

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

In the Matter of:

| | | |
|--|---|------------|
| ELECTRONIC APPLICATION OF CLOVER |) | |
| CREEK SOLAR PROJECT D/B/A NEW |) | |
| FRONTIERS SOLAR PARK FOR A CERTIFICATE |) | |
| OF CONSTRUCTION FOR AN APPROXIMATELY |) | |
| 100 MEGAWATT MERCHANT ELECTRIC SOLAR |) | CASE NO. |
| GENERATING FACILITY AND NONREGULATED |) | 2024-00253 |
| ELECTRIC TRANSMISSION LINE IN |) | |
| BRECKINRIDGE COUNTY, KENTUCKY |) | |
| PURSUANT TO KRS 278.700 AND 807 KAR |) | |
| 5:110 |) | |

ORDER

On November 1, 2024, Clover Creek Solar Project, LLC d/b/a New Frontiers Solar Park (Clover Creek Solar) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) seeking a Construction Certificate to construct an approximately 100 megawatt ground-mounted solar photovoltaic electric generating facility (Project) comprising approximately 1,100 acres of land and an approximately 460 feet nonregulated transmission line in Breckinridge County, Kentucky.

There are no intervenors in this matter. Pursuant to a procedural schedule established on November 21, 2024, Clover Creek Solar responded to two rounds of discovery.¹ A site visit was held on January 16, 2025. Siting Board consultant, BBC

¹ Clover Creek Solar's First Response to Siting Board Staff's First Request for Information (Siting Board Staff's First Request) (filed Feb.3, 2025); Clover Creek Solar's Second Response to Siting Board Staff's Second Request for Information (Siting Board Staff's Second Request) (filed Feb. 10, 2025).

Research and Consulting (BBC) filed its report on February 24, 2025. Clover Creek Solar submitted its response to the BBC Report on March 10, 2025. A formal hearing was held on March 20, 2025. Clover Creek Solar filed a post hearing brief on March 27, 2025. Clover Creek Solar filed its responses to post-hearing requests for information on April 1, 2025. The matter now stands submitted for a decision.

LEGAL STANDARD

The filing requirements and standard of review for requests to construct a merchant generating facility are set forth in KRS 278.700–.718. KRS 278.704(1) requires that an application be filed with and approved by the Siting Board before the construction of a merchant electric generating facility can commence. KRS 278.706 requires that the application include evidence of public notice and compliance with local planning and zoning ordinances.

KRS 278.708(2) requires Clover Creek Solar to prepare a site assessment report (SAR) that includes (1) a detailed description of the proposed site; (2) an evaluation of the compatibility of the facility with scenic surroundings; (3) potential changes in property values and land use resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the site; (4) evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; (5) the impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility; and (6) any mitigating measures to be suggested by Clover Creek Solar to minimize or avoid adverse effects identified in the SAR.

KRS 278.710(1) delineates the criteria on which the Siting Board will grant or deny the certificate, which include (1) impact on scenic surroundings, property values, and surrounding roads; (2) anticipated noise levels during construction and operation of the facility; (3) economic impact on the region and state; (4) whether the proposed facility meets all local planning and zoning requirements existing on the date the application was filed; (5) impact of the additional load on the reliability of jurisdictional utilities; (6) setback requirements; (7) efficacy of mitigation measures proposed by Clover Creek Solar; and (8) whether the applicant has a good environmental compliance history.

PROPOSED FACILITY

The Project will be located on 1,100 acres near Hardinsburg, Kentucky, in Breckinridge County, Kentucky.² The Project will include 278,922³ photovoltaic solar panels, associated ground-mounted racking, 35 inverters, a DC collection system,⁴ and a substation transformer.⁵ The project's onsite substation will connect to the existing Hardinsburg Substation, owned and operated by Big Rivers Electric Corporation (BREC), using an approximately 460 foot overhead nonregulated transmission line.⁶

DISCUSSION AND FINDINGS

I. KRS 278.708: SAR Filing Requirements and Mitigation Measures

Mitigation Measures Proposed by Clover Creek Solar and Siting Board Consultant

² Application at 2.

³ Application, Exhibit J at 3.

⁴ Application, Exhibit I, SAR at 2.

⁵ Application, Exhibit I, SAR at 2.

⁶ Application, Exhibit I, SAR at 5.

As required by KRS 278.708(4), Clover Creek Solar proposed various mitigation measures consistent with the statutes regarding traffic, noise, roadway preservation, permitting, setbacks, public safety, and scenic preservation.⁷

In accordance with KRS 278.708(5), BBC recommended mitigation measures in the following areas: site development planning; compatibility with scenic surroundings, noise levels during construction and operation; road and traffic and degradation, economic impacts; decommissioning; public outreach and complaint resolution programs.⁸

Clover Creek Solar disagreed with certain recommendations of the BBC Report's proposed mitigation measures. The BBC Report recommended that "[N]ew Frontiers Solar Park should limit noise-generating construction activity, and particularly pile driving, to the hours of 8 AM. to 6 PM, Monday through Saturday."⁹ Clover Creek Solar argued that due to the topography, vegetation and setbacks and distances from the receptors, noise generating construction activity should be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday.¹⁰

BBC Report recommended that "[N]ew Frontiers Solar Park should develop and implement a traffic management plan for the construction phase of the project to minimize impacts on traffic flow and keep traffic safe. As part of this plan, New Frontiers Solar Park should implement ridesharing between construction workers; use appropriate traffic

⁷ Application, Exhibit I, SAR at 15–16.

⁸ BBC Report, Section B at 7–10.

⁹ BBC Report, Section B at 8.

¹⁰ Clover Creek Solar's Response to the Consultant's Report at 1–2.

controls; or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.”¹¹ Clover Creek Solar argued that ridesharing among the construction workers can be encouraged but not required.¹²

The BBC Report recommended “New Frontiers Solar Park should implement a Customer Resolution Program to address any complaints from surrounding landowners. New Frontiers Solar Park should submit an annual status report on the Customer Resolution Program to the Siting Board, identifying any complaints, the steps taken to resolve those complaints, and whether the complaint was resolved to the satisfaction of the affected landowner.”¹³ Clover Creek Solar argued that the Siting Board does not have authority over the Project once operations begin; therefore, any reporting should be made to the Kentucky Energy and Environment Cabinet.¹⁴ Additionally, Clover Creek Solar requested that reporting only be required for the years in which a complaint is received or addressed.¹⁵

The BBC Report recommended “[N]ew Frontiers Solar Park should commit to rectifying any damage to public roads by fixing or fully compensating the appropriate transportation authorities for any damage or degradation to the existing road network that it causes or to which it materially contributes.”¹⁶ Clover Creek Solar stated that “[N]ew

¹¹ BBC Report, Section B at 9.

¹² Clover Creek Solar’s Response to the Consultant’s Report at 2.

¹³ BBC Report, Section B at 8.

¹⁴ Clover Creek Solar’s Response to the Consultant’s Report at 2.

¹⁵ Clover Creek Solar’s Response to the Consultant’s Report at 2.

¹⁶ BBC Report, Section B at 9.

Frontiers will commit to fixing or fully compensating the local transportation authorities for any damage caused by the trucks used for construction of New Frontiers Solar Park.”¹⁷

The Siting Board has reviewed the mitigation measures proposed by Clover Creek Solar and BBC and finds that, in addition to those Clover Creek Solar has initially proposed, the mitigation measures set forth in Appendix A to this Order and discussed throughout this Order are appropriate and reasonable because they achieve the statutory purpose of mitigating the adverse effects identified in the SAR and the BBC Report in accordance with KRS 278.708.

Detailed Site Description

KRS 278.708(3)(a)(1–6) requires that the detailed site description in the SAR include a description of (1) surrounding land uses for residential, commercial, agricultural, and recreational purposes; (2) the legal boundaries of the proposed site; (3) proposed access control to the site; (4) the location of facility buildings, transmission lines, and other structures; (5) location and use of access ways, internal roads, and railways; and (6) existing or proposed utilities to service the facility.

Clover Creek Solar submitted the required SAR with its application.¹⁸ The application contained a preliminary site plan,¹⁹ which was updated during the pendency of the proceedings.²⁰ The site plan included the project boundary, parcel boundaries, existing roads, proposed access roads, proposed solar array areas, proposed

¹⁷ Clover Creek Solar’s Response to the Consultant’s Report at 3.

¹⁸ Application, Exhibit I.

¹⁹ Application, Exhibit B.

²⁰ Response to Siting Board Staff’s Second Request, Item 1.

transmission line, proposed substation location, proposed Operating & Maintenance (O&M) location, existing transmission lines, existing substations, laydown areas, proposed fence line, residential structures, existing vegetative buffer, proposed vegetative buffer, inverters, and wetland features.²¹ Clover Creek Solar does not anticipate demolishing any existing structures located on site.²² The Project plans anticipate clearing approximately 10.5 acres of forested area.²³ Approximately 41,810 linear feet of private access roads will be utilized within the facility and will be constructed of all-weather gravel.²⁴ There are no adjacent railways that could be used for construction or operational activities related to the Project.²⁵ The legal boundaries of the proposed site are contained in the application.²⁶

The Project solar arrays will be secured with approximately 186,404 linear feet of perimeter fence and will consist of seven-foot chain link fence.²⁷ The perimeter security fence will be installed in accordance with the applicable National Electrical Safety Code (NESC) standards prior to commencing any electrical work.²⁸ The Project substation will have its own separate fencing compliant with the applicable NESC standards.²⁹ Clover

²¹ Response to Siting Board Staff's Second Request, Item 1.

²² Response to Siting Board Staff's First Request, Item 29.

²³ Response to Siting Board Staff's First Request, Item 31.

²⁴ Application, Exhibit I, SAR at 2-3.

²⁵ Application, Exhibit I, SAR at 5.

²⁶ Application, Exhibit I, SAR, Attachment C.

²⁷ Application, Exhibit I, SAR at 3.

²⁸ Response to Siting Board Staff's First Request, Item 17.

²⁹ Response to Siting Board Staff's First Request, Item 18.

Creek Solar will install gated entrances locked with a combination padlock or keyed padlock.³⁰ During construction, the Engineering, Procurement and Construction (EPC) team will control access to the site. During operation, the Project's site operations manager will manage site access.³¹ It is anticipated that 75,100 Linear feet of collection cabling will be dispersed throughout the Project area.³² The substation transmission line will be approximately 460 feet in length, will be located entirely within the Project footprint, and will be constructed by the Applicant.³³ The Project will interconnect into the existing New Hardinsburg Substation owned and operated by BREC.³⁴ The transmission line will be approximately 430 feet from the nearest participating residential structure and approximately 480 feet from the nearest nonparticipating residential structure.³⁵

Clover Creek Solar detailed its plan for coordination with local law enforcement and fire services regarding security, access to site, and emergency protocols during project construction and operation.³⁶ Clover Creek Solar stated its intent to meet with Breckinridge County Fire, EMS, Hardinsburg Police, and the Breckinridge County Sheriff to establish a direct line of communication and emergency contact line at the project

³⁰ Response to Siting Board Staff's First Request, Item 27.

³¹ Response to Siting Board Staff's First Request, Item 69.

³² Response to Siting Board Staff's First Request, Item 19.

³³ Application, Exhibit I, SAR at 4.

³⁴ Application, Exhibit I, SAR at 4.

³⁵ Application at 3.

³⁶ Clover Creek Solar dba New Frontiers Solar Park Site Assessment Review, BBC, Section C at 11–12.

substation and construction office.³⁷ Clover Creek Solar anticipates electrical services to be provided by Meade County RECC, and water service to be provided by the City of Hardinsburg Water.³⁸

The site consists of 22 parcels secured from 13 landowners pursuant to agreements with each landowner.³⁹ The primary land use for these parcels and the surrounding area is generally agricultural and residential, with row crop agricultural and pastureland.⁴⁰ Vegetation is sparse aside from forested riparian areas which are generally associated with intermittent streams and tributaries that cross through the Project and forested upland areas.⁴¹ Topography is gently sloping upland to rolling hills with well-draining, non-hydric soils, and geology is primarily comprised of limestone and shale.⁴² Overall, agricultural land comprises 68 percent of adjoining acres, while 19 percent is agricultural/residential, 7 percent is industrial, 4 percent is solely residential, and 1 percent is commercial. Land zoned for religious purposes is 0.13 percent of adjoining acres.⁴³ The closest non-participating home will be approximately 500 feet from the nearest panel with an average distance of 970 feet.⁴⁴

³⁷ Clover Creek Solar dba New Frontiers Solar Park Site Assessment Review, BBC, section C at 11–12.

³⁸ Response to Siting Board Staff's First Request, Item 30.

³⁹ Application at 3.

⁴⁰ Application, Exhibit I, SAR at 2.

⁴¹ Application at 3.

⁴² Application at 3.

⁴³ Clover Creek Solar dba New Frontiers Solar Park Site Assessment Review, BBC at 6, section C.

⁴⁴ Application, Exhibit H, SAR at 5.

The Project is not located on the site of a former coal processing plant, will not use any onsite waste coal as a fuel source, and will not include any exhaust stacks or wind turbines as part of the facility.⁴⁵ The Project site does not have any existing electricity generating facilities.⁴⁶ Clover Creek Solar states that there are no schools, hospitals, or nursing home facilities within 2,000 feet of the proposed structures or project facilities, but the applicant identified two neighborhoods within 2,000 feet of the proposed project facilities.⁴⁷ There are eight religious facilities/churches within two miles of the project.⁴⁸ No impacts to cemeteries are anticipated.⁴⁹

In its post-hearing brief, Clover Creek Solar requested Siting Board approval to amend its site plan to include parcels excluded after amending the original site plan.⁵⁰ Essentially, Clover Creek Solar requested that the Siting Board approve the original site plan which included parcels with portions lying within the Hardinsburg city limits.⁵¹ Pursuant to Breckinridge County Fiscal Court's website, every city within Breckinridge County has its own Planning & Zoning.⁵²

Having reviewed the post-hearing brief, the Siting Board denies the request to amend the site plan to include parcels with area included within the city limits. The Siting

⁴⁵ Application at 7.

⁴⁶ Application at 7.

⁴⁷ Clover Creek Solar dba New Frontiers Solar Park Site Assessment Review, BBC, Section C, page 13.

⁴⁸ Response to Siting Board Staff's First Request, Item 20.

⁴⁹ Response to Siting Board Staff's First Request, Item 40.

⁵⁰ Clover Creek Solar's Post Hearing Brief (filed on Mar. 27, 2025) at 9.

⁵¹ Clover Creek Solar's Post Hearing Brief (filed on Mar. 27, 2025) at 9.

⁵² Breckinridge County Fiscal Court at <https://breckinridgeky.com/ordinances/>.

Board reviewed the site plan during this proceeding as well as inquired at the hearing, Clover Creek Solar made no mention of this request. In the post-hearing brief, Clover Creek Solar stated the property owners had notice; however, there were no supporting exhibits provided nor any notice to the Siting Board of the issue for consideration. Just a week or so prior, when asked, Clover Creek Solar stated it did not anticipate any further changes to the site plan.⁵³

Having reviewed the record of this proceeding, the Siting Board finds that Clover Creek Solar has complied with the requirements for describing the facility and a site development plan as required by KRS 278.708. However, the Siting Board finds that it is necessary to impose specific mitigation measures and requirements related to the description of the facility and the proposed site development plan. The Siting Board will require that Clover Creek Solar keep the Siting Board apprised of changes throughout the development of the Project and, as such, will order Clover Creek Solar to provide a final site plan before the commencement of construction. The final site plan should indicate any change, including those to the design and boundaries of the Project, from the proposed site plan provided to the Siting Board during the pendency of this matter. Furthermore, based on the findings and proposals of the BBC Report, the Siting Board finds that additional mitigation measures are required. These mitigation measures are outlined in Appendix A to this Order and, in particular, mitigation measures 1 through 9.

⁵³ Hearing Video Testimony (HVT) of the March 20, 2025 hearing, Jesse Eick Testimony at 10:08:53-10:09:22.

Compatibility with Scenic Surroundings

Clover Creek Solar indicated that the Project site is generally agricultural and residential area of Breckinridge County.⁵⁴ The current land uses of the Project parcels include row crop agriculture, harvested hay, and pastureland.⁵⁵ According to the SAR, limited portions of the project may be visible from certain adjacent land and roadways.⁵⁶ Clover Creek Solar indicated that it will mitigate the visual impacts of the facility by utilizing the topography of the land and the addition of vegetative buffers.⁵⁷ BBC reviewed the effect on the surroundings and concluded the facility would be compatible with scenic surroundings by adding vegetative buffers and other proposed mitigation.⁵⁸

Having reviewed the record, the Siting Board finds that, while there will always be an impact on the scenery of neighboring properties, the impact of this Project will be minimal. The proposed vegetative buffer, along with other mitigation measures proposed by Clover Creek Solar and BBC, will minimize the effect that the proposed facility will have on the scenic surroundings of the site. However, the Siting Board will require mitigation measures in addition to those proposed by Clover Creek Solar. Those are set forth in Appendix A to this Order and, in particular, mitigation measures 10 through 16.

⁵⁴ Application at 3.

⁵⁵ Application at 3.

⁵⁶ Application, Exhibit I, SAR at 7.

⁵⁷ Application, Exhibit I, SAR at 7.

⁵⁸ BBC Report, Detailed Findings and Conclusions, C-33.

Impact on Property Values

Clover Creek Solar submitted a property value impact report conducted by Kirkland Appraisals (Kirkland Report), a certified real estate appraiser.⁵⁹ The Kirkland Report found that, based upon a comparative analysis the solar facility will have no impact on the property values of abutting or adjoining residential or agricultural properties.⁶⁰ The report indicated that the solar facility would function in a harmonious manner with the nearby surroundings, which are mostly agricultural, and that operation of the Project would not generate the level of noise, odor, or traffic to negatively impact the nearby surroundings as compared to a fossil fuel generating facility or other industrial facilities.⁶¹

The BBC Report concluded that, because the Project area is predominantly rural and the Project's proposed vegetative buffers will help conceal the physical view of the Project from nearby residences, the proposed Project is unlikely to have measurable adverse impact on the property values of most adjacent properties.⁶² The BBC Report stated that the property values of some adjacent residential properties with small lots in closest proximity to the solar panels, might be a risk of a reduction in value.⁶³

Having reviewed the record, the Siting Board finds sufficient evidence to conclude that the proposed Clover Creek Solar facility will not have a significant adverse impact on nearby property values as long as proper mitigation measures are implemented. The

⁵⁹ Application, Exhibit H and Addendum to Property Value Impact Assessment filed on (March 3, 2025).

⁶⁰ Application, Exhibit H 1.

⁶¹ Application, Exhibit H at 1 and 117.

⁶² BBC Report, Detailed Findings and Conclusions at C-39.

⁶³ BBC Report, Detailed Findings and Conclusions at C-39.

characteristics of the solar facility's operations are passive, and the facility will be temporary, with the land returned to its natural state after a few decades of operation. The facility does not produce any air, noise, waste, or water pollution, nor does it create any traffic issues during operations.

Anticipated Noise Level

Clover Creek's Sound Study was completed by Stantec.⁶⁴ Stantec used representative noise levels from the Federal Highway Administration Roadway Construction Noise Model.⁶⁵ Stantec stated the highest estimated noise levels during construction will occur during pile driving and estimated that at the closest receiver (SR-007), 464 feet from the closest panel, would have noise levels during pile driving of an Lmax of 82 decibels A-weighted scale (dBA) and a Leq of 80 dBA.⁶⁶ Construction related activity is expected to occur between 7 a.m. and 7 p.m.⁶⁷

Stantec found operational noise will emanate from inverters and substation transformers.⁶⁸ Based on Stantec's operational sound modeling the highest sound level at nearby sensitive receptors was 51 dBA.⁶⁹ Stantec stated that the Project's generated noise levels for daytime and nighttime operation are comparable to outdoor daytime sound levels in rural to quiet urban environments.⁷⁰ Stantec concluded that no one noise

⁶⁴ Application, Exhibit I, SAR, Attachment D at 1.

⁶⁵ Application, Exhibit I, SAR, Attachment D at 8-9.

⁶⁶ Application, Exhibit I, SAR, Attachment D at 9.

⁶⁷ Application, Exhibit I, SAR, Attachment D at 8.

⁶⁸ Application, Exhibit I, SAR, Attachment D at 10.

⁶⁹ Application, Exhibit I, SAR, Attachment D, at 12 and Appendix A.

⁷⁰ Application, Exhibit I, SAR, Attachment D at 12.

sensitive receptor will be exposed to the same sound levels over an extended period of time, as construction progresses through the site.⁷¹ BBC evaluated the Sound Study conducted by Stantec and also concluded that the Project's construction phase will produce the highest noise levels especially during pile-driving activity.⁷² BBC noted that Clover Creek Solar should mitigate "annoying noise" as necessary, especially when pile driving occurs.⁷³

In response to Siting Boards Staff's First Request for Information (Siting Board's First Request), Clover Creek Solar detailed the following noise mitigation measures considered.

Noise from pile driving will be mitigated by Project setbacks from residential and other noise sensitive receptors, limitation of construction hours, use of existing topography, and sequencing of pile driver use to avoid creating sustained noise in any one area. when pile driving occurs.⁷⁴

The Siting Board finds that noise from the construction phase will be intermittent and temporary but will be significant to the nearest residences. As indicated by Stantec and BBC, the noise will be loudest during the construction phase but will not be permanent to nearby residents. The Siting Board further finds that the operational noise from inverters and the substation transformers should have little to no effect on residences in the area. Based on the case record, the Siting Board finds that Clover Creek Solar's application complies with the statutory requirements for disclosing noise levels. However,

⁷¹ Application, Exhibit I, SAR, Attachment D at 12.

⁷² BBC Report, Detailed Findings and Conclusions at C-47.

⁷³ BBC Report, Detailed Findings and Conclusions at C-47.

⁷⁴ Response to Siting Board Staff's First Request, Item 59.

the Siting Board further finds that, based on the entire record, Clover Creek Solar will be required to implement specific mitigation measures to ensure the impact of construction noise does not unduly impact nearby residents. The mitigation measures implemented by the Siting Board are designed to limit the effects of construction noise by controlling the hours of construction in general, as well as the time and manner pile driving can occur. The Siting Board will require Clover Creek Solar to mitigate construction noise up to 1,500 feet to ensure the surrounding community is not negatively impacted by the construction noise. Clover Creek Solar may forego noise suppression if it employs a panel installation method that does not involve pile driving, so long as the method does not produce noise levels similar to pile driving. These mitigation measures are further outlined in Appendix A to this Order, specifically mitigation measures 17 through 19.

Impact on Roads, Railways, and Fugitive Dust

Construction is anticipated to take 12–18 months.⁷⁵ Roadways surrounding the project site include US 60, State Route 992, and State Route 261.⁷⁶ Clover Creek Solar anticipates that the transportation impacts will be temporary in nature as these will only occur during the construction phase of the Project.⁷⁷ Stantec conducted a Traffic Impact Study and concluded that that there will not be significant changes in road traffic during the construction.⁷⁸ There are no adjacent railways that are going to be used for construction or operations.⁷⁹ BBC found that, during construction, traffic will substantially

⁷⁵ HVT of the March 20, 2025 hearing at 10:10:10–10:10:20, Jessi Eick.

⁷⁶ BBC Report Section C at 48.

⁷⁷ Application, Exhibit I, SAR, Attachment H at 14.

⁷⁸ Application, Exhibit I, SAR, Attachment H at 6.

⁷⁹ Application, Exhibit I, SAR at 6.

increase on the primary roadways near the project site.⁸⁰ However, the impacted roads will still maintain a passable level of service.⁸¹

During the operational phase of the Project, the facility will be managed and monitored by a small number of employees and that will only generate a few trips per day.⁸² Traffic will be minimal and is anticipated to have a negligible impact on traffic.⁸³

The Siting Board finds that traffic and road degradation issues can be addressed with Clover Creek Solar's mitigation measures, the additional measures proposed by BBC, and mitigation measures set forth in Appendix A to this Order and in particular, mitigation measures 19 through 27.

The Siting Board anticipates some fugitive dust from the construction phase. Clover Creek Solar stated that it will mitigate the dust from the construction by utilizing best management practices that include revegetation measures, covering soil piles and application of water as necessary.⁸⁴ Dust will not be a factor during the operation's phase.

The Siting Board requires additional mitigation measures to reduce any potentially harmful effects on the area, which are outlined in Appendix A to this Order. The Siting Board will require Clover Creek Solar to inform the Siting Board and the Energy and Environment Cabinet (EEC) of the date construction will commence, 30 days prior, to ensure the proper permits have been obtained and whether proper steps have been taken to comply with the mitigation measures set forth in Appendix A to this Order.

⁸⁰ BBC Report, Section C at 52.

⁸¹ BBC Report, Section C at 52.

⁸² Application, Exhibit I, SAR, Attachment H at 7.

⁸³ Application, Exhibit I, SAR, Attachment H at 7.

⁸⁴ Application, Exhibit I, SAR at 16.

II. KRS 278.710(1) Criteria

In addition to the evaluation of the factors addressed in the SAR, the Siting Board considered the below described factors set forth in KRS 278.710(1) in rendering its decision.

Economic Impact on Affected Region and the State

Clover Creek Solar's economic impact report discusses the proposed solar facility and its investment into the surrounding Breckenridge County economy. The projected local total investment of \$200 million includes architecture, engineering, site preparation and other development and construction costs.⁸⁵ The project is expected to generate significant positive economic and fiscal impacts to Breckenridge County over the thirty-year life of the project.⁸⁶ Such impacts include the creation of hundreds of construction jobs and the expansion of the local tax base. The project will be conducted in two phases: a construction phase which is estimated to last approximately twelve to eighteen months, and an operation phase which will last the remaining life of the project.⁸⁷

The IMPLAN model used for the economic impact analysis focused on Breckenridge County only because of the lack of industrial linkages in the region.⁸⁸ During the project construction phase, Clover Creek Solar estimates that approximately 240 temporary, full-time jobs will be created over the construction period with a direct payroll of approximately \$14.5 million including fringe benefits.⁸⁹ This equates to an

⁸⁵ Application, Exhibit G at 8.

⁸⁶ Application, Exhibit G at 1.

⁸⁷ Application, Exhibit G at 8.

⁸⁸ Application, Exhibit G at 7 and 11.

⁸⁹ Application, Exhibit G at 10.

average wage of \$60,300 per construction job as compared to the 2022 average annual pay for all jobs in Breckenridge County of \$51,700.⁹⁰ The indirect and induced economic impacts are estimated to contribute another 65 jobs with an additional \$3.2 million in payroll.⁹¹

The total construction phase economic impact is estimated to be 305 total full-time equivalent jobs in Breckenridge County with a new payroll of \$17.7 million.⁹² The vast majority of these jobs will be filled by skilled workers and contractors such as fencers, electricians, panel installers, equipment operators and construction managers.⁹³ Clover Creek Solar intends to hire as many local workers as permitted by the EPC contractor it chooses for the project.⁹⁴

The ongoing economic impact from the project's operational phase is estimated to be very small relative to the one-time impacts from the construction phase. The ongoing operational phase of the project is expected to modestly support 3.2 jobs for the job site. More broadly, the project will support 9.6 total jobs with an estimated employee compensation of \$102,000 per job and a total labor income of \$613,000.⁹⁵

Clover Creek Solar has proposed an Industrial Revenue Bond (IRB) and a Payment in Lieu of Taxes (PILOT) Agreement with Breckenridge County, but discussions

⁹⁰ Application, Exhibit G at 10.

⁹¹ Application, Exhibit G at 9-10. (calculated by subtracting direct jobs and payroll from total jobs and payroll: 305 Total Jobs minus 240 Direct Jobs equals 65 Induced Jobs; \$17.7 million Total Payroll minus \$14.5 million Direct Payroll equals \$3.2 million Induced Payroll).

⁹² Application, Exhibit G at 10.

⁹³ Application, Exhibit G at 9.

⁹⁴ Clover Creek Solar's Response to Staff's First Request, Item 56 and HVT of the March 20, 2025 hearing, Jesse Eick Testimony at 10:49:49–10:50:24.

⁹⁵ Application, Exhibit G at 12.

are only in the very earliest of stages, and an agreement being reached is not currently anticipated.⁹⁶ Clover Creek Solar plans to invest, what would translate into 30 years of new property tax revenues, with \$1.989 million going to the school system, \$1.225 million going to other local tax districts, and \$5.994 million going to Kentucky state government. On a per year basis, this translates to \$107,000 in average annual new taxes to local governments in Breckinridge County, and \$200,000 in new taxes to state government.⁹⁷

BBC evaluated the economic impact of the project.⁹⁸ Based upon its review and analysis, BBC concluded that the project will provide significant positive economic effects to the region and Commonwealth of Kentucky during the construction and operation phases of the project.⁹⁹

Having reviewed the record, the Siting Board finds that the Clover Creek Solar facility will have a positive economic impact on the region.

Existence of Other Generating Facilities

Clover Creek Solar indicated that there are no existing facilities near the proposed site that generate electricity.¹⁰⁰ Clover Creek Solar stated that the Project was sited in a location with proximity to an existing transmission infrastructure and electrical

⁹⁶ HVT of the March 20, 2025 hearing, Jesse Eick Testimony at 10:55.

⁹⁷ Application, Exhibit G at 13.

⁹⁸ BBC Report, Section C at 54.

⁹⁹ BBC Report, Section C at 54-55.

¹⁰⁰ Application at 10.

substation.¹⁰¹ The onsite substation will interconnect into the existing New Hardinsburg Substation owned by BREC by an approximate 460 feet long, nonregulated transmission line.¹⁰²

Local Planning and Zoning Requirements

Breckinridge County does not have planning and zoning.¹⁰³ However, Breckinridge County Fiscal Court has enacted zoning ordinances regulating solar facilities.¹⁰⁴ Clover Creek Solar stated that the Project is designed to comply with the setback requirements enacted on June 27, 2022.¹⁰⁵

Impact on Transmission System

The project is located within the territory of the Midcontinent Independent System Operator, Inc. (MISO). The project includes a 161kV nonregulated transmission line that will connect to project to the New Hardinsburg Substation.¹⁰⁶ The gen-tie will be approximately 460 feet in length and will be located entirely within the project's footprint and will be constructed by Clover Creek Solar.¹⁰⁷ MISO has completed a Feasibility Study, System Impact Study, Affected Systems Study and Facilities Study.¹⁰⁸ This project has entered into a large interconnection agreement between MISO and Big Rivers

¹⁰¹ Application at 10.

¹⁰² Application, Exhibit I, SAR at 5,

¹⁰³ Notice of Intent filed on Aug. 13, 2024 at 2.

¹⁰⁴ Notice of Intent filed on (Aug. 13, 2024).

¹⁰⁵ Notice of Intent filed on (Aug. 13, 2024) at 2.

¹⁰⁶ Application at 3.

¹⁰⁷ Application at 6.

¹⁰⁸ HVT of the March 20, 2025 hearing, Jesse Eick Testimony (Eick Testimony) at 10:52:00–10:53:09.

Electric.¹⁰⁹ A purchase power agreement has been executed.¹¹⁰ BREC will be responsible for any additional transmission equipment located within the switchyard for the Project.¹¹¹

Based upon the case record, the Siting Board finds that Clover Creek Solar has satisfied the requirements of KRS 278.710(f) and that the additional load imposed upon the electricity transmission system by the generation of electricity at Clover Creek Solar's facility will not adversely affect the reliability of service for retail customers of electric utilities regulated by the Kentucky Public Service Commission. This finding is based upon Clover Creek Solar's commitment to the interconnection process and protocols consistent with the requirements of KRS 278.212.

Compliance with Setback Requirements

Breckinridge County does not have planning or zoning. However, Breckinridge County Fiscal Court had adopted Ordinance 2022-032 which contains local requirements for solar facilities.¹¹² Ordinance 2022-032 required solar facility components to be set back at least 50 feet from the perimeter property lines and at least a 300-foot setback from any residential structure, nursing home, church or school.¹¹³ The notice of intent and the application stated that the Project was designed to comply with these setbacks.¹¹⁴ On February 17, 2025, Breckinridge Fiscal Court passed Ordinance 2025-0121, which

¹⁰⁹ HVT of the March 20, 2025 hearing, Jesse Eick Testimony (Eick Testimony) at 10:52:00–10:53:09

¹¹⁰ HVT of the March 20, 2025 hearing, Jesse Eick Testimony (Eick Testimony) at 10:53:34–10:55:00

¹¹¹ Application at 6.

¹¹² Clover Creek Solar's Post Hearing Brief, Exhibit 1 (filed on Mar. 27, 2025).

¹¹³ Clover Creek Solar's Post Hearing Brief, Exhibit 1 (filed on (Mar. 27, 2025).

¹¹⁴ Notice of Intent at 2 (filed on Aug. 13, 2024) and Application at 8 (filed on Nov. 1, 2024).

repealed and replaced Ordinance 2022-032.¹¹⁵ Ordinance 2025-0121 provides for a setback of 1,000 feet from any non-participating property line, 1,000 feet from any right of way and no less than 2,000 feet from any church, school, hospital or residential building or any incorporated city limit.¹¹⁶ .

Clover Creek Solar requested a deviation from the setback requirements in KRS 278.706(2)(e) and at the time the motion was filed, the 2025 Ordinance was not in effect.¹¹⁷ Clover Creek Solar requested approval to place generating equipment no closer than 800 feet from the nearest residential neighborhood, place inverters no closer than 1,500 feet, and place the substation no closer than 350 feet from the nearest residential neighborhood.¹¹⁸ Clover Creek Solar argued that Ordinance 2022-032 did not define a “solar energy system” in a manner that would include the Project or contain any process or procedure for review and approval of a solar energy system site plan.¹¹⁹ In its motion, Clover Creek Solar stated that there are two residential neighborhoods within 2,000 feet of the project boundaries.¹²⁰ Clover Creek Solar argued that the Siting Board should grant the deviation because the proposed mitigation measures will protect the residents in the neighborhoods from any adverse impacts that could result from the generating equipment being located closer than 2,000 feet.¹²¹

¹¹⁵ Clover Creek Solar’s Post Hearing Brief, Exhibit 2 (filed on Mar. 27, 2025).

¹¹⁶ Clover Creek Solar’s Post Hearing Brief, Exhibit 2.

¹¹⁷ Clover Creek Solar’s Motion for Deviation from Setback Requirements (Motion for Deviation) (filed on Feb. 4, 2025).

¹¹⁸ Motion For Deviation at 1.

¹¹⁹ Motion for Deviation at 2.

¹²⁰ Motion for Deviation at 3.

¹²¹ Motion for Deviation at 12.

In Clover Creek Solar's Post Hearing Brief, it argued that the Breckinridge Fiscal Court did not have the authority to enact Ordinance 2022-032 or Ordinance 2025-0121.¹²² In addition, regarding the 2022 Ordinance, Clover Creek Solar stated that it was "impossible to discern any applicable definition of a solar energy system and how any definition may apply to the Project."¹²³

KRS 278.706(2)(e) requires that all proposed structures or facilities used for generation of electricity must be 2,000 feet from any residential neighborhood, school, hospital, or nursing home facility. KRS 278.700(6) defines "residential neighborhood" as a populated area of five or more acres containing at least one residential structure per acre.¹²⁴ KRS 278.704(4) authorizes the Siting Board to grant a deviation from the setback requirements in KRS 278.706(2)(e), if requested.¹²⁵ The Project will be within 2,000 feet of any residential neighborhood, school hospital, or nursing home facility.¹²⁶ KRS 278.718 provides an ordinance, permit, or license issued by a local government shall have primacy over the provisions and requirements of KRS 278.700, KRS 278.704, KRS 278.706, and KRS 278.708, and any conflict between an order of the board and a local ordinance, permit, or license shall be resolved in favor of the local government's ordinance, permit, or license.

The Siting Board finds that Breckinridge County had a local ordinance at the time the application was filed; however, the 2025 Ordinance repealed and replaced the 2022

¹²² Motion for Deviation at 7.

¹²³ Application at 7.

¹²⁴ KRS 278.700(6)

¹²⁵ KRS 278.704(4)

¹²⁶ Application at 9.

Ordinance. As such, there is no applicable ordinance to this project. With no applicable ordinance, KRS 278.706(2) does apply because there are two residential neighborhoods within 2,000 feet of the proposed project.

Of the two residential neighborhoods, Lake Ridge neighborhood is the closest.¹²⁷ The project's fencing is proposed to be 1,044 feet from the closest residence in Lake Ridge neighborhood.¹²⁸ The closest solar panel is proposed to be 1,122 feet from the closest residence in Lake Ridge neighborhood.¹²⁹ Lake Ridge neighborhood is the closest neighborhood to the project's inverters.¹³⁰ The closest inverter is 1,779 feet from the closest home in Lake Ridge neighborhood.¹³¹ Quail Run Lane neighborhood is 350 feet from the project's substation.¹³²

KRS 278.710 gives the Siting Board the authority to require "the board may require the implementation of any mitigation measures that the board deems appropriate."¹³³ The Siting Board finds that the motion for deviation filed in this case should be granted. The Siting Board also approves a distance of 800 feet between any solar panel or string inverter and any residential neighborhood and 100 feet from any exterior property line. Due to the proximity of the existing BREC Substation to the closest residence, the Siting Board approves a distance of 350 feet between the substation and the nearest residence

¹²⁷ Clover Creek's Response to Staff's Post-Hearing Request, Item 9.

¹²⁸ Clover Creek's Response to Staff's Post-Hearing Request, Item 9.

¹²⁹ Clover Creek's Response to Staff's Post-Hearing Request, Item 9.

¹³⁰ Clover Creek's Response to Staff's Post-Hearing Request, Item 9.

¹³¹ Clover Creek's Response to Staff's Post-Hearing Request, Item 9.

¹³² Motion for Deviation at 3.

¹³³ KRS 278.708 (6).

which is in the statutorily defined residential neighborhood of Quail Run Lane. This deviation results in an overall 350-foot setback from the substation to the nearest residential neighborhood, but it should not be interpreted to allow for any change in the site plan except as approved by the Siting Board.

The Siting Board finds that Clover Creek Solar shall not place solar panels or string inverters, if used, closer than 800 feet from any residence, church, or school, 100 feet from non-participating adjoining parcels and 50 feet from adjacent roadways. Clover Creek Solar shall not place a central inverter, and if used energy storage systems, closer than 450 feet from any adjacent residences, church, or school. Exceptions to these setbacks for participating landowners are included in Appendix A.

The Siting Board finds, given the totality of the mitigation measures proposed by Clover Creek Solar, the nature of the surrounding property, and the mitigation measures the Siting Board has imposed in Appendix A, the statutory purposes are met by the project. The Siting Board grants a deviation from the statutory setbacks as to residences and residential neighborhoods as set forth in Appendix A to this Order. Exceptions to these setback requirements for participating landowners and easement holders are included in Appendix A, mitigation measure 20.

History of Environmental Compliance

In the application, Clover Creek Solar stated that neither it, nor anyone with an ownership interest in it, has violated any environmental laws, rules, or administrative

regulations that resulted in criminal confiscation, or a fine greater than \$5,000.¹³⁴ Further, Clover Creek Solar is not the subject of any pending judicial or administrative actions.¹³⁵

Transfer of Ownership

Solar developments are often sold to other companies during the planning, construction, and operation of projects. When a construction certificate for a solar facility is sought, the Project and the developers are thoroughly evaluated to ensure that the Project will comply with all statutory and regulatory requirements. After review, the construction certificate is conditionally granted on the condition of full compliance with all mitigation measures, some of which continue into the operation of the project. As noted in the preceding section, the Siting Board not only reviews the history and abilities of the Person¹³⁶ seeking the certificate, but also the entities that have an ownership interest in the Project. Here, Clover Creek Solar has no resources or employees of its own, and instead depends on the resources and employees of affiliates or entities with an ownership interest in it. EDP Renewables North America will employ the persons responsible for compliance with the construction certificate during construction and the persons responsible for the continued compliance during operations.¹³⁷ Without EDP Renewables North America, Clover Creek Solar would not have the managerial, technical, or financial capability necessary to construct or operate the facility, nor to comply with the conditions required herein. As such, the Siting Board will require approval

¹³⁴ Application at 12.

¹³⁵ Application at 12.

¹³⁶ KRS 278.700(3) defines a person as any individual, corporation, public corporation, political subdivision, governmental agency, municipality, partnership, cooperative association, trust, estate, two (2) or more persons having a joint or common interest, or any other entity.

¹³⁷ Response to Staff's Second Request, Item 19.

of the transfer of ownership or control of Clover Creek Solar, the person seeking and being granted, with conditions, the construction certificate in this matter. Without knowledge of who is providing the resources and employees to Clover Creek Solar to ensure ongoing compliance with the measures required herein, there is no way to ensure the requirements are adhered to throughout the life of the Project. To be clear, this condition does not apply to the actual transfer of the facility, but rather the transfer of ownership or control of the person holding the certificate to construct. The measures related to the transfer of ownership or control of the person holding the construction certificate are set forth more fully in Appendix A, mitigation measure 30.

Decommissioning

Clover Creek Solar submitted a decommissioning plan with the application.¹³⁸ The decommissioning plan outlines the removal of underground components to the depth of three feet including underground wiring and conduits.¹³⁹ Clover Creek Solar indicated it will secure a bond to assure financial performance of the decommissioning obligation.¹⁴⁰

The Siting Board finds that Clover Creek Solar must return the land to its original use, to the extent possible, at the end of the Project's life. Returning the land back to its original state and use after decades of operation is an important part of the Siting Board's finding regarding the impact of the facilities on scenic surroundings, property values, and the economy. The relatively "temporary" nature of the facilities compared to other types of more permanent development, such as thermal merchant generation facilities,

¹³⁸ Application, Exhibit J.

¹³⁹ Application at 13 and Exhibit J at 4.

¹⁴⁰ Application, Exhibit F at 10.

industrial operations, or housing, is a prime consideration of the Siting Board in granting a certificate, with conditions, in this matter. An inability or unwillingness to return the land back to its prior state after the life of the facility, including leaving underground facilities in excess of three feet, increases the permanence of the facility. As such, the Siting Board requires the removal of all components above and below ground. Removal of all underground components and regrading or recompacting the soil for later use will mitigate any damage to the land, thus returning the land to a state that provides at least as great of an economic impact as it does today. The Siting Board will also require additional mitigation measures related to decommissioning, which are outlined in Appendix A to this Order, mitigation measures 31 through 34.

III. Requirements under KRS 278.714

Clover Creek Solar also filed an application for a nonregulated transmission line pursuant to KRS 278.714.¹⁴¹ KRS 278.714(2) directs the Siting Board to consider the following criteria in considering an application for the construction of the unregulated transmission line as proposed by Clover Creek Solar:

- Location of proposed line and structures to support it;
- Proposed right-of-way limits;
- Existing property lines that will be crossed and names of owners;
- Distance from neighborhoods, schools, public and private parks;
- Voltages and capacities;
- Length of line;
- Terminal points;
- Substation connections; and
- Statement of compliance for construction and maintenance with engineering practices and the NESC.

¹⁴¹ Application of Clover Creek Solar Project LLC D/B/A New Frontiers Solar Park for a Certificate of Construction for an Approximately 100 Megawatt Solar Generating Facility and Nonregulated Electric Transmission Line in Breckinridge County, Pursuant to KRS 278.700 and 807 KAR 5:110 (filed on Nov.1, 2024).

Full Description of the Proposed Route of Transmission Line

Clover Creek Solar proposes to construct a non-regulated electric transmission line which will connect the Project's on-site substation to the pre-existing New Hardinsburg Substation, owned and operated by BREC.¹⁴² The proposed transmission line will be located entirely within the Project footprint.¹⁴³ The transmission line will be maintained within in a 50 foot right-of-way.¹⁴⁴ The proposed right of way will be within a single parcel that is owned by BREC.¹⁴⁵ The transmission line will be approximately 430 feet from the nearest participating residential structure and approximately 480 feet from the nearest nonresidential structure.¹⁴⁶

Clover Creek Solar has filed several maps for the proposed transmission line route.¹⁴⁷ Clover Creek Solar filed a map that includes the property boundaries, by property parcel, that will be affected by the transmission line as well as the name of the property owners that will be affected by the transmission line.¹⁴⁸ Clover Creek Solar also submitted a map showing the proposed electric transmission line of rights-of-way.¹⁴⁹

¹⁴² Application at 3.

¹⁴³ Application at 6.

¹⁴⁴ Application at 3.

¹⁴⁵ Application at 3.

¹⁴⁶ Application at 3.

¹⁴⁷ Clover Creek Solar's Response to Post-Hearing Request, Item 6.

¹⁴⁸ Application, Exhibit B.

¹⁴⁹ Application, Exhibit B and Clover Creek's Response to Staff's Request, Item 49.

Clover Creek Solar stated the proposed transmission route is the shortest and least impactful transmission route to interconnect the Project to the BREC Hardinsburg substation.¹⁵⁰

The Siting Board finds additional requirements are necessary to ensure protections exist in the case the transmission route is different than the route supported by the record of this matter. This will be set forth more fully in Appendix A at mitigation measure 37.

Detailed Description of the Proposed Transmission Line and Appurtenances

KRS 278.714(2)(c) states that a full description of the proposed electric transmission line and appurtenances is required, including the following: initial and design voltages and capacities; length of the line; terminal points; and substation connections.

The total length of the proposed line is 500 feet.¹⁵¹ The nonregulated transmission line will have a voltage of 161 kV and will have a right of way of 50 feet from the centerline in each direction.¹⁵² The 161kV line will tie into the existing A-Frame structure at the Ring Bus within the BREC's utility substation.¹⁵³

It is anticipated that the transmission line poles, and substation components will not exceed 100 feet above ground grade.¹⁵⁴ Clover Creek Solar has included sketches of the proposed typical transmission line and support structure.¹⁵⁵

¹⁵⁰ Clover Creek Solar's Response to Staff's First Request, Item 47.

¹⁵¹ Application at 3.

¹⁵² Application at 3.

¹⁵³ Application at 3.

¹⁵⁴ Application at 6.

¹⁵⁵ Clover Creek Solar's Response to Staff's First Request, Item 46.

The Siting Board finds additional requirements are necessary to ensure protections exist in the case the transmission route is different than the route submitted in the record of this matter. The mitigation measures are set forth more fully in Appendix A to this Order, specifically mitigation measures 36–38.

Compliance with National Electrical Safety Code (NESC)

KRS 278.714(2)(d) requires that the Applicant provide a statement that the proposed electric transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the NESC. Clover Creek Solar confirmed that the proposed electric transmission line would be built and maintained in accordance with accepted engineering practices and the NESC.¹⁵⁶

Requirements under KRS 278.714(3)

The Siting Board is also tasked with examining additional criteria in rendering its decision regarding construction of the proposed transmission line as discussed below.

Scenic Impact

For the proposed non-regulated transmission line, the project features under consideration for scenic compatibility include the proposed towers to support the transmission line, and the approximately 460-foot route of the transmission line from the Project's substation location within the proposed Clover Creek Solar's solar generating facility to New Hardinsburg Substation.

Clover Creek Solar stated that the proposed route of the electric transmission line will not significantly alter the existing viewshed due to the rolling topography, existing

¹⁵⁶ Application at 4.

vegetation, and the presence of other existing transmission lines and the existing BREC's substation which is considerably larger than the proposed substation.¹⁵⁷

Clover Creek Solar stated that the proposed route of the transmission line will minimize significant adverse impact to the scenic assets of Kentucky, and it will construct and maintain the line according to all applicable legal requirements.

The Siting Board finds that Clover Creek Solar should discuss potential screening plan agreements with landowners leasing or selling land for easements to Clover Creek Solar for the transmission line to determine any screening strategies that might mitigate and reduce the visual impact to the affected residences and continue to address complaints through construction phase of the transmission line.

Compliance with all Legal Requirements

KRS 278.714(3) frames the decision to be made by the Siting Board for proposed non-regulated transmission lines:

Action to grant the certificate shall be based on the board's determination that the proposed route of the line will minimize significant adverse impact on the scenic assets of Kentucky and that the Applicant will construct and maintain the line according to all applicable legal requirements. In addition, the board may consider the interstate benefits expected to be achieved by the proposed construction or modification of electric transmission facilities in the Commonwealth. If the board determines that locating the transmission line will result in significant degradation of scenic factors or if the board determines that the construction and maintenance of the line will be in violation of applicable legal requirements, the board may deny the application or condition the application's approval upon relocation of the route of the line, or changes in design or configuration of the line.

¹⁵⁷ Clover Creek Solar's Response to Staff's Request to Second Item 13.

As previously discussed, the Siting Board finds that overall, the proposed transmission line would not have a significant adverse impact on the scenic assets of Breckinridge County, Kentucky. Clover Creek Solar has complied, to date, with all applicable conditions relating to electrical interconnection with utilities by following MISO's interconnection process. The Siting Board finds that Clover Creek Solar's proposed transmission line meets the requirements of KRS 278.714(3), subject to the mitigation measures and conditions imposed in this Order attached as Appendix A to this Order.

Based upon the case record, the Siting Board finds Clover Creek Solar's application for a construction certificate for a non-regulated transmission line should be approved. The transmission line will have minimal effects on the scenic surroundings and Clover Creek Solar has stated it will abide by the NESC in the construction and operation of the transmission line. The Siting Board conditions its approval upon fully implementing all mitigation measures and other requirements described herein and listed in Appendix A to the Order.

CONCLUSION

After carefully considering the criteria outlined in KRS Chapter 278, the Siting Board finds that Clover Creek Solar has presented sufficient evidence to support the issuance of a construction certificate to construct the proposed merchant generation facility and nonregulated electric transmission line. The Siting Board conditions its approval upon the full implementation of all mitigation measures and other requirements described herein and listed in Appendix A to this Order. A map showing the location of the proposed merchant generating facility is attached hereto as Appendix B.

IT IS THEREFORE ORDERED that:

1. Clover Creek Solar's application for a Construction Certificate to construct an approximately 100 MW merchant solar electric generating facility in Breckinridge County, Kentucky, and an approximately 460-foot, non-regulated electric transmission line is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A to this Order.

2. Clover Creek Solar's motion for deviation from the setback requirements in KRS 278.704(2) is granted. Clover Creek Solar shall comply with the setbacks prescribed in the mitigation measures in Appendix A to this Order.

3. Clover Creek Solar's request to amend its site plan is denied.

4. Clover Creek Solar shall fully comply with the mitigation measures and conditions prescribed in Appendix A to this Order.

5. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A to this Order, the measures in Appendix A shall control.

6. This case is closed and removed from the Siting Board's docket.

KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



Chair, Public Service Commission

Vice Chairman, Public Service Commission



Commissioner, Public Service Commission



Secretary, Energy and Environment Cabinet,
or her designee



Secretary, Cabinet for Economic Development,
or his designee



Maurice Lucas, ad hoc member

by ALT
w/ permission

ATTEST:



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



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE NO. 2024-00253 DATED MAY 02 2025

MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Clover Creek Solar Project, LLC d/b/a New Frontiers Solar Park, (Clover Creek Solar) to ensure that the facilities proposed in this proceeding are constructed as ordered.

1. A final site layout plan shall be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layout should be clearly indicated on the revised graphic. Those changes could include, but are not limited to, location of solar panels, inverters, transformers, substation, operation and maintenance building, transmission line route, or other Project facilities and infrastructure. As noted in ordering paragraph three any parcels not specifically approved in this site plan added to the project would require approval from the Siting Board.

2. Any change in the Project boundaries from the information that formed this evaluation shall be submitted to the Siting Board for review.

3. The Siting Board will determine whether any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts.

4. Clover Creek Solar shall provide the date that construction will commence to the Siting Board and the EEC, Division of Waste Management 30 days prior to the commencement of construction of the Project.

5. Clover Creek Solar shall submit a status report to the Siting Board every six months until the project begins generating electricity to update the Siting Board on the

progress of the Project. The report shall reference this case number and be filed in post-case correspondence in this case.

6. Clover Creek Solar shall comply with all requirements in KRS 278.710 for monitoring by EEC.

7. Prior to construction, Clover Creek Solar shall provide a finalized Emergency Response Plan to the local fire district, first responders, and any county emergency management agency. Clover Creek Solar shall provide site-specific training for local emergency responders at their request. Access for fire and emergency units shall be set up after consultation with local authorities.

8. Clover Creek Solar or its contractor will control access to the site during construction and operation. All construction entrances will be gated and locked when not in use.

9. Clover Creek Solar's access control strategy shall also include appropriate signage to warn potential trespassers. Clover Creek Solar must ensure that all site entrances and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners.

10. The security fence must be installed prior to activation of any electrical installation work in accordance with National Electrical Safety Code (NESC) standards. The substation shall have its own separate security fence and locked access installed in accordance with NESC standards.

11. Existing vegetation between solar arrays and nearby roadways and homes shall be left in place to the extent feasible to help minimize visual impacts and screen the Project from nearby homeowners and travelers. Clover Creek Solar will not remove any

existing vegetation except to the extent it must remove such vegetation for the construction and operation of Project components.

12. If any components of the facility are visible to neighboring homes after construction, Clover Creek Solar shall assess the feasibility of a screening plan, including consulting neighbors to determine whether there are adverse impacts to their viewshed. If a screening plan is considered, regardless of whether it is ultimately implemented, notice of such consideration shall be filed with the Siting Board.

13. To the extent that an affected adjacent property owner indicates Clover Creek Solar that a visual buffer is not necessary, Clover Creek Solar will obtain that property owner's written consent and submit that consent, in writing, to the Siting Board.

14. Clover Creek Solar shall implement planting of native evergreen species as a visual buffer to mitigate visual viewshed impacts, in areas where those viewshed impacts occur from residences or roadways directly adjacent to the Project and there is not adequate existing vegetation. If it is not adequate, then vegetation six feet thick reaching 10 feet high at maturity (in four years) will be added by Clover Creek Solar between Project infrastructure and residences, or other occupied structures, with a line of sight to the facility to the reasonable satisfaction of the affected adjacent property owners. Planting of vegetative buffers may be done over the construction period; however, Clover Creek Solar should prioritize vegetative planting at all periods of construction to reduce viewshed impacts. All planting shall be done prior to the operation of the facility.

15. Clover Creek Solar shall cultivate at least two acres of native, pollinator-friendly species onsite.

16. Clover Creek Solar shall carry out visual screening consistent with the plan proposed in its application, SAR, and the maps included, and ensure that the proposed new vegetative buffers are successfully established and developed as expected over time. Should vegetation used as buffers die over time, Clover Creek Solar shall replace plantings, as necessary.

17. Clover Creek Solar is required to limit construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. local time, Monday through Saturday. The Siting Board directs that construction activities that create a higher level of noise, such as pile-driving, will be limited to 9 a.m. to 5 p.m. local time, Monday through Friday. Non-noise causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m. local time, Monday through Sunday, including field visits, arrival, departure, planning, meetings, mowing, surveying, etc.

18. If the pile-driving activity occurs within 1,500 feet of a noise-sensitive receptor, Clover Creek Solar 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). Clover Creek Solar can forego using noise suppression measures if it employs a panel installation method that does not use pile driving, so long as that method does not create noise levels similar to pile driving.

19. Clover Creek Solar shall notify residents and businesses within 2,400 feet of the Project boundary about the construction plan, the noise potential, any mitigation plans, and its Complaint Resolution Program referred to in Item 35 of this Appendix, at least one month prior to the start of construction.

20. Clover Creek Solar shall place panels, inverters, and substation equipment consistent with the distances to noise receptors to which it has committed in its maps and site plans. The Siting Board approves Clover Creek Solar's proposed setback from residences of 800 feet from any panel or string inverter. The Siting Board also approves a distance of 800 feet between any solar panel or string inverter and 350 feet between any residential neighborhood as set forth in this order and 100 feet from any exterior property line. The Siting Board also approves the distance of 350 feet between the substation and the nearest residential neighborhood. Clover Creek Solar shall not place solar panels or string inverters, if used, closer than 800 feet from a residence, church, or school, 100 feet from non-participating adjoining parcels, or 50 feet from adjacent roadways. Clover Creek Solar shall not place a central inverter, and if used, energy storage systems, closer than 450 feet from any adjacent residences, church, or school. These further 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 include language advising the participating landowners of the setbacks otherwise required herein. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of the Project.

21. Clover Creek Solar shall fix or pay for repairs for damage to roads and bridges resulting from any vehicle transport to the site. For damage resulting from vehicle transport in accordance with all permits, those permits will control.

22. Clover Creek Solar shall comply with all laws and regulations regarding the use of roadways.

23. Clover Creek Solar shall implement ridesharing between construction workers when feasible, use appropriate traffic controls, or allow flexible working hours outside of peak hours to minimize any potential traffic delays during a.m. and p.m. peak hours.

24. Clover Creek Solar shall consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

25. Clover Creek Solar shall consult with the Breckinridge County Road Department (BCRD) regarding truck and other construction traffic and obtain any necessary permits from the BCRD.

26. Clover Creek Solar shall develop special plans and obtain necessary permits before transporting heavy loads, especially the substation transformer, onto state or county roads.

27. Clover Creek Solar shall comply with any road use agreement executed with BCRD. Such an agreement might include special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

28. Clover Creek Solar shall develop and implement a traffic management plan to minimize the impact on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any traffic-related noise concerns during the construction phase and develop measures that would address those noise concerns.

29. Clover Creek Solar shall properly maintain construction equipment and follow best management practices related to fugitive dust throughout the construction

process, including the use of water trucks. Dust impacts shall be kept at a minimal level. The Siting Board requires Clover Creek Solar's compliance with 401 KAR 63:010.

30. If any person as defined by KRS 278.700(3) shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Clover Creek Solar or its successors or assigns shall request explicit approval from the Siting Board with notice of the request provided to the Breckinridge County Fiscal Court. In any application requesting such abandonment, sale, or change of control, Clover Creek Solar shall certify its compliance with KRS 278.710(1)(i).

31. As applicable to individual lease agreements, Clover Creek Solar, its successors, or assigns will abide by the specific land restoration commitments agreed to by individual property owners as described in each executed lease agreement.

32. Clover Creek Solar filed a complete and explicit decommissioning plan with the Siting Board. If this decommissioning plan should change, Clover Creek Solar shall submit an updated decommissioning plan pursuant to KRS 278.710(8).

33. Clover Creek Solar or its assigns shall provide notice to the Siting Board if, during any two-year (730 days) period, it replaces more than 20 percent of its facilities. Clover Creek Solar shall commit to removing the debris and replaced facility components from the Project site and from Breckinridge County upon replacement. If the replaced components are properly disposed of at a permitted facility, they do not have to be physically removed from Breckinridge County. However, if the replaced facility components remain in the county, Clover Creek Solar must inform the Siting Board of the location where the components are being disposed.

34. Any disposal or recycling of Project equipment, during operations or decommissioning, shall be done in accordance with applicable laws and requirements.

35. Prior to construction, Clover Creek Solar shall initiate and maintain the Complaint Resolution Program provided to the Siting Board in the case record to address any complaints from community members. The Complaint Resolution Program shall be published on the Project's website so that residents can be able to contact a representative of Clover Creek Solar to address any complaints that may arise. Clover Creek Solar shall also submit to the Siting Board, annually from the date the project construction begins, a status report associated with its Complaint Resolution Program, providing, among other things, the individual complaints, how Clover Creek Solar addressed those complaints, and the ultimate resolution of those complaints, identifying whether the resolution was to the complainant's satisfaction. Once the project has commenced electric generation, within 30 days after that date, Clover Creek Solar shall file a final report for any unreported period.

36. Clover Creek Solar shall provide to the Breckinridge County Fiscal Court the contact information for individuals within the company that can be contacted with concerns. This shall include contact information for the general public to reach individuals that can address their concerns. Clover Creek Solar shall update this contact information yearly, or within 30 days of any change in contact information.

37. Clover Creek Solar shall adhere to the proposed transmission route presented in the application. Should Clover Creek Solar find it necessary to include any parcel of land not included in this response in order to finalize the route of the proposed

transmission line, Clover Creek Solar shall return to the Siting Board to request an amendment to the location of the transmission line or right-of-way.

38. In order to minimize the impacts provided for in KRS 278.714(3), Clover Creek Solar shall submit a final layout of the transmission line and make all reasonable efforts to minimize a new right of way and instead try to co-locate with any current transmission facilities.

39. Clover Creek Solar shall discuss potential screening plan agreements with the landowners leasing land to Clover Creek Solar for the transmission line to determine if any screening strategies that might mitigate and reduce the visual impact to the affected residences and continue to address complaints through the construction phase of the transmission line.

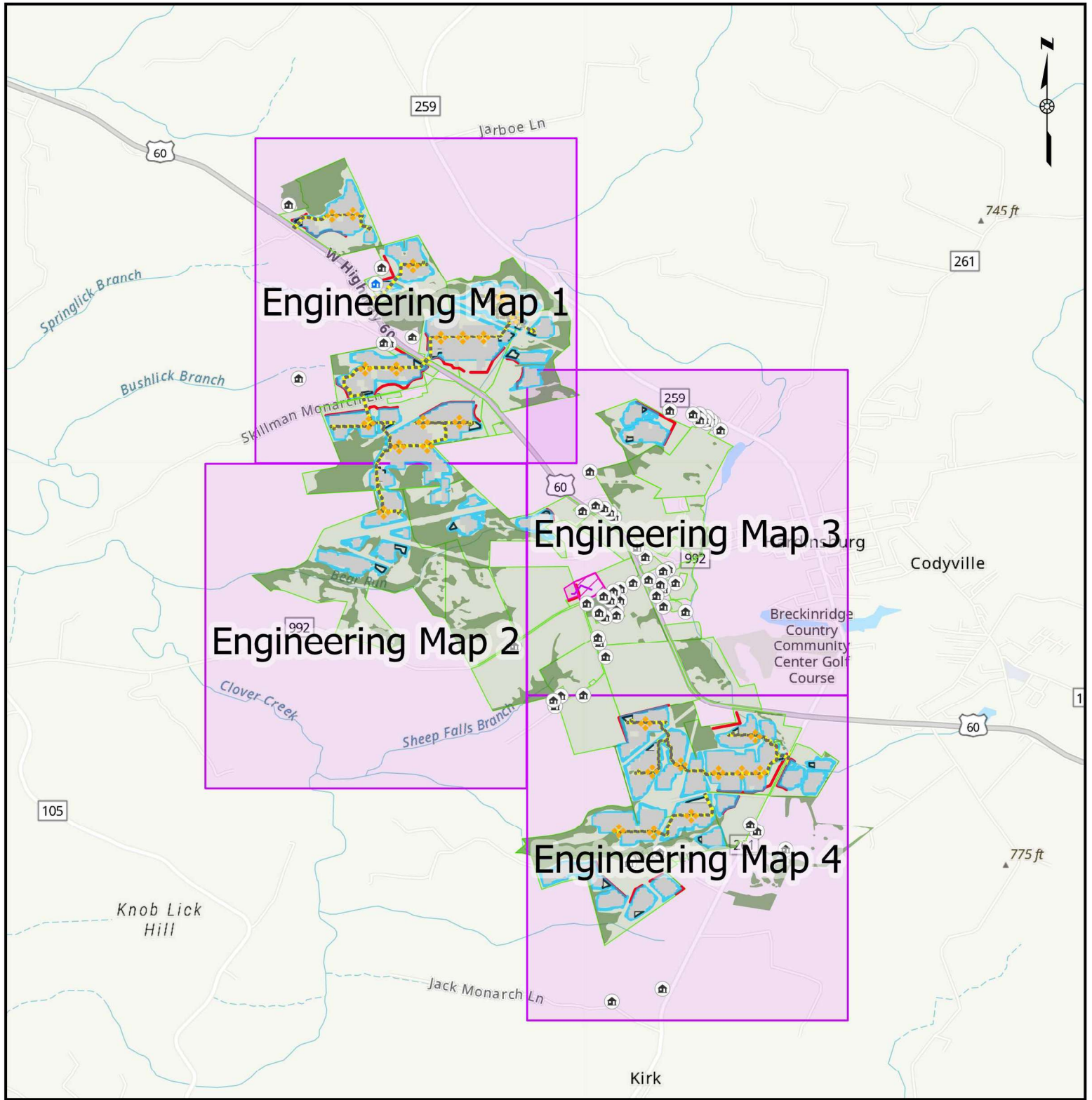
40. The Siting Board can reconvene to enforce any of the above mitigation measures until the generation of electricity commences.

41. Within 30 days of service of this Order, Clover Creek Solar shall send a copy of this Order to all the adjoining landowners who previously were required to receive notice of this Project.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING IN
CASE NO. 2024-00253 DATED MAY 02 2025

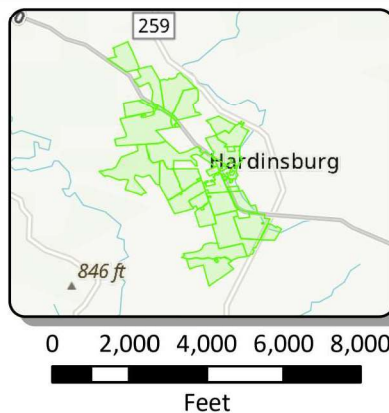
FIVE PAGES TO FOLLOW



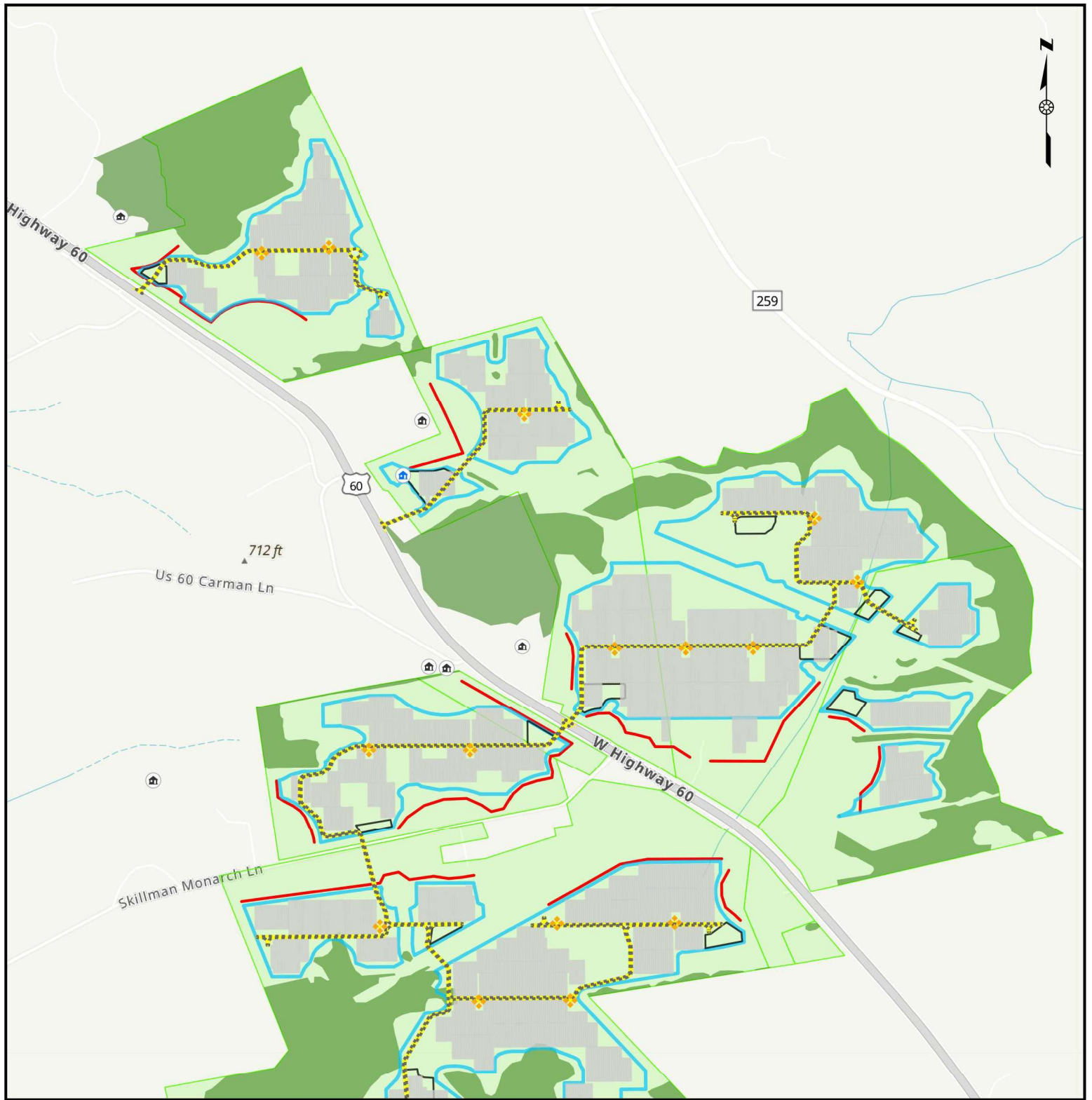
**Clover Creek Solar
dba
New Frontiers Solar**

Date: 1/10/2025

Engineering Map Whole Project



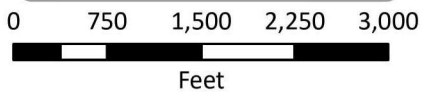
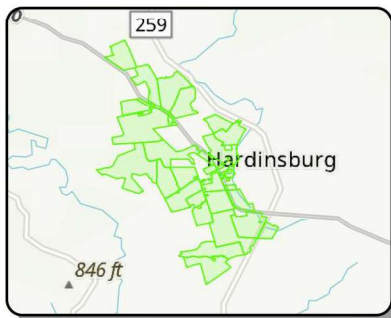
- Project Boundary
- Solar Panel
- Transmission Line
- Laydown Yard
- Access Road
- Fence
- Project Substation
- BREC Substation
- Neighbor House
- Proposed Vegetative Buffer
- Existing Vegetative Buffer
- ◆ Inverter
- Operations & Maintenance Building



**Clover Creek Solar
dba
New Frontiers Solar**

Date: 1/10/2025

Engineering Map 1



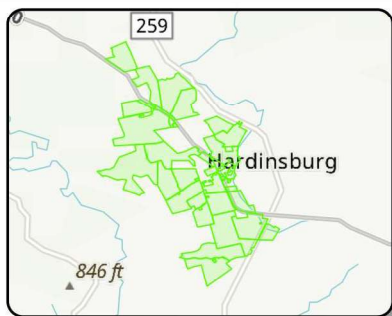
- Project Boundary
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- Existing Vegetative Buffer
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Clover Creek Solar
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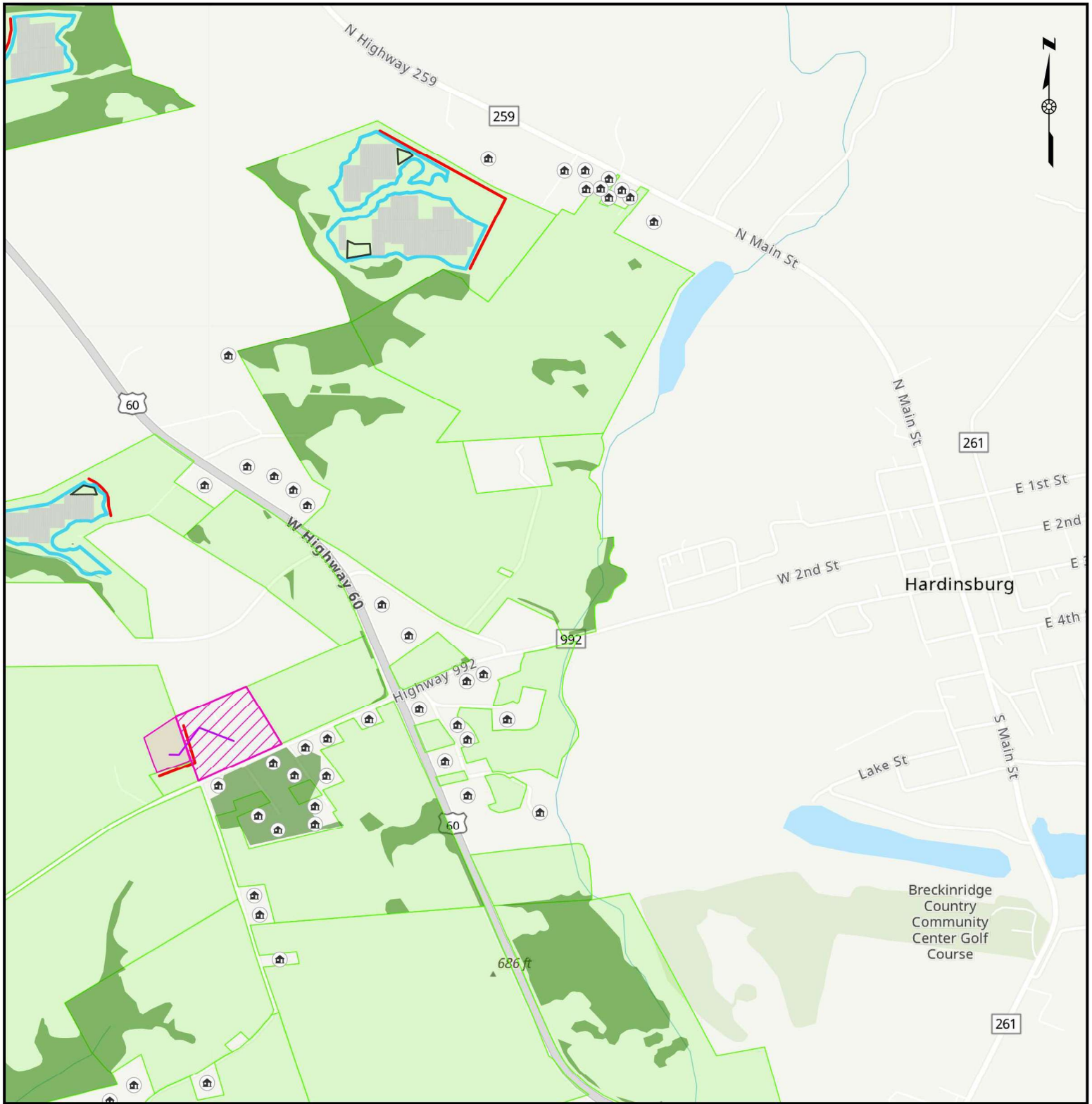
Date: 1/10/2025

Engineering Map 2



0 750 1,500 2,250 3,000
Feet

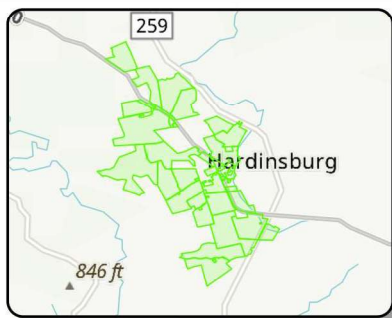
- Project Boundary
- Solar Panel
- Transmission Line
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- Neighbor House
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- Existing Vegetative Buffer
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- Operations & Maintenance Building



Clover Creek Solar
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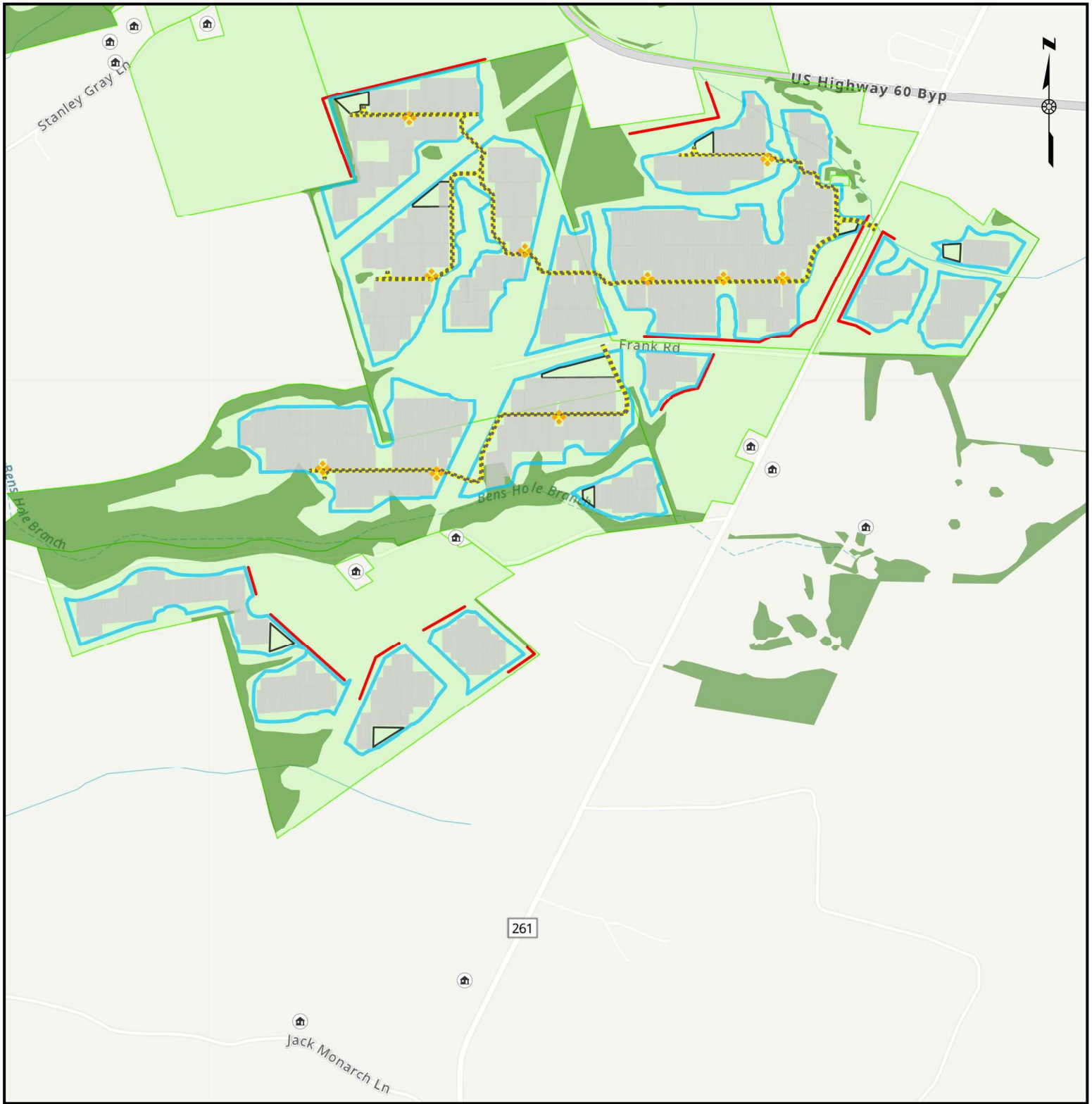
Date: 1/10/2025

Engineering Map 3



0 750 1,500 2,250 3,000
Feet

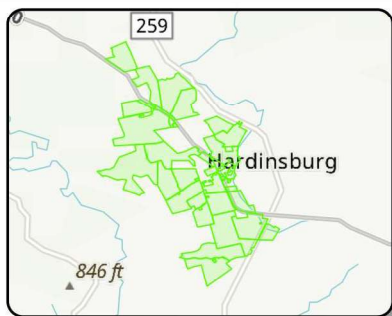
- Project Boundary
- Solar Panel
- Transmission Line
- Laydown Yard
- Access Road
- Fence
- Project Substation
- BREC Substation
- Neighbor House
- Proposed Vegetative Buffer
- Existing Vegetative Buffer
- Inverter
- Operations & Maintenance Building



Clover Creek Solar
dba
New Frontiers Solar

Date: 1/10/2025

Engineering Map 4



- Project Boundary
- Solar Panel
- Transmission Line
- Laydown Yard
- - - Access Road
- Fence
- Project Substation
- BREC Substation
- Neighbor House
- Proposed Vegetative Buffer
- Existing Vegetative Buffer
- ◆ Inverter
- Operations & Maintenance Building

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