

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

In the Matter of:

ELECTRONIC APPLICATION OF SUMMER	)	
SHADE SOLAR, LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY	)	CASE NO.
106-MEGAWATT MERCHANT ELECTRIC SOLAR	)	2025-00064
GENERATING FACILITY IN METCALFE	)	
COUNTY, KENTUCKY PURSUANT TO	)	
KRS 278.700 AND 807 KAR 5:110	)	

ORDER

On April 29, 2025, Summer Shade Solar, LLC (Summer Shade) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) seeking a Construction Certificate to construct an approximately 106 megawatt ground-mounted solar photovoltaic electric generating facility (Project) comprising approximately 737 acres of land and an approximately 300-foot nonregulated transmission line in Metcalfe County, Kentucky.

There are no intervenors in this matter. Pursuant to a procedural schedule established on May 12, 2025, Summer Shade responded to two rounds of discovery.¹ A site visit was held on July 9, 2025. Siting Board consultant, BBC Research and Consulting (BBC) filed its report on August 14, 2025. Summer Shade submitted its response to the August 28, 2025. A formal hearing was held on September 9, 2025.

¹ Summer Shade's First Response to Siting Board Staff's First Request for Information (Siting Board Staff's First Request) (filed June 26, 2025); Summer Shade's Second Response to Siting Board Staff's Second Request for Information (Siting Board Staff's Second Request (filed on July 31, 2025).

Summer Shade filed a post hearing brief on September 16, 2025. Summer Shade filed its responses to post-hearing requests for information on September 16, 2025.² 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 Summer Shade 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 Summer Shade to minimize or avoid adverse effects identified in the SAR.

² Summer Shade's Response to Siting Board Staff's Post Hearing Request for Information (Siting Board's Post Hearing Request) (filed Sept. 16, 2025).

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 Summer Shade; and (8) whether the applicant has a good environmental compliance history.

PROPOSED FACILITY

The Project will be located on 737 acres near the community of Summer Shade in Metcalfe County, Kentucky.³ The project will include 269,055 photovoltaic solar panels,⁴ associated ground-mounted racking, 25 inverters, battery energy storage system (BESS),⁵ 24 BESS inverter stations.⁶ The equipment will connect via underground and overhead electrical wiring to an existing on site project substation owned by East Kentucky Power Cooperative (EKPC),⁷ using a nonregulated transmission line that will be less than 300 feet in length.⁸

³ Application (filed Apr. 29, 2025) at 4.

⁴ Application, Attachment G at 4.

⁵ Application, Attachment G at 4.

⁶ Application, Attachment G at 4.

⁷ Application at 4.

⁸ Summer Shade's Application to Construct Merchant Electric Generating Facility (filed Apr. 29, 2025).

DISCUSSION AND FINDINGS

I. KRS 278.708: SAR Filing Requirements and Mitigation Measures

Mitigation Measures Proposed by Summer Shade and Siting Board Consultant

As required by KRS 278.708(4), Summer Shade proposed various mitigation measures consistent with the statutes regarding traffic, noise, roadway preservation, permitting, setbacks, public safety, scenic preservation, and decommissioning.⁹

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.¹⁰ Summer Shade generally agreed with the mitigation measures recommended by BBC.¹¹

The Siting Board has reviewed the mitigation measures proposed by Summer Shade and BBC, and finds that, in addition to those Summer Shade 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.

⁹ Application, SAR at 9-12.

¹⁰ BBC Report (filed Aug. 14, 2025), Section B at 8-11.

¹¹ Summer Shade's Response to Consultants Report (filed Aug. 28, 2025) at 1.

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.

Summer Shade submitted the required SAR with its application.¹² The application contained a preliminary site plan,¹³ which was updated during the pendency of the proceedings.¹⁴ The site plan included the project boundary, existing roads, proposed access roads, proposed solar array areas, proposed transmission line, proposed substation location, proposed BESS location, existing transmission lines, proposed inverter location, proposed MV/DC cable locations, laydown areas, avoidance areas, proposed fence line, aerial imagery showing structure locations, existing vegetative buffers, and proposed vegetative screening.¹⁵ There are some old barns on the project site that will likely be demolished.¹⁶ Summer Shade estimates approximately 138 acres of tree clearing would be required to develop the project.¹⁷ No railways are present within

¹² Application, SAR.

¹³ Application, SAR, Appendix B.

¹⁴ Summer Shade's Notice of Filing Revised Site Plan (filed May 16, 2025).

¹⁵ Summer Shade's Notice of Filing Revised Site Plan.

¹⁶ Summer Shade's Response to Siting Board Staff's First Request, Item 20.

¹⁷ Summer Shade's Response to Siting Board Staff's Second Request, Item 17.

the proposed Project site.¹⁸ The legal boundaries of the proposed site are contained in the application.¹⁹

The decommissioning plan estimates that approximately 140,215 feet of cabling would be required for the solar infrastructure and 15,000 feet of cabling would be required for the BESS.²⁰ A fence meeting the National Electrical Safety Code (NESC) requirements, a six-foot wildlife fence, will enclose the solar panels and associated infrastructure.²¹ A separate fence will enclose the substation.²² The Project will comply with the NESC and American National Standards Institute (ANSI) Z535 Safety Sign Standards for Electric Utility Power Plants and Substations to guide the placement of safety signage around the facility.²³ All fencing will be installed according to NESC standards and will be installed prior to the commencement of any electrical work.²⁴ In addition, Summer Shade or its contractor will control access to the site during construction and operation.²⁵ All construction entrances will be gated and locked when not in use.²⁶ The SAR states that, if auxiliary electrical service is required, it will be sourced from local suppliers Farmers Rural Electric Cooperative Corporation or Tri-County Rural Electric

¹⁸ Application, SAR at 3.

¹⁹ Application, SAR, Appendix C.

²⁰ Summer Shade's Response to Siting Board Staff's First Request, Item 42.

²¹ Application, SAR at 2.

²² Application, SAR at 2.

²³ Application, SAR at 2.

²⁴ Summer Shade's Response to Siting Board Staff's First Request, Item 100.

²⁵ Application, SAR at 2.

²⁶ Application, SAR at 2.

Membership Corporation.²⁷ If water is required during project construction or operation, the applicant anticipates utilizing onsite groundwater wells or securing water trucked in by an offsite water supplier.²⁸ The generating capacity of the Project will be up to 106 megawatts (MW) alternating current (AC) with a 424 MW-hour (MWh) BESS.²⁹ The BESS will comply with the National Fire Protection Association Standard 855.³⁰

Including the transmission line, the Project is comprised of 17 parcels and has 24 landowners with 12 total agreements.³¹ The Project footprint encompasses approximately 737 acres of undeveloped, agricultural and forested land with surrounding rural low-density development intermixed with forested and agricultural land.³² Overall, agricultural land comprises 37 percent of adjoining acres, while 51 percent is agricultural/residential, and 11 percent is solely residential. Land zoned for all other purposes is 0.63 percent of adjoining acres.³³

In response to the Siting Board's Second Request, Summer Shade provided a table identifying all residential structures within 2,000 feet of the project boundary.³⁴ The table shows that there are 119 non-participating residences located within 2,000 feet of

²⁷ BBC Report, Section B at 2.

²⁸ BBC Report, Section B at 2.

²⁹ Application at 4.

³⁰ Summer Shade's Response to Siting Board Staff's First Request, Item 84.

³¹ Summer Shade's Response to Siting Board Staff's First Request, Item 38.

³² Application at 4.

³³ BBC Report, Section B at 2.

³⁴ BBC Report, Section B at 3.

the project boundary.³⁵ Of those 119 residences, 34 would be located within 500 feet of the closest array.³⁶ Ten of those 34 residences would be located within 250 feet of the closest array.³⁷ Among those ten closest non-participating residences, the distance to the closest array ranges from 185 feet to 246 feet and the distance to the project boundary ranges from 30 feet to 135 feet.³⁸ The viewshed analysis conducted by Stantec indicated that approximately 74 residential structures may have a view of any portion of the project.³⁹

The site's topography and constraints have forced a distributed array design of the Project.⁴⁰ All arrays are interconnected with medium voltage cables, making the Project function as a single, integrated power generation plant, collecting the power generated by all arrays at the Project's substation.⁴¹ Measuring from the closest array area of the operational Glover Creek Solar, LLC Project to the Summer Shade Project, the straight-line distance is approximately 0.50 miles.⁴²

³⁵ BBC Report, Section B at 3.

³⁶ BBC Report, Section B at 3.

³⁷ BBC Report, Section B at 3.

³⁸ BBC Report at 3.

³⁹ Summer Shade's Response to Siting Board Staff's First Request, Item 58.

⁴⁰ Summer Shade's Response to Siting Board Staff's First Request, Item 5.

⁴¹ Summer Shade's Response to Siting Board Staff's First Request, Item 5.

⁴² Summer Shade's Response to Siting Board Staff's First Request, Item 103. Case No. 2022-00356, *Electronic Application of Glover Creek Solar, LLC for a Certificate of Construction for a Nonregulated Electric Transmission Line in Metcalf County, Kentucky Pursuant to KRS 278.714 and 807 KAR 5:110* (Ky. Siting Board Sept. 23, 2020), final Order Glover Creek's Application for a Certificate to Construct an approximately 55-MW, 400 acre merchant solar electric generating facility that will also be in Metcalfe County. Glover Creek project is operational.

According to the Kentucky Speleological Society (KSS) Cave Database, there are three caves located within two miles of the project area.⁴³ In addition to the caves identified by the KSS, Stantec biologists identified two more caves during field surveys.⁴⁴ One cave (Cave-02) was located within the project area near the northern extent of the project and was approximately 50-ft in depth.⁴⁵ Eleven cemeteries were identified within a two-mile radius of the project boundary including two within the project itself.⁴⁶ There are no schools, public or private parks, or healthcare facilities within two miles of the Project's radius.⁴⁷ Summer Shade filed a motion on May 16, 2025, that stated there are no residential neighborhoods.⁴⁸

Having reviewed the record of this proceeding, the Siting Board finds that Summer Shade 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 Summer Shade keep the Siting Board apprised of changes throughout the development of the Project and, as such, will order Summer Shade 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

⁴³ Summer Shade's Response to Siting Board Staff's Second Request, Item 7.

⁴⁴ Summer Shade's Response to Siting Board Staff's Second Request, Item 7.

⁴⁵ Summer Shade's Response to Siting Board Staff's Second Request, Item 7.

⁴⁶ Summer Shade's Response to Siting Board Staff's First Request, Item 61.

⁴⁷ Application at 4.

⁴⁸ Summer Shade Motion Regarding Setbacks (filed May 16, 2025).

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 10.

Compatibility with Scenic Surroundings

Summer Shade indicated that the Project site is a generally agricultural and residential area of Metcalfe County.⁴⁹ The view will be impacted by the structures that will be built on the site, including the solar panels. Summer Shade has planned landscaping and setbacks to mitigate potential visual impact.⁵⁰ Summer Shade has created a vegetative screening plan that includes the use of native evergreen species in three offset rows with an approximate width of 20 feet in height at planting.⁵¹ The BBC Report found that the Project “presents some concerns in regards to compatibility with scenic surroundings.”⁵² BBC Report stated in order for this Project to maintain scenic compatibility successful completion of the proposed vegetative screening plan to reduce the visual impact is critical due to the close proximity of the solar equipment with non-participating homes.⁵³

Having reviewed the record, the Siting Board finds that there will be an impact on the scenery of neighboring properties. The Siting Board notes it shares the concerns of the BBC Report and finds that this Project pushes the limits of compatibility with scenic

⁴⁹ Application, SAR at 5.

⁵⁰ Application, SAR at 9-10.

⁵¹ Application, SAR at 4.

⁵² BBC Report at Section B page 4.

⁵³ BBC Report at Section B page 4; Section C page 30.

surroundings given close proximity between solar equipment and the relatively large number of non-participating homes. The Siting Board has noted in the past that more consideration needs to be given to the residences and shape of the Project.⁵⁴ In fact, the proposed project presented to the Siting Board has more non-participating homes within 500 feet to the proposed locations of solar equipment than most other proposed projects that the BBC consultant had reviewed for the Siting Board.⁵⁵ The proposed vegetative buffer, along with other mitigation measures proposed by Summer Shade 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 Summer Shade. Those are set forth in Appendix A to this Order, specifically mitigation measures 11 through 16.

Impact on Property Values

Summer Shade submitted a property value impact report conducted by Kirkland Appraisals (Kirkland Report), a certified real estate appraiser.⁵⁶ The Kirkland Report found that, based upon sale/ resale data and matched pair analysis, the solar facility will have no impact on the property values to abutting or adjoining residential or agricultural properties where there are sufficient setbacks and buffering.⁵⁷ The report indicated that the solar facility would function in a harmonious manner with the nearby surroundings,

⁵⁴ Case No. 2023-00246, *Electronic Application of Dogwood Corners LLC for Certificate of Construction for an Approximately 125 Megawatt Merchant Electric Solar Generating Facility In Chrisitan County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, (Ky. Siting Board Mar. 8, 2024), final Order.

⁵⁵ BBC Report at Section B page 2.

⁵⁶ Application, SAR, Appendix A.

⁵⁷ Application, SAR, Appendix A at 1 and 158.

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.⁵⁸

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.⁵⁹

Having reviewed the record, the Siting Board finds sufficient evidence to conclude that the proposed Summer Shade facility will not have a significant adverse impact on nearby property values as long as proper mitigation measures are implemented. The characteristics of the solar facility's operations are passive; 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

Summer Shade's Limited Noise Assessment was completed by Stantec.⁶⁰ Stantec used representative noise levels from the Federal Highway Administration Roadway Construction Noise Model.⁶¹ Stantec stated the highest estimated noise levels during construction will occur during pile driving and estimated that at the closest receiver (R-

⁵⁸ Application, SAR, Appendix A at 1 and 158.

⁵⁹ BBC Report, Executive Summary at B-5 and Detailed Findings and Conclusions at C-36.

⁶⁰ Application, SAR, Appendix D at 1.

⁶¹ Application, SAR, Appendix D at 6.

42), 184 feet from the closest solar panel, would have noise levels during pile driving of an Lmax of 90 decibels A-weighted scale (dBA) and a Leq of 88 dBA.⁶² The BBC Report stated that the National Institute for Occupational Safety and Health (NIOSH) has recommended exposure limit of 85 dba.⁶³ The BBC Report also stated at 90 dBA the level of noise is exceedingly loud and surpasses the NIOSH recommended exposure limit of 85 dBA.⁶⁴

Stantec found operational noise will emanate from solar equipment, the substation, and the BESS equipment.⁶⁵ Based on Stantec's operational sound modeling the highest sound level at nearby sensitive receptors was 43 dBA.⁶⁶ Stantec stated that the Project's generated noise levels for daytime and nighttime operation are comparable to a typical quiet suburban environment at night.⁶⁷ Stantec concluded that no one noise sensitive receptor will be exposed to the same sound levels over an extended period of time, as construction progresses through the site.⁶⁸

BBC evaluated the Limited Noise Assessment conducted by Stantec and also concluded that the Project's construction phase will produce the highest noise levels especially during pile-driving activity.⁶⁹ BBC noted that Summer Shade should ensure

⁶² Application, SAR, Appendix D at 7.

⁶³ BBC Report, Section C at 43.

⁶⁴ BBC Report, Section C at 43.

⁶⁵ Application, SAR, Appendix D at 9.

⁶⁶ Application, SAR, Appendix D at 10.

⁶⁷ Application, SAR, Appendix D at 10.

⁶⁸ Application, SAR, Appendix D at 11.

⁶⁹ BBC Report, Section C at 44.

that maximum noise from pile driving activity does not impact an individual noise sensitive receptor within 500 feet of an array area for more than two hours in a day.⁷⁰ Summer Shade generally agreed with the suggested mitigation measures by BBC.⁷¹

In its SAR, Summer Shade detailed the following noise mitigation measure:

If the pile-driving activity occurs within 1,000 feet of a noise-sensitive receptor, Summer Shade 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).⁷²

The Siting Board finds that noise from the construction phase will be intermittent and temporary but will be significant to the nearest residences. The BBC Report concluded that the level of noise warrants careful management to ensure that no nearby noise sensitive receptors experience prolonged continuous exposure to pile drive noise. BBC recommended that exposure for nearby residences be limited to an absolute maximum of two hours per day.⁷³ 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 should have little to no effect on residences in the area.

Based on the case record, the Siting Board finds that Summer Shade's application complies with the statutory requirements for disclosing noise levels. However, the Siting Board further finds that, based on the entire record, Summer Shade will be required to

⁷⁰ BBC Report, Section C at 44.

⁷¹ Summer Shade's Response to Consultant's Report at 1.

⁷² Application, SAR at 10.

⁷³ BBC Report, Section C at 43.

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 Summer Shade to mitigate construction noise up to 1,500 feet to ensure the surrounding community is not negatively impacted by the construction noise. Summer Shade 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 20.

Impact on Roads, Railways, and Fugitive Dust

Construction is anticipated to take 14-18 months.⁷⁴ The primary road intersecting the proposed project site is KY 90.⁷⁵ Roadways surrounding the project site include KY 90, KY 640, KY 2387, KY 163, KY 1520, KY 678, and KY 839. Stantec conducted a Traffic Impact Study and concluded that there will be no significant changes in road traffic during construction.⁷⁶ There are no railways within the proposed Project site.⁷⁷ BBC found that, during construction, traffic will substantially increase on the primary roadways near the project site.⁷⁸ BBC also concluded that the installation of the project's substation

⁷⁴ Hearing Video Transcript (HVT) of the September 9, 2025 hearing 9:40:04-9:40:12, Aubree Muse.

⁷⁵ BBC Report, Section B at 6.

⁷⁶ Application, SAR, Appendix F at 14.

⁷⁷ Application, SAR at 3.

⁷⁸ BBC Report, Section C at 50.

transformer will have some challenges due to the load ratings of some of the roadways but could be overcome by planning with the Kentucky Transportation Cabinet and the Metcalfe County Road Department.⁷⁹ However, the impacted roads will still maintain a passable level of service.⁸⁰

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.⁸¹ Traffic will be minimal and is anticipated to have a negligible impact on traffic.⁸²

The Siting Board finds that traffic and road degradation issues can be addressed with Summer Shade'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 22 through 30.

The Siting Board anticipates some fugitive dust from the construction phase. Summer Shade 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.⁸³ 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 Summer Shade to inform the Siting Board and the Energy and

⁷⁹ BBC Report, Section C at 50.

⁸⁰ BBC Report, Section C at 50.

⁸¹ Application, SAR, Appendix F at 14.

⁸² Application, SAR, Appendix F at 14.

⁸³ Application, SAR at 11.

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.

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

Summer Shade's economic impact report discusses the proposed solar facility and its investment into the surrounding Metcalfe County, Kentucky economy. The projected local total investment of \$185 million includes architecture, engineering, site preparation and other development and construction costs.⁸⁴ The project is expected to generate significant positive economic and fiscal impacts to Metcalfe County over the forty-year life of the project.⁸⁵ 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 12 to 14 months and an operation phase which will last the remaining life of the project.⁸⁶

The IMPLAN model used for the economic impact analysis focused on Metcalfe County only because of the lack of industrial linkages in the region.⁸⁷ During the project

⁸⁴ Application, Attachment F at 10.

⁸⁵ Application, Attachment F at 1.

⁸⁶ Application, Attachment F at 10.

⁸⁷ Application, Attachment F at 10.

construction phase, Summer Shade estimates that approximately 254 temporary, full time jobs will be created over the construction period with a direct payroll of approximately \$15.0 million, including fringe benefits.⁸⁸ This equates to an average wage per year of \$59,100 per construction job as compared to the 2023 average annual salary for all jobs in Metcalfe County of \$49,200.⁸⁹ The indirect and induced economic impacts are estimated to contribute another 22 jobs with an additional \$3.5 million in payroll.⁹⁰

The total construction phase economic impact is estimated to be 276 total full-time equivalent jobs in Metcalfe County with a new payroll of \$18.5 million.⁹¹ The vast majority of these jobs will be filled by craft workers and contractors such as fencers, electricians, panel installers, equipment operators and construction managers.⁹² Although no hiring for sub-contractors has occurred, Summer Shade intends to have whichever sub-contractors it chooses hire as many local workers as permitted by the constraints of the job requirements.⁹³

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 support 3.4 jobs.⁹⁴

⁸⁸ Application, Attachment F at 10 and 12.

⁸⁹ Application, Attachment F at 11.

⁹⁰ Application, Attachment F at 12 & Table 5. (calculated by subtracting direct jobs and payroll from total jobs and payroll: 276 Total Jobs minus 254 Direct Jobs equals 22 Induced Jobs; \$18.5 million Total Payroll minus \$15.0 million Direct Payroll equals \$3.5 million Induced Payroll).

⁹¹ Application, Attachment F at 12.

⁹² Application, Attachment F at 11.

⁹³ Summer Shade's Response to Siting Board Staff's First Request, Items 92 and 93.

⁹⁴ Application, Attachment F at 13.

Summer Shade and Metcalfe County are in the very early stages of negotiating an Industrial Revenue Bond (IRB) and a Payment in Lieu of Taxes (PILOT) Agreement.⁹⁵ If an IRB and PILOT agreements are not reached, Summer Shade estimates that it will pay property taxes to local governments of approximately \$6.3 million (with \$3.6 million of that going to the county school system), and the state government would receive approximately \$5.1 million over the 40-year project life.⁹⁶ If an IRB and PILOT agreements is reached, Summer Shade projects that the state will receive \$1.3 million while local jurisdictions will receive \$3.3 million.⁹⁷ These payments, which average about \$208,000 annually, can be compared to the \$10,000 per year in property tax payments based upon the agricultural use value of the land.⁹⁸ In addition to property taxes, occupational tax revenues will be collected. During the construction phase, an estimated \$185,000 in occupational taxes will be collected over the twelve-month period.⁹⁹

BBC also evaluated the economic impact of the project.¹⁰⁰ Based upon its review and analysis, BBC concluded that the project will provide significant positive economic effects to the region and state during the construction and operations phases of the project.¹⁰¹

⁹⁵ Summer Shade's Response to Siting Board Staff's First Request, Item 91.

⁹⁶ Application, Attachment F at 15 and Summer Shade's Response to Siting Board Staff's First Request, Item 95.

⁹⁷ Application, Attachment F at 15.

⁹⁸ Application, Attachment F at 15.

⁹⁹ Application, Attachment F at 15.

¹⁰⁰ BBC Report, Section C at 52.

¹⁰¹ BBC Report, Section C at 52.

Having reviewed the record, the Siting Board finds that the Summer Shade facility will have a positive economic impact on the region.

Existence of Other Generating Facilities

Summer Shade indicated that efforts were made to locate the project where there was existing electricity transmission infrastructure.¹⁰² The onsite substation will interconnect into the existing substation owned by EKPC by nonregulated transmission line that will be less than 300 feet in length.¹⁰³

Local Planning and Zoning Requirements

Metcalfe County does not have planning and zoning and has not enacted any zoning ordinances or setback requirements.¹⁰⁴ KRS 278.706(2)(e) requires that all proposed structures or facilities used for electric generation be at least 2,000 feet from any residential neighborhood, school or hospital or nursing home facility.¹⁰⁵ The statutory requirements of KRS 278.706(2)(e) apply unless a deviation is applied for and granted by the Siting Board.

Impact on Transmission System

The project is located within the territory of EKPC.¹⁰⁶ EKPC is part of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Regional Transmission Organization (RTO). The project will include a 300-foot transmission line would deliver electricity from the project substation to the point of interconnection with the existing

¹⁰² Application at 15.

¹⁰³ Summer Shade's Application to Construct Merchant Electric Generating Facility.

¹⁰⁴ Notice of Intent (filed Mar. 14, 2025).

¹⁰⁵ KRS 278.706(2) (e).

¹⁰⁶ Application at 17.

161kV Summer Shade Substation that is owned by EKPC.¹⁰⁷ The gen-tie will be located entirely within the project's footprint.¹⁰⁸ This project is in PJM's Transition Cluster 1.¹⁰⁹ A PJM Feasibility Study and a System Impact Retool Study have been completed.¹¹⁰ Tennessee Valley Authority has also completed the Affected System Study.¹¹¹

Based upon the case record, the Siting Board finds that Summer Shade 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 Summer Shade'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 Summer Shade's commitment to the interconnection process and protocols consistent with the requirements of KRS 278.212.

Summer Shade did not file a separate application for a nonregulated transmission line but is seeking approval for construction of a transmission line.¹¹² Summer Shade stated that the transmission line will be approximately 300 feet and will connect the Project's substation to a substation owned by EKPC.¹¹³ According to the updated preliminary site layout shows that the proposed location of the point of interconnection is

¹⁰⁷ Summer Shade's Application to Construct Merchant Electric Generating Facility.

¹⁰⁸ Summer Shade's Application to Construct Merchant Electric Generating Facility.

¹⁰⁹ HVT of the September 9, 2025 hearing, Aubree Muse at 10:30:30-10:30:52.

¹¹⁰ HVT of the September 9, 2025 hearing, Aubree Muse at 10:30:51-10:31:17.

¹¹¹ HVT of the September 9, 2025 hearing, Aubree Muse at 10:31-10:31:14.

¹¹² Summer Shade's Application to Construct Merchant Electric Generating Facility at 1.

¹¹³ Summer Shade's Application to Construct Merchant Electric Generating Facility at 1.

over 1,000 feet to the nearest residence.¹¹⁴ Summer Shade stated that the transmission line will have minimal effects on the scenic surroundings because of the close proximity to existing electric infrastructure and transmission lines entering and exiting 161 kV Summer Shade substation.¹¹⁵ No residences will have a view of the additional transmission line poles associated with the project.¹¹⁶ The EKPC Facilities Study will determine if any poles are needed for the proposed route, but none are anticipated.¹¹⁷ Summer Shade provided the conceptual sketch of a monopole structure if EKPC determines that is it needed.¹¹⁸

Similarly to Pine Grove Solar, LLC, Hummingbird Energy, LLC, and Song Sparrow Solar LLC, the transmission line is very short and is contained within parcels of property to be used for the Project.¹¹⁹ Based on the case record, the Siting Board finds Summer Shade application for construction certificate for a nonregulated transmission line should be approved. The transmission line is minimal in length and is contained within the

¹¹⁴ Summer Shade's Response to Siting Board Staff's First Request, Item 37.

¹¹⁵ Summer Shade's Response to Siting Board Staff's First Request, Item 34.

¹¹⁶ Summer Shade's Response to Siting Board Staff's First Request, Item 35.

¹¹⁷ Summer Shade's Response to Siting Board Staff's First Request, Item 36.

¹¹⁸ Summer Shade's Response to Siting Board Staff's First Request, Item 36.

¹¹⁹ Case No. 2022-00262, *Application of Pine Grove Solar, LLC Certificate of Construction for an Approximately 50 Megawatt Solar Generating Facility and Nonregulated Electric Transmission Line in Madison County, Pursuant to KRS 278.700 and 807 KAR 5:110* (filed on Dec. 1, 2022); Case No. 2022-00272, *Application of Hummingbird Energy, LLC for a Certificate of Construction for an Approximately 200 Megawatt Solar Generating Facility and Nonregulated Electric Transmission Line in Breckinridge County, Pursuant to KRS 278.700 and 807 KAR 5:110* (filed on June 23, 2023); and Case No. 2023-00256, *Application of Song Sparrow Solar LLC for a Certificate of Construction for an Approximately 104 Megawatt Solar Generating Facility Ballard County, Pursuant to KRS 278.700 and 807 KAR 5:110* (filed on Sept. 1, 2023).

project's boundaries. The transmission line will have minimal effects on the scenic surroundings.

Compliance with Setback Requirements

Metcalfe County does not have planning and zoning. Additionally, there are no applicable setbacks established by Metcalfe County for the Project. The statutory requirements of KRS 278.706(2)(e) requires that all proposed structures or facilities used for electric generation be at least 2,000 feet from any residential neighborhood, school or hospital or nursing home facility.¹²⁰ KRS 278.700(6) defines "residential neighborhood" as a populated area of five or more acres containing at least one residential structure per acre.¹²¹

The Siting Board finds that the phrase "a populated area," as used in the definition of "residential neighborhood," is ambiguous. A "populated area" is not defined in KRS 278.700 or in related statutes, and it is not a technical word or phrase. KRS 278.704(4) authorizes the Siting Board to grant a deviation from the setback requirements in KRS 278.706(2)(e), if requested. The Siting Board finds the primary purpose or intent of the legislature is to protect property owners from potentially negative effects of electric generation siting, including scenic surroundings and property values, and that the statutory definitions at issue should be liberally construed to effectuate this intent. In order to determine if the parcel or area is a residential neighborhood, the Siting Board will engage in a thorough, fact specific analysis of a designated area to determine whether it is reasonable, including consideration of parcel boundaries, the character of the parcels

¹²⁰ KRS 278.706(2)(e).

¹²¹ KRS 278.700(6).

and area, and other relevant factors. Thus, the Siting Board finds that the legislature did not intend for the definition of “residential neighborhoods” to be based on parcel boundaries, but rather, finds that the legislature intended to protect any populated areas, which may include any contiguous area so long as it is reasonable in shape.

KRS 278.704(4) authorizes the Siting Board to grant a deviation from the setback requirements in KRS 278.706(2)(e), if requested.¹²² Summer Shade asserted that it is not proposing to build any Project components within 2,000 feet of any residential neighborhood, school, hospital, or nursing home facility.¹²³ However, Summer Shade stated that, if the Siting Board made a determination that Area 3 qualifies as a residential neighborhood, a deviation be granted from the setback requirements of KRS 278.704(2).¹²⁴

In analyzing the six areas that were identified in Summer Shade’s motion regarding setbacks, the Siting Board finds that Areas 1,2,4,5, and 6 are areas that are spread out, unreasonably disparate, and considering all the criteria, do not meet the definition of a residential neighborhood. The Siting Board finds that the statutory setback applicable to residential neighborhoods found in KRS 278.704(2) is not applicable to the areas 1,2,4,5,6. However, the Siting Board finds that Area 3 has sufficient proximity and density, whether clustered or linear, to meet a standard of a neighborhood. The map of Area 3 shows a number of residential structures clustered in a manner that would indicate a common populated area and neighborhood under any common understanding. The

¹²² KRS 278.704(4).

¹²³ Application at 7.

¹²⁴ Summer Shade Motion Regarding Setbacks at 2 and Summer Shade’s Post Hearing Brief (filed Sept. 16, 2025) at 13.

projects fencing is proposed to be 1,948 feet from the closest residence in Area 3.¹²⁵ The closest solar panel is proposed to be 1,995 feet from the closest residence in Area 3.¹²⁶ The inverter, substation and BESS will all be over 3,500 feet away from the closest residence in Area 3.¹²⁷

Summer Shade argued that none of the six identified areas meet the definition of a residential neighborhood.¹²⁸ However Summer Shade did request a deviation distance of 1,900 feet for Area 3 if the Siting Board determined that Area 3 is a residential neighborhood.¹²⁹ Summer Shade requested a 300-foot setback from a residence in a residential neighborhood.¹³⁰

The Siting Board approves a setback from any residence of 400 feet from any panel or string inverter. In addition, the Siting Board also approves 1,955 feet between any solar panel or string inverter and any residential neighborhood and as well as 100 feet from any exterior property line. Regardless, the Siting Board finds that Summer Shade shall not place solar panels or string inverters, if used, closer than 400 feet from any residence, church or school, 25 feet non-participating adjoining parcels and 50 feet from adjacent roadways. Summer Shade shall not place a central inverter and the battery energy storage system closer than 750 feet from any adjacent residences, church or

¹²⁵ Summer Shade's Response to Siting Board Staff's Post Hearing Request, Item 9.

¹²⁶ Summer Shade's Response to Siting Board Staff's Post Hearing Request, Item 9.

¹²⁷ Summer Shade's Response to Siting Board Staff's Post Hearing Request Item 9.

¹²⁸ Summer Shade Motion Regarding Setbacks at 12.

¹²⁹ Summer Shade Motion Regarding Setbacks at 12.

¹³⁰ Summer Shade Motion Regarding Setbacks at 13.

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 Summer Shade, 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 this requirement 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 21.

History of Environmental Compliance

In the application, Summer Shade 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 \$5,000.¹³¹ Further, Summer Shade is not the subject of any pending judicial or administrative actions.¹³²

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

¹³¹ Application at 19.

¹³² Application at 19.

in the preceding section, the Siting Board not only reviews the history and abilities of the Person¹³³ seeking the certificate, but also the entities that have an ownership interest in the Project. Here, Summer Shade 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. Summer Shade will employ the persons responsible for compliance with the construction certificate during construction and the persons responsible for the continued compliance during operations.¹³⁴ Without Candela Renewables, Summer Shade 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 of the transfer of ownership or control of Summer Shade, 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 Summer Shade 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 31.

¹³³ 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.

¹³⁴ HVT of the September 9, 2025 hearing, Aubree Muse at 10:35:45-10:35:57.

Decommissioning

Summer Shade submitted a decommissioning plan with the application.¹³⁵ The decommissioning plan outlines the removal of underground components to the depth of three feet including underground wiring and conduits.¹³⁶ Summer Shade indicated it will secure a bond to assure financial performance of the decommissioning obligation.¹³⁷

The Siting Board finds that Summer Shade 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, 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

¹³⁵ Application, Attachment G.

¹³⁶ Application at 22 and Attachment G at 5.

¹³⁷ Application at 22 and Attachment G at 5.

mitigation measures related to decommissioning, which are outlined in Appendix A to this Order, mitigation measures 32 through 35.

CONCLUSION

After carefully considering the criteria outlined in KRS Chapter 278, the Siting Board finds that Summer Shade has presented sufficient evidence to support the issuance of a Construction Certificate to construct the proposed merchant solar facility and nonregulated 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 solar generating facility is attached as Appendix B.

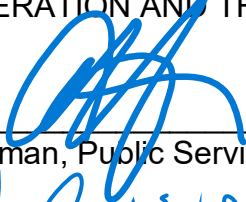
IT IS THEREFORE ORDERED that:

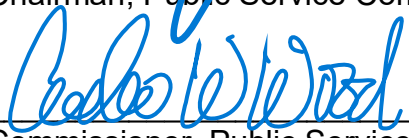
1. Summer Shade's application for a Construction Certificate to construct an approximately 106 MW merchant solar electric generating facility in Metcalfe County, Kentucky, and an approximately 300-foot nonregulated electric transmission line in Metcalfe County is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A to this Order.
2. Summer Shade's motion for deviation from setback requirements in KRS 278.704(2) is granted. Summer Shade shall comply with the setbacks prescribed in the mitigation measures in Appendix A to this Order.
3. Summer Shade shall fully comply with the mitigation measures and conditions prescribed in Appendix A to this Order.
4. 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.

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

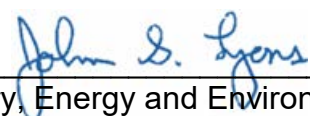
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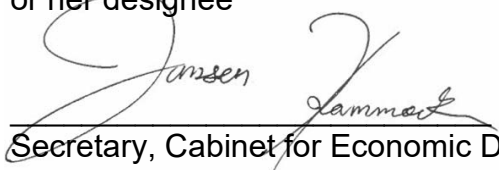
KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING


Chairman, Public Service Commission


Commissioner, Public Service Commission


Commissioner, Public Service Commission


Secretary, Energy and Environment Cabinet,
or her designee


Secretary, Cabinet for Economic Development,
or his designee

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. 2025-00064 DATED OCT 24 2025

MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Summer Shade Solar, LLC (Summer Shade) 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, BESS, operation and maintenance building, transmission line route, or other Project facilities and infrastructure.

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. Summer Shade shall provide the date of construction will commence to the Siting Board and the Energy and Environment Cabinet (EEC), Division of Waste Management 30 days prior to the commencement of construction of the Project.

5. Summer Shade 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-cost correspondence in this case.

6. Summer Shade shall comply with all requirements in KRS 278.710 for monitoring by EEC.

7. Prior to construction, Summer Shade shall provide a finalized Emergency Response Plan to the local fire district, first responders, and any county emergency management agency. Summer Shade 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. Summer Shade 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. Summer Shade's access control strategy shall also include appropriate signage to warn potential trespassers. Summer Shade 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. Summer Shade 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, Summer Shade 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 to Summer Shade that a visual buffer is not necessary, Summer Shade will obtain that property owner's written consent and submit such consent in writing to the Siting Board.

14. Summer Shade 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 ten feet thick reaching six feet at maturity (in four years) will be added by Summer Shade 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, Summer Shade 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. Summer Shade shall cultivate at least two acres of native, pollinator-friendly species onsite.

16. Summer Shade 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, Summer Shade shall replace plantings as necessary. Any changes to the Vegetation Plan should be submitted to the Siting Board prior to construction.

17. Summer Shade 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. 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. Summer Shade is required to ensure that the maximum noise from pile driving activity does not impact an individual noise-sensitive receptor, located within 500 feet of the pile driving activity for more than two hours a day within a 24-hour period. Summer Shade is required to limit pile driving activities between 8 a.m. and 5 p.m. local time, Monday through Friday.

19. If the pile-driving activity occurs within 1,500 feet of a noise-sensitive receptor, Summer Shade 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). Summer Shade 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.

20. Summer Shade 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 36 of this Appendix, at least one month prior to the start of construction.

21. The Siting Board does not approve of Summer Shade's proposed setback from residences of 300 feet from any panel or string inverter. The Siting Board approves of a distance of 400 feet from any panel or string inverter. The Siting Board also approves a distance of 1,955 feet between any solar panel or string inverter and any residential neighborhood and 100 feet from any exterior property line. Nevertheless, Summer Shade shall not place solar panels or string inverters, if used, closer than 400 feet from a residence, church, or school, 25 feet from non-participating adjoining parcels, or 50 feet from adjacent roadways. Summer Shade shall not place a central inverter, and if used, energy storage systems, closer than 750 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.

22. Summer Shade 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.

23. Summer Shade shall comply with all laws and regulations regarding the use of roadways.

24. Summer Shade 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 AM and PM peak hours.

25. Summer Shade shall consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

26. Summer Shade shall consult with the Metcalfe County Road Department (MCRD) regarding truck and other construction traffic and obtain any necessary permits from the MCRD.

27. Summer Shade shall develop special plans and obtain necessary permits before transporting heavy loads, especially the substation transformer, onto state or county roads.

28. Summer Shade shall comply with any road use agreement executed with MCRD. Such an agreement might include special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

29. Summer Shade 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.

30. Summer Shade 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 Summer Shade's compliance with 401 KAR 63:010.

31. If any person 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, Summer Shade or its successors or assigns shall request explicit approval from the Siting Board with notice of the request provided to the Metcalfe County Fiscal Court. In any application requesting such abandonment, sale, or change of control, Summer Shade shall certify its compliance with KRS 278.710(1)(i).

32. As applicable to individual lease agreements, Summer Shade, 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.

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

34. Summer Shade 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. Summer Shade shall commit to removing the debris and replaced facility components from the Project site and from Metcalfe County upon replacement. If the replaced components are properly disposed of at a permitted facility, they do not have to be physically removed from Metcalfe County. However, if the replaced facility components remain in the County, Summer Shade must inform the Siting Board of the location where the components are being disposed.

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

36. Prior to construction, Summer Shade 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 Summer Shade to address any complaints that may arise. Summer Shade shall also submit annually a status report associated with its Complaint Resolution Program, providing, among other things, the individual complaints, how Summer Shade 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, Summer Shade shall file a final report for any unreported period.

37. Summer Shade shall provide the Judge Executive 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. Summer Shade shall update this contact information yearly, or within 30 days of any change in contact information.

38. Summer Shade shall adhere to the proposed transmission route presented in the application. Should Summer Shade find it necessary to include any parcel of land not included in this application in order to finalize the route of the proposed transmission line, Summer Shade shall return to the Siting Board to request an amendment to the location of the transmission line or right-of-way.

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

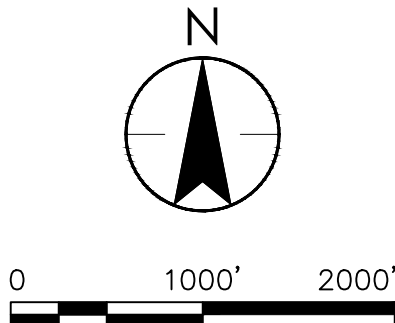
40. Within 30 days of service of this Order, Summer Shade shall send a copy of this Order to all the adjoining landowners who previously were required to receive notice of this Project.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2025-00064 DATED OCT 24 2025

SIX PAGES TO FOLLOW

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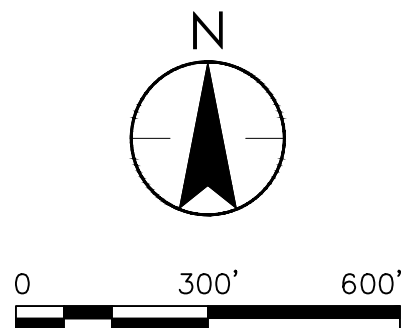
LEGEND

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	PERIMETER FENCE/BUILDABLE AREA
	OVERHEAD ELECTRIC
	ACCESS ROAD
	FIXED TILT TRACKER
	INVERTERS
	MV CABLES (UNDERGROUND)
	DC CABLES (UNDERGROUND)
	DIRECTIONAL BORE
	SUBSTATION
	LAYDOWN AREA
	AVOIDANCE AREAS
	PROPOSED ENTRANCE NUMBER
	RESIDENTIAL STRUCTURE

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|  | INVERTERS |
|  | MV CABLES (UNDERGROUND) |
|  | DC CABLES (UNDERGROUND) |
|  | DIRECTIONAL BORE |
|  | SUBSTATION |
|  | LAYDOWN AREA |
|  | AVOIDANCE AREAS |
|  | PROPOSED ENTRANCE NUMBER |
|  | RESIDENTIAL STRUCTURE |



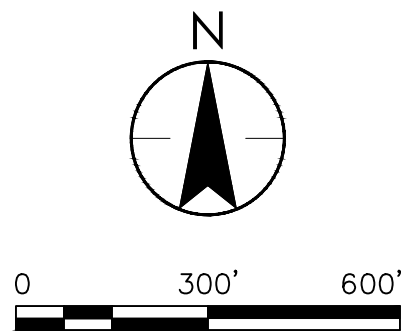
SUMMER SHADE SOLAR PROJECT
CANDELA RENEWABLES
SUMMER SHADE, METCALFE COUNTY, KY

ISSUED: 06/20/2025		
PRELIMINARY PV LAYOUT		
NO.	REVISION	DATE
1	ISSUE FOR REVIEW	04.28.25
2	UPDATED PV LAYOUT	05.13.25
3	CLIENT COMMENTS	06.20.25
DRAWN	RMA	
DESIGNED	RMA	
CHECKED	CMA	
APPROVED	DDF	
PROJ. NO.	172858275	
SHEET NUMBER		
E-101		

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| | OVERHEAD ELECTRIC |
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| | INVERTERS |
| | MV CABLES (UNDERGROUND) |
| | DC CABLES (UNDERGROUND) |
| | DIRECTIONAL BORE |
| | SUBSTATION |
| | LAYDOWN AREA |
| | AVOIDANCE AREAS |
| | PROPOSED ENTRANCE NUMBER |
| | RESIDENTIAL STRUCTURE |



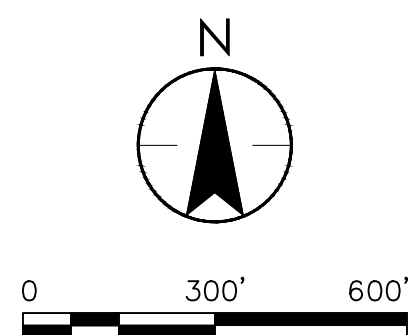
SUMMER SHADE SOLAR PROJECT
CANDELA RENEWABLES
SUMMER SHADE, METCALFE COUNTY, KY

ISSUED: 06/20/2025		
PRELIMINARY PV LAYOUT		
NO.	REVISION	DATE
1	ISSUE FOR REVIEW	04.28.25
2	UPDATED PV LAYOUT	05.13.25
3	CLIENT COMMENTS	06.20.25
DRAWN	RMA	
DESIGNED	RMA	
CHECKED	CMA	
APPROVED	DDF	
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SHEET NUMBER		
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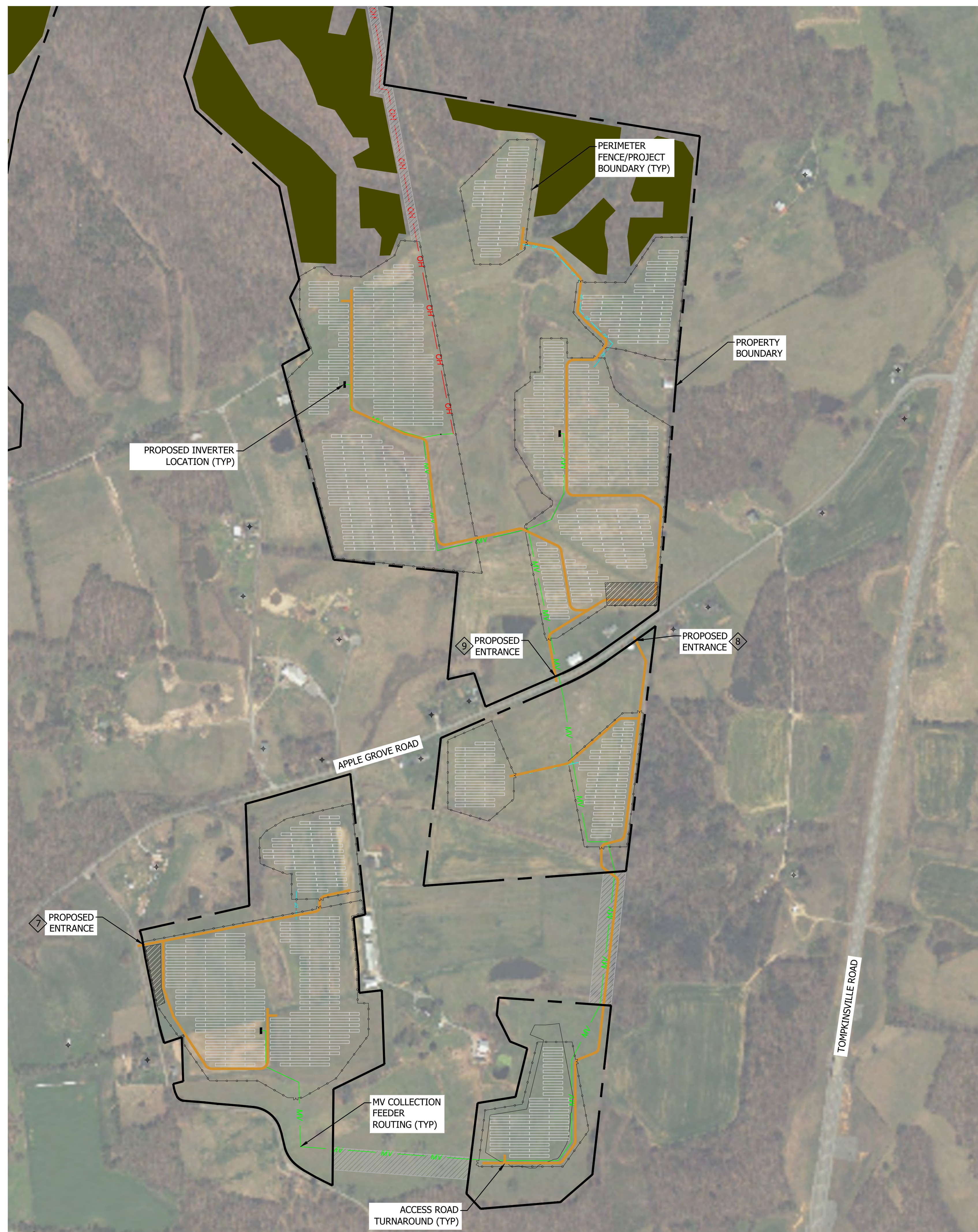
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|  | FIXED TILT TRACKER |
|  | INVERTERS |
|  | MV CABLES (UNDERGROUND) |
|  | DC CABLES (UNDERGROUND) |
|  | DIRECTIONAL BORE |
|  | SUBSTATION |
|  | LAYDOWN AREA |
|  | AVOIDANCE AREAS |
|  | PROPOSED ENTRANCE NUMBER |
|  | RESIDENTIAL STRUCTURE |



SUMMER SHADE SOLAR PROJECT
CANDELA RENEWABLES
SUMMER SHADE, METCALFE COUNTY, KY

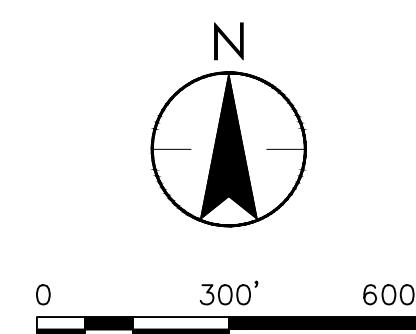
ISSUED: 06/20/2025		
PRELIMINARY PV LAYOUT		
NO.	REVISION	DATE
1	ISSUE FOR REVIEW	04.28.23
2	UPDATED PV LAYOUT	10.13.23
3	CLIENT COMMENTS	06.20.25
DRAWN	RMA	
DESIGNED	RMA	
CHECKED	CMA	
APPROVED	DDF	
PROJ.: NO. 172658275		
SHEET NUMBER E-103		

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LEGEND

- | | |
|--|--------------------------------|
| | PROPERTY BOUNDARY LINE |
| | PERIMETER FENCE/BUILDABLE AREA |
| | OVERHEAD ELECTRIC |
| | ACCESS ROAD |
| | FIXED TILT TRACKER |
| | INVERTERS |
| | MV CABLES (UNDERGROUND) |
| | DC CABLES (UNDERGROUND) |
| | DIRECTIONAL BORE |
| | SUBSTATION |
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SUMMER SHADE SOLAR PROJECT

CÁNDELA RENOVABLES

CANDELA RENEWABLES
SUMMER SHADE, METCALFE COUNTY, KY

ISSUED: 06/20/2025
PRELIMINARY PV LAYOUT

NO.	REVISION	DATE
1	ISSUE FOR REVIEW	04.28.25
2	UPDATED PV LAYOUT	05.13.25
3	CLIENT COMMENTS	06.20.25

DRAWN	RMA
DESIGNED	RMA
CHECKED	CMA
APPROVED	DDF
PROJ. NO.	172658275

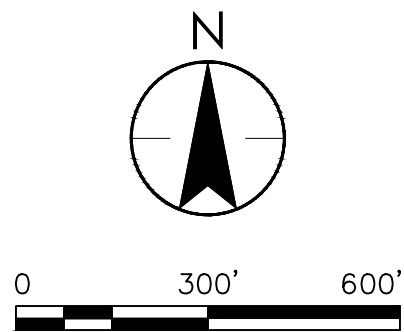
SHEET NUMBER

E-104

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|---|--------------------------------|
|  | PROPERTY BOUNDARY LINE |
|  | PERIMETER FENCE/BUILDABLE AREA |
|  | OVERHEAD ELECTRIC |
|  | ACCESS ROAD |
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|  | MV CABLES (UNDERGROUND) |
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SUMMER SHADE SOLAR PROJECT
CANDELA RENEWABLES
SUMMER SHADE, METCALFE COUNTY, KY

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