

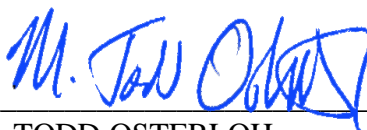
**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING**

**In the Matter of the Application of Glover Creek Solar,)
LLC, for a Construction Certificate to Construct a) Case No. 2020-00043
Merchant Electric Generating Facility)**

NOTICE OF FILING PROPOSED ORDER

Glover Creek Solar, LLC (“Glover Creek”), by counsel, respectfully submits the proposed order related to Glover Creek’s (1) a Petition for Reconsideration and Clarification filed on October 19, 2020 (Petition), by Glover Creek Solar, LLC (Glover Creek) requesting reconsideration and clarification of certain mitigation requirements imposed by the September 23, 2020 Order (Final Order); (2) A Motion to Amend Project Boundaries filed on May 21, 2021; and (3) a Motion and Notice of Withdrawal filed on August 27, 2021..

Respectfully submitted,



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ATTORNEYS FOR GLOVER CREEK SOLAR, LLC

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

ELECTRONIC APPLICATION OF GLOVER CREEK)
SOLAR, LLC, FOR A CONSTRUCTION)
CERTIFICATE TO CONSTRUCT AN) Case No. 2020-00043
APPROXIMATELY 55-MEGAWATT MERCHANT)
ELECTRIC GENERATING FACILITY IN METCALFE)
COUNTY, KENTUCKY PURSUANT TO KRS)
278.700 AND 807:110)

PROPOSED ORDER

The matter is before the Siting Board upon the following: (1) a Petition for Reconsideration and Clarification filed on October 19, 2020 (Petition), by Glover Creek Solar, LLC (Glover Creek) requesting reconsideration and clarification of certain mitigation requirements imposed by the September 23, 2020 Order (Final Order); (2) A Motion to Amend Project Boundaries filed on May 21, 2021; and (3) a Motion and Notice of Withdrawal filed on August 27, 2021.

On March 27, 2020, Glover Creek filed an application requesting a Certificate of Construction to construct a 55-megawatt alternating current solar photovoltaic electric generating facility to be located in, Metcalfe County, Kentucky. The Siting Board’s Final Order conditionally authorized Glover Creek a Certificate of Construction to construct the proposed solar facility subject to Glover Creek complying with the mitigation requirements that were discussed in the Final Order and set forth in Appendix A to the Final Order.

Glover Creek states that it “has reviewed the Siting Board’s proposed mitigation

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measures in detail, and the majority of the measures are acceptable to Glover Creek”¹ and that the “[p]etition is designed to seek changes and clarifications to a small group of mitigation measures that will inhibit the ability for solar to be developed in Kentucky, including the ability of the [Glover Creek solar project] to move forward.”²

Glover Creek subsequently filed a Motion on August 27, 2021, in which Glover Creek narrowed the scope of its Petition for Reconsideration by withdrawing certain requests. It continues to seek modification of three mitigation measures and one ordering paragraph from the Final Order.

Glover Creek seeks modification of mitigation measure 7, as provided in the Final Order, which stated therein:

Where there are potential visual or noise impacts created by the solar facility, Glover Creek shall plant a 15-foot wide vegetative buffer consisting of two staggered rows of evergreen shrubs. The evergreen shrubs shall be either mature at the time of planting or at least six feet in height, or if Glover Creek elects to plant non-mature evergreen shrubs of at least 3 feet at the time of planting, Glover Creek shall also include additional temporary buffers that would immediately help to mitigate any potential noise and visual impacts until the evergreen shrubs have grown to maturity.

In support of its requested modification of mitigation measure 7, Glover Creek points to a recent Siting Board decision that has a similar mitigation measure regarding certain

¹ Petition at 3.

² *Id.*

requirements for vegetative buffers.³ Glover Creek requests a similar mitigation measure that specifically incorporates information from its Application and Site Assessment Report. The Siting Board finds that this modification is reasonable.

Glover Creek seeks modification of mitigation measure 8, as provided in the Final Order, which stated therein:

Glover Creek shall implement the modified vegetative buffers to those properties that are within 1,500 feet of the solar facilities' boundary lines before the tamping of the racking panels and Glover Creek shall schedule the tamping process at these nearby homes so that the tamping will occur at the end of the tamping process period.

In support of its requested modification of mitigation measure 8, Glover Creek points to recent Siting Board decisions that have similar mitigation measures that require a construction method that will suppress noise from the pile driving process to be implemented when pile driving is within 1,500 feet from a noise sensitive receptor,⁴ and states that it is amenable to this mitigation measure. The Siting Board finds that this modification is reasonable.⁵

³ Case No. 2020-00190, Electronic Application of Horseshoe Bend Solar, LLC for a Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Green County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110 (K.S.B. June 11, 2021).

⁴ Case No. 2020-00219, Electronic Application of AEUG Madison Solar, LLC, for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility in Madison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110 (K.S.B. June 9, 2021); Case No. 2020-00206, Electronic Application of AEUG Fleming Solar, LLC, for a Certificate of Construction for an Approximately 188 Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110 (K.S.B. May 24, 2021).

⁵ See Case No. 2020-00040, Electronic Application of Turkey Creek Solar, LLC, for a Certificate of Construction for an Approximately 50 Megawatt Merchant Electric Solar Generating Facility in Madison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110 (K.S.B. July 22, 2021).

Glover Creek seeks modification of mitigation measure 17, as provided in the Final Order, which stated therein:

Glover Creek shall fix or pay for damage resulting from any vehicle transport to the project site.

In support of its requested modification of mitigation measure 17, Glover Creek points to recent Siting Board decisions that have a similar mitigation measure that requires fixing or paying for damage resulting from any vehicle transport to the project site in accordance with all applicable transportation permits obtained from State and local road authorities.⁶

The Siting Board finds that this modification is reasonable.

Glover Creek has also requested a modification of ordering paragraph 2 from the Final Order, which granted Glover Creek's motion for deviation from the setback requirements, with the exception that the inverters. In support of its requested change, Glover Creek points to recent Siting Board decisions that approve 450-foot setbacks for central inverters and 150-foot setbacks for string inverters and solar panels.⁷ The Siting Board finds that this modification is reasonable.

⁶ Case No. 2020-00242, Electronic Application of Unbridled Solar, LLC, for a Certificate of Construction for Approximately 160 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Henderson and Webster Counties, Kentucky, at Appendix A, page 2 (K.S.B. June 4, 2021); Case No. 2020-00208, Electronic Application of Northern Bobwhite Solar, LLC for a Certificate of Construction for Approximately 160 Megawatt Merchant Electric Solar Generating Facility in Marion County, Kentucky, Pursuant to KRS 278.700 and 807 KAR 5:110 at 2 (K.S.B. July 19, 2021).

⁷ Case No. 2020-00190, Electronic Application of Horseshoe Bend Solar, LLC for a Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Green County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110 at Appendix A, page 4 (K.S.B. June 11, 2021); Case No. 2020-00208, Electronic Application of Northern Bobwhite Solar, LLC for a Certificate of Construction for Approximately 160 Megawatt Merchant Electric Solar Generating Facility in Marion County, Kentucky, Pursuant to KRS 278.700 and 807 KAR 5:110 at Appendix A, page 2 (K.S.B. July 19, 2021); Application of Northern Bobwhite Solar, LLC for a Certificate of Construction for Approximately 160 Megawatt Merchant Electric Solar Generating Facility in Marion County, Kentucky, Pursuant to KRS 278.799 and 807 KAR 5:110.

Glover Creek also seeks approval to incorporate approximately 160 additional acres to its Project area that was not included in the preliminary site plan submitted with its Application. Glover Creek responded to the Commission Staff's request for information regarding this additional acreage. The Siting Board finds that Glover Creeks request is reasonable with the understanding that the Siting Board's modification measures (as amended herein) will apply to the entire project, including this additional acreage

IT IS THEREFORE ORDERED that:

1. Glover Creek's Motion filed on August 27, 2021, is granted.
2. The seventh mitigation measure in the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following mitigation measure:

7. Glover Creek shall plant native evergreen species as a visual buffer to mitigate viewshed impact at locations shown in the site development plan in Attachment A of the Site Assessment Report for planting areas and described in Section 2 of the Application. The evergreen shrubs shall be either mature at the time of planting of at least six feet in height, or if Glover Creek elects to plant non-mature evergreen shrubs of at least 3 feet at the time of planting, Glover Creek shall also include additional temporary buffers that would immediately help to mitigate any potential noise and visual impacts until the evergreen shrubs have grown to maturity.

3. The eighth mitigation measure in the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following mitigation measure:

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8. If the pile driving activity occurs within 1,500 feet of a noise sensitive receptor, Glover Creek should 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).

4. The seventeenth mitigation measure in the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following mitigation measure:

17. Glover Creek shall fix or pay for damage resulting from any vehicle transport to the project site in accordance with all applicable transportation permits obtained from State and local road authorities.

5. The second ordering paragraph on page 39 of the Siting Board's Order of September 23, 2020, is hereby eliminated and replaced with the following ordering paragraph:

Glover Creek's motion for deviation from the 2,000 feet setback requirement is granted in part, such that the following setbacks shall apply: (1) the Central Inverter shall be no closer to a noise receptor than 450 feet, (2) the String Inverter shall be no closer to a noise receptor than 150 feet, and (3) Solar Panels shall be no closer to a noise receptor than 150 feet, except for the location of the inverters. These setbacks shall not be required for residences owned by landowners involved in the project.

6. Glover Creek's Petition for Reconsideration and Clarification filed on October 19, 2020, is granted in part and denied as moot in part, as described above.

7. Glover Creek's Motion to Amend Project Boundaries filed on May 21, 2021, is granted.

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