the Excluded Zone includes an occupied residential property.
  - c. Confirm that the Excluded Zone is a property in which the landowners have decided not to participate in the Project.
    - i. If confirmed, provide any comments or concerns received from that landowner.
    - ii. Provide the distance between the home (residential structure) located within the Excluded Zone and the closest point of the Project footprint.
    - iii. Provide the distance between the property boundary of the Excluded Zone and the closest point of the Project footprint.
8. Refer to Horus Kentucky 1's response to Staff's First Request Item 29. Identify the location of the permanent building to be located on-site and used as a maintenance shed.
9. Refer to Application, Appendix I, page 7 of the Property Value Impact Study and Horus Kentucky 1's response to Staff's First Request, Exhibit E, Zoning Regulations for city of Franklin and Simpson County Kentucky.
  - a. Explain how the Project will meet the Simpson County setback requirements for solar farms, which includes a 250 foot distance "from any abutting residential zoned properties. . ." when four adjacent residential properties are listed as having homes less than 250 feet from the closest solar panels.
  - b. Provide a list of the distances between the Project footprint and the closest edge of each adjoining residential property (not the distance to the home itself.)

c. Provide evidence that the Project meets the current County setback requirements, as applicable to solar farms.

10. Refer to Application, Appendix I, page 7 of the Property Value Impact Study and Horus Kentucky 1's response to Staff's First Request, Exhibit A, Table 6 of the Sound Study.

a. Explain why Table 6 includes one residence within 300 feet of a solar panel, while the Property Value Impact Study states four residences within 300 feet of a solar panel.

b. Provide a revised version of Table 6, if necessary.

11. Refer to Horus Kentucky 1's response to Staff's First Request Item 36.

a. Explain the recourse that can be taken by the Zoning Board if the Project is found to not meet the applicable setback requirements at any time.

b. Confirm whether the Project will require a deviation from the setback regulations.

c. Explain whether there is any opportunity for the Applicant to request a deviation from the setback regulations.

d. Explain how the Conditional Use Permits were approved without review of any Project plans.

e. Explain whether the Zoning Board will complete a more in-depth review, including setbacks, when final Project plans are complete.

12. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit E Zoning Regulations for city of Franklin and Simpson County Kentucky. Provide the distance between the Project footprint and the edges of Kitchens Cemetery.

13. Refer to Application, Appendix A Map of Residential Neighborhoods Surrounding Proposed Facility.

a. State whether there are any nursing homes or schools within the 2-mile radius indicated on the map.

b. If so, provide a list of those facilities and their distance from the Project footprint and a revised map that identifies those nursing homes and schools.

14. Refer to Horus Kentucky 1's response to Staff's First Request Item 39. Explain what the designation of the Kitchens Cemetery as an "Architectural Resource" means and the significance of the cemetery given that designation.

a. Explain which agency made that designation.

b. Explain who is responsible for the preservation of the cemetery.

c. Explain any legal or other limitations on activities in and around the cemetery.

d. Explain how the cemetery is currently accessed by visitors.

15. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (c).

a. Explain how carpooling to the Project site will be enforced.

b. Explain where construction workers would park off-site in order to carpool together.

c. Explain whether the on-site parking area(s) will be limited such that the estimates of 25 vehicles per day on average and 50 vehicles per day during the peak will be met.

16. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (f) and (g) and Horus Kentucky 1's response to Staff's First Request, Exhibit B Transportation Study.

a. Explain whether the estimate of "20 delivery trucks per day" to the Project site included in the Transportation Study represents the average number of trucks per day, as suggested in the Transportation Study or the peak number of trucks per day, as stated in the response to Item 41 (f).

b. If 20 is the average number of trucks, provide the peak number of trucks or vice versa.

c. Provide the number of delivery trucks required for delivery of the substation transformers and the total weight of those vehicles.

d. Explain when that data regarding the number of trucks and class sizes of trucks traveling to the site on an average day will be available to the Siting Board.

17. Refer to Horus Kentucky 1's response to Staff's First Request Item 43, which states that "water irrigation will be applied on-site and on the roads."

a. Explain whether water trucks will be used to deliver and apply water to the Project site.

b. Explain how many water trucks will access the site on an average day and a peak day.

c. Explain whether those water trucks are included in the estimate of "20 delivery trucks per day".

18. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (d) and (h). Confirm that no Project traffic (commuter vehicles or trucks) will access the

Project site using the following roads: Tyree Chapel Road (north of Hendricks Road); and Flat Rock- Peden Mill Road (any portions)

19. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (k).  
a. Provide a map of the location of the traffic stations listed in the Site Assessment Report's (SAR) Traffic Assessment (two located along I-65).

b. Provide a map of the location of the traffic station listed in the Transportation Study (on US 31W).

20. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (l). Confirm that no traffic data exists for any local roads in the area (including Geddes Road, Tyree Chapel Road and Hendricks Road) from the Simpson County Road Department or any other sources.

21. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit B Transportation Study and Item 24 (d). Explain which is correct: the estimate of 300 workers anticipated to work on-site each day included in the Transportation Study; or the previous estimates of an average of 100 workers on site on an average day and 200 on a peak day.

22. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit B Transportation Study and Item 41 (a-c).

a. Explain the assumption of one worker per vehicle included in the Transportation Study in relation to the previous assumption of four workers per vehicle. Explain which is correct and why.

b. Explain which is correct: 300 worker vehicle trip per day included in the Transportation Study; or the previous Applicant assumption of 25 to 50 worker vehicle trips per day.

c. In regards to Section 3.4 of the Transportation Study, describe the current conditions of roads (material such as pavement and general condition) used by Project vehicles, including US 31W, Geddes Road, Tyree Chapel Road and Hendricks Road.

d. Confirm that Horus Kentucky 1 will repair, or pay for repairs, to any damage to local roads due to Project generated traffic or other activities.

e. In regards to Section 3.5 of the Transportation Study, describe the frequency and duration (in minutes) of anticipated lane closures and temporary traffic stoppages.

f. Describe the general level of activity associated with the CSX Transportation rail line in the vicinity of the Project, including the number of trains using that section of the line on a typical day or week.

g. Explain how Horus Kentucky 1 will mitigate impacts to the railroad crossing on Geddes Road from delivery trucks accessing the site.

23. Refer to Horus Kentucky 1's response to Staff's First Request Item 42. Explain when the information regarding weights and frequency of vehicle trips to the project site will be made available to the Siting Board.

24. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit A Sound Study. Explain whether the classification of ambient sound levels for each noise receptor was based on an in-person field visit or was performed as a desk-top analysis.

25. Refer to Horus Kentucky 1's response to Staff's First Request Item 31 (a-c) and Exhibit A Sound Study.

a. Explain whether there are any noise receptors located along Hendricks Road.

b. If noise receptors exist on Hendricks Road, provide the distance from each receptor and (1) the Project boundary; (2) Project solar panels; (3) the nearest inverter; and (4) the substation.

c. If noise receptors exist on Hendricks Road, provide (1) the estimated equivalent continuous construction noise level ( $L_{eq}$ ) and (2) the estimated maximum construction noise levels ( $L_{max}$ ) for each receptor.

d. If not a noise receptor, explain the structures located several hundred feet north of Hendricks Road.

26. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit A Sound Study, Figure 2 and to Application, Appendix I Property Value Impact Study.

a. Explain why the residential structure identified as Tax Parcel #5 in the Property Value Impact Study is not included as a noise receptor in the Sound Study.

b. Explain why the residential structure identified as Tax Parcel #6 in the Property Value Impact Study is not included as a noise receptor in the Sound Study.

c. Explain why the residential structure identified as Tax Parcel #12 in the Property Value Impact Study is not included as a noise receptor in the Sound Study.

d. If the residential structures in Tax Parcel #5, #6 and #12 are noise receptors, provide the following:

- i. The distance from each receptor to (1) the Project boundary; (2) Project solar panels; (3) the nearest inverter; and (4) the substation.
- ii. The estimated construction  $L_{eq}$  for each receptor.
- iii. The estimated construction  $L_{max}$  for each receptor.
- iv. Revised Figure 2 and Figure 3 of the Sound Study.

27. Refer to Horus Kentucky 1's response to Staff's First Request Item 46 (a-d) and to Exhibit A Sound Study.

a. Provide an expanded version of Exhibit A, Table 4, and information for all noise receptors within 2,400 feet of the Project.

b. Confirm that the estimated construction noise levels presented in Table 4 reflect the cumulative effects of overlapping construction activities.

c. Provide a description of how the cumulative noise effects were calculated.

d. Provide the anticipated number of days in which the noise receptors would experience the  $L_{eq}$  noise levels.

e. Provide the anticipated number of days in which the noise receptors would experience the  $L_{max}$  noise levels.

f. If noise receptors exist on Hendricks Road, provide the combined operational sound level for each.

g. If the residential structures in Tax Parcel #5, #6 and #12 are noise receptors, provide the combined operational sound level for each.

28. Refer to Horus Kentucky 1's response to Staff's First Request Item 48. Confirm that no existing vegetation located along the Project boundary line will be removed.

29. Provide the total number of solar panels to be located on the Project site.

30. Refer to Horus Kentucky 1's response to Staff's First Request Item 51(a).

a. Explain when the location of the proposed vegetative buffers will be finalized.

b. Explain the statement "generic vegetation buffer will be kept as approximately three times tree height".

31. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit E Zoning Regulations for city of Franklin and Simpson County Kentucky. Explain whether the regulations included in Article 14 (Landscape and Land Use Buffers) are applicable to the Project. If not, explain why not.

32. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit F Conditional Use Permit Applications and Exhibits. Explain how the issue of vegetative buffers was addressed, evaluated, and resolved with the Planning Commission as part of the Conditional Use Permit process.

33. Refer to Horus Kentucky 1's response to Staff's First Request Item 51(b). Explain whether any vegetative buffers will be planted such that the view of the Project is minimized from the cemetery.

34. Refer to Horus Kentucky 1's response to Staff's First Request Item 51(i). Explain how "landscaping methods" will be used to mitigate glare.

35. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit D Glare Study Results Memo (Glare Memo).

a. Explain the screening plan for the areas the Glare Memo recommends to "consider a screening plan appropriate to the local environment/climate in these areas" due to the prediction of glare.

b. Explain the plan for the examination of the areas and any resulting screening required in the areas the Glare Memo notes that "notable amounts of glare are not predicted," but are areas that Horus Kentucky 1 should "perform a boots-on-the-ground examination."

36. Refer to Application, Appendix A Map of Residential Neighborhoods Surrounding Proposed Facility.

a. Explain the yellow outline located along I-65 to the northeast of the Project site.

b. Explain what each of the two different types of green shading indicate.

c. Explain the Viewshed Analysis, including a description of the methods and the results.

d. Provide an interpretation of the Viewshed Analysis, as illustrated on the map.

e. Explain why the Project would not be visible from:

i. The west side of the railroad tracks;

ii. The southwest side of the Project;

iii. The southeast side of the Project; and

iv. The northwest side of the Project (across from I-65)

37. Refer to Horus Kentucky 1's response to Staff's First Request Item 36 (b). Explain what items, documents or topic areas were addressed by the Simpson County Planning and Zoning Board, if, as stated, the Board "did not review any Project plans as part of their review."

38. Refer to Horus Kentucky 1's response to Staff's First Request Item 55 (e).

a. Explain the revised estimate of labor income, which would amount to about \$9,600 of income per FTE for the noted 100 FTEs.

b. If necessary, provide a revised estimate of labor income.

c. Provide an updated table showing payroll taxes, by recipient agency.

39. Refer to Horus Kentucky 1's response to Staff's First Request Item 55 (k). Explain whether it is possible to "take advantage of any Kentucky tax treatments specifically available to solar projects and businesses in general" without negotiating with the County for an IRB or PILOT agreement.

40. Refer to Horus Kentucky 1's response to Staff's First Request Item 55 (l) and (m). Explain when the tax analysis will be available for review.

41. Refer to Horus Kentucky 1's response to Staff's First Request Item 57 (d).

a. Confirm that the Applicant will be posting a decommissioning bond with individual landowners and a separate, larger bond with Simpson County.

b. Explain the purpose of issuing bonds with both the landowners and the County.

42. Refer to Horus Kentucky 1's response to Staff's First Request Item 57 (e).

a. Confirm that each lease agreement includes a \$50,000 decommissioning security.

b. Explain how the amount for the decommissioning security was determined.

c. Explain whether that \$50,000 will be enough to remove Project infrastructure and restore the site to its previous condition.

43. Refer to Horus Kentucky 1's response to Staff's First Request Item 57 (f).

a. Provide the timeline for negotiation with the county regarding the decommissioning bond or security.

b. Explain whether the negotiated amount is dependent on the Applicant's assumption of future salvage value for parts.

44. Refer to Horus Kentucky 1's response to Staff's First Request Item 52 (g). Provide additional detail as to the process and timing for resolving complaints related to construction activities and Project operations.

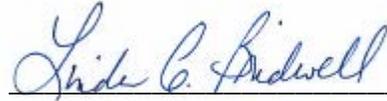
45. Confirm if the park delineated in the Application, Appendix A, is Kenny Perry's Country Creek Golf Course.

46. Submit a map showing the following three cemeteries found in the Architectural Survey: (1) Tyree Chapel Church of Christ Cemetery (2) Briant Cemetery, and (3) Kitchens Cemetery.

47. Submit copies of the two land lease agreements of 307 acres and 250 acres, secured for 41 years. (Application, Appendix B, Project Overview).

48. Refer to the mailing receipts in Application, Appendix B.

- a. Describe any attempt to reach owners of the property for which there was a “return to sender” for John P. Crafton, et al. Trustees.
- b. Explain why there are no delivery receipts for Roger Hoffman and Steve Baldwin. Explain if additional attempts were made to contact them.



Linda C. Bridwell, PE  
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of the Kentucky State Board on  
Generation and Transmission Siting  
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DATED SEP 16 2021

cc: Parties of Record

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