

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF WEIRS CREEK)	
SOLAR, LLC FOR A CERTIFICATE TO)	
CONSTRUCT AN APPROXIMATELY 150)	
MEGAWATT MERCHANT SOLAR ELECTRIC)	CASE NO.
GENERATING FACILITY IN WEBSTER COUNTY)	2024-00099
AND HOPKINS COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700 AND 807 KAR)	
5:110)	

SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION
TO WEIRS CREEK SOLAR, LLC

Weirs Creek Solar, LLC (Weirs Creek Solar), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on August 5, 2024. The Siting Board directs Weirs Creek Solar 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

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).

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.

Weirs Creek Solar shall make timely amendment to any prior response if Weirs Creek Solar 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 Weirs Creek Solar fails or refuses to furnish all or part of the requested information, Weirs Creek Solar 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, Weirs Creek Solar shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Detail any communications with members of the public, including neighboring landowners, regarding construction noise.
2. Provide a list of permits that will be required from any other local, state, or federal agencies for the project. Include in the response the status of those permits.

3. Provide a detailed table listing all residential structures located within 2,000 feet of the project boundary line. For each structure, provide:
 - a. The distance to the boundary line.
 - b. The distance to the closest solar panel.
 - c. The distance to the nearest inverter.
 - d. The distance to the substation.
4. Provide a detailed table listing all non-residential structures located within 2,000 feet of the project boundary line. For each structure, provide:
 - a. The distance to the boundary line.
 - b. The distance to the closest solar panel.
 - c. The distance to the nearest inverter.
 - d. The distance to the substation.
5. Explain whether construction activities will occur sequentially or concurrently across the project site.
6. Clarify whether any existing structures on the project site will be demolished or removed in order to accommodate the project.
7. Provide a narrative description of any vegetative clearing that will occur across the project. Include anticipated acreage and any permits that will be required.
8. Confirm whether vegetative clearing will be required to accommodate the proposed 138 kV, 0.9-mile-long transmission line. If yes, provide the anticipated acreage of vegetative clearing and any permits that will be required.
9. Confirm whether the site will be irrigated to promote vegetation. If not, explain why not.

10. According to the Application, the total acreage of the parcels included in the project boundary is approximately 2,260 acres. Within this Project Area, the footprint of the project will only be approximately 810 acres. Explain why 2,260 acres were leased for this project when only 810 will be used for electric generation purposes.

11. Provide any communications with the Webster and Hopkins County Road Departments regarding permits or agreements necessary for the project. If no communication has been initiated, explain when that contact will occur.

12. Provide any communication with the Kentucky Transportation Cabinet regarding permits or agreements necessary for the project. If no communication has been initiated, explain when that contact will occur.

13. Provide a one-page directional map showing highlighted anticipated delivery routes for the project. Include the following on the map: access roads, access points, existing roads, bridges, electric generation components, and all structures within two miles of the project.

14. Provide the following information concerning vehicle traffic:
- a. Provide the weight limits of each local roadway to be used for construction traffic.
 - b. Provide the number of worker vehicles traveling to the site each day during construction.
 - c. Provide the number and approximate weight classes of the heavy and light duty trucks anticipated on site per day during the construction phase.
 - d. Provide the estimated weight of the project's required substation transformer and the truck class necessary for its delivery.

15. Refer to Site Assessment Report (SAR), page 11, Mitigation Measure 11: List the permits that will be obtained prior to bringing in heavy loads.

16. Refer to Application – Exhibit 12, Attachment A, Exhibit 6, Traffic and Dust Study, 2.2.3. Provide the expected number of construction vehicles entering and exiting Entrance four (4) each day.

17. Identify all bridges along all roads proposed to be used during the delivery and construction phase of the project. Identify the width and weight capacity of each bridge and any upgrades or repairs that will need to be made prior to the commencement of construction.

18. Provide any communication with local emergency services on security and emergency protocols during construction and operations. If contact has not been made, explain when that contact will occur and with which departments.

19. Confirm, by name and address, all churches or other religious facilities within a two-mile radius of the project.

20. Provide any communication with any churches or other religious facilities regarding the project. Provide documentation of any concerns that were raised. If no documentation exists, provide a summary of the comments.

21. Identify and detail the two cultural sites shown on the site plan.

22. Explain in detail, including location and size, all cemetery facilities that may be affected by the project.

23. Provide a narrative description of where the solar meteorological stations will be located.

24. Provide a narrative description of where the control house will be located.

25. Explain whether the substation will have its own separate fencing, and if so, whether it will comply with National Electrical Safety Code standards.

26. Refer to SAR, page 11, Mitigation Measure 10. Explain who will control access to the site during construction and operations.

27. Refer to SAR, page 11, Mitigation Measure 9d. Provide documentation of the communication that has occurred with the applicable state and federal agencies.

28. Provide any communication with the Providence-Webster County Airport regarding the project.

29. Provide any communication with the Federal Aviation Administration (FAA) or the Kentucky Airport Zoning Commission regarding the project.

30. Provide copies of any reports conducted by the FAA regarding the project.

31. Provide a Glare Analysis Study for the project.

32. Provide any Geotechnical reports for the project.

33. Refer to the Kentucky Geological Survey Oil and Gas Wells Search (KY Geode: KGS Oil and Gas Wells Search (uky.edu)).

a. File a map with all active and inactive oil or gas wells on the proposed site. Include any gas-gathering pipelines associated with the wells.

b. Determine and confirm whether any of these wells are currently permitted and active.

c. Confirm whether the existence of oil and gas wells and pipelines will require adjustments to the proposed location of solar panels.

34. Refer to the Phase I Environmental Site Assessment. Explain how Weirs Creek Solar will mitigate each of the three Recognized Environments Conditions identified in the assessment.

35. Refer to Application, SAR, Exhibit 7, Part 1, page 17, 6.2 Subject Property Listings. The Subject Property Summary Table indicates that the subject property was listed on property owned by Webster County Coal, LLC. Confirm whether the proposed site was ever used for mining operations.

36. Refer to the Phase I Environmental Site Assessment, page 2. The report states, "Since reclamation has not been achieved for three mine permits present on the Subject Property and two mine permits are still active, necessary regulatory standards have not been reached."

a. Explain whether Weirs Creek Solar will need to obtain any permits regarding this matter.

b. Explain how the conclusion regarding regulatory standards will affect the Weirs Creek Solar project.

c. Explain whether Weirs Creek Solar has had any communication with the state regarding the active underground and surface coal mines on the Subject Property and the surrounding area.

d. Provide any studies that have been performed on the mines related to the development of the project.

37. Refer to the Phase I Environmental Site Assessment, page 4, 1.2.3 Additional Investigation.

a. Confirm the additional investigation of the project be conducted by the Environmental Professional. If not, provide the name and qualifications of the entity doing the investigation.

b. Should the presence of hazardous substances or petroleum products be detected after additional investigation, explain what mitigation or counter measures Weirs Creek Solar will implement.

38. Submit a copy of the lease or purchase agreements, including options, separate agreements, or deeds, that Weirs Creek Solar has entered into in connection with the proposed solar facility, including the agreements for each of the parcels of the project.

39. Provide a detailed account of any contracts by which Weirs Creek Solar has paid, or negotiated to pay, any compensation to non-participating landowners, whether cash or otherwise, near the project. Include the terms of the agreements and which properties are involved in terms of distance to the project boundaries.

40. Provide a one-page site map that contains locations of water features, including rivers, streams, lakes, and ponds. Also include any known or suspected karst features.

41. Provide a narrative description of the location of each of the following site features:

- a. Each construction entrance.
- b. Each entrance to be used in operations.
- c. Operations & Maintenance (O&M) area.
- d. Each laydown area.

42. Explain whether the construction and operational entrances will be locked outside of normal working hours.
43. Provide the security measures for the O&M area and substation.
44. Explain how Weirs Creek Solar will coordinate with local law enforcement and fire services regarding security and emergency protocols during construction and operations.
45. Describe any utilities that will be required during construction or operations and what utility will provide the service.
46. Confirm whether an energy storage system will be used as part of this project.
47. Provide a project construction schedule outlining the details of each phase, to include duration of each phase.
48. Confirm what time construction, operation, and maintenance operations will begin and end each day.
49. Provide information on whether any additional in-person public meetings are scheduled with local residents.
50. Provide information on solar panels to be used, to include:
 - a. Data sheets.
 - b. Country of manufacture.
51. Provide information on inverters to be used, to include:
 - a. Data sheets.
 - b. Country of manufacture.
52. Provide information on recombiners to be used, to include:

- a. Data sheets.
- b. Country of manufacture.

53. Provide an explanation for why a motion for deviation is not needed to modify the setback requirement of 1,000 feet from the property boundary of any adjoining property owner per KRS 278.704(2).

54. Provide information on whether the planned communication network will be above or below ground.

55. Provide a one line for the project.

56. Provide information on whether wetland delineations have been completed for the project.

57. Explain what effect the project will have on jurisdictional wetlands.

58. Provide information on whether any endangered species sampling, including endangered bats, has been completed for the project.

59. Provide information on whether there is an endangered bat mitigation plan.

60. Provide information on whether the U.S. Army Corps of Engineers has been or will be consulted regarding wetland delineations and threatened or endangered species.

61. Provide information on whether the U.S. Fish and Wildlife Service has been or will be consulted regarding wetland delineations and threatened or endangered species.

62. Explain whether the site layout plan will be modified based on the wetland delineations that have been completed.

63. Refer to the SAR, Exhibit 4, Noise Impact Assessment.

a. Explain the noise impact of piling and whether it will have a significant impact on adjacent landowners.

b. Confirm whether nearby landowners will be contacted prior to any high-noise construction or activity.

c. Explain in detail how sound impacts during construction and operation will be mitigated.

d. Explain whether landowners will be consulted throughout the construction process to ensure noise mitigation measures are working.

64. Provide information on any protection plans for local cemeteries and other historic resources in the project area.

65. Explain whether Weirs Creek Solar will pursue an Industrial Revenue Bond and Payment In Lieu of Taxes agreement with Hopkins and Webster Counties. If yes, explain how that might change the cumulative tax revenues of the project.

66. Explain whether Weirs Creek Solar intends to hire as many local workers for the construction and operations phases of the project as possible, all other qualifications for the positions being equal. If confirmed, explain how Weirs Creek Solar will ensure this occurs.

67. Explain whether Weirs Creek Solar has developed a plan to protect endangered bats in the project area during tree clearing.

68. Explain what impact farm dumps will have on the project.

69. Provide any information concerning historical or archaeological research done for the project. If none have been done, explain why.



Linda C. Bridwell, PE
Executive Director
Public Service Commission *on behalf*
of the Kentucky State Board on
Generation and Transmission Siting
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DATED JUL 22 2024

cc: Parties of Record

Case No. 2024-00099

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