

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

In the Matter of:

Electronic Application of Unbridled Solar,)
LLC for Certificates of Construction for an)
approximately 160 Megawatt Merchant)
Electric Solar Generating Facility and)
Nonregulated Electric Transmission Line in)
Henderson and Webster Counties, Kentucky)

Case No.
2020-00242

Unbridled’s Response to Consultant’s Reports

Unbridled Solar, LLC (“Unbridled”), by counsel, hereby responds to the final reports of BBC Research and Consulting (“BBC”) dated March 16, 2021, and filed in the above referenced case. Unbridled appreciates the work that went into and thoroughness of the BBC reports and supports their conclusions and recommended mitigation measures with minor clarifications.

Unbridled respectfully responds to BCC’s reports, as follows:

I. Merchant Electric Generating Facility

A. Clarifications

Regarding “Proposed access control and security” in the Executive Summary (Page 2, Section B), the BBC report states: “Unbridled’s Application and SAR [Site Assessment Report] did not specify the number or locations of the access points, but in response to the First Request for Information from Siting Board staff and BBC, Unbridled provided a new map showing a total of 15 access points.” As noted in Unbridled’s response to the Siting Board’s first Data Request, Request 2, approximately 15 entrance points are proposed to be used during construction. These access points will be maintained as service entrances during operation of the generation facility. The main point of entry and exit during operations will be located at the Operations & Mainte-

nance Building off of Handley Road. Because the final layout of the project will necessarily need to reflect site-specific construction variables, Unbridled will identify points of access on a final, as-built map of the project should the Siting Board so request.

Regarding the report's discussion of "Location and use of access ways, internal roads and railways" (Page 8 of Section C), BBC notes that Section 1.2.3 of the initial filed SAR (page 3) states that, "the Project will not use railways for any construction or operation activities." As clarified and corrected in Unbridled's response to Data Request 3:

Rails are typically used for oversized/overweight loads like the Main Power Transformer [MPT]. The supplier is responsible for creating and managing a transportation plan to bring equipment to the project site from their manufacturing facility. The supplier is responsible for obtaining all required oversized/overweight permits as well. Delivery of equipment is currently too far out in schedule for any Supplier to provide any commitment on rail use or a railhead location.

Thus, to the extent a Supplier may utilize rail to ultimately deliver equipment or materials to the project site, Unbridled would like to correct the record to reflect that railways may be used. Unbridled will coordinate with the Supplier and with the Henderson and Webster County road departments and the Kentucky Transportation Cabinet to identify an appropriate route to the site for the MPTs.

Finally, in the report Section B, Page 6, BBC requests additional information from the applicant regarding identifying and communicating with an existing utility to serve the O&M building. As stated in Unbridled's response to the first Data Request, Request 21, the O&M building is in the Kenergy service territory. Unbridled has been in communication throughout development of the project with Big Rivers Electric Corporation, but has not yet discussed service with the distribution cooperative. Unbridled will do so expeditiously following approval of its Application.

B. Responses to Mitigation Recommendations (Pages 6-7, Section B)

Recommendation: “Unbridled should complete screening plan agreements with nearby homeowners as stated in Section 2.2.1 of the SAR (and described on Section C, page 15 of this report).”

Response: Unbridled appreciates that BBC recognizes our efforts to go above and beyond what is required by the statute to be good neighbors to adjacent property owners. As described in Unbridled’s original and supplemental response to ESB Data Request 7, Unbridled representatives have been in discussion with the two landowners who expressed concern about their viewshed at the public information meeting in August 2020. Unbridled stated that Project representatives would come to an agreement on the screening plan with these two specific landowners prior to construction. It is standard practice at National Grid Renewables to talk to concerned landowners about the screening plan and answer any questions they may have. In this particular circumstance, Unbridled exceeded this standard and received written approval from both of the landowners. Copies of the written approvals were filed with the Siting Board.¹ Therefore, the mitigation measure as originally proposed by Unbridled has been completed to the intended extent. The recommended mitigation measure as written by BBC Consulting could be taken out of context and construed to mean a screening plan agreement would be required with more than the two specified landowners. Requiring developers to come to individual screening plan agreements with all neighboring landowners would be unreasonable and impractical. Therefore, Unbridled requests this recommended mitigation measure be recognized as complete and unnecessary as a condition for a construction certificate.

¹ A handwritten approval document from one of the adjacent property owners was provided as a confidential attachment to the original response to 1 ESB 07, filed February 2, 2021; an emailed approval from the other adjacent property owner was provided as an attachment to the supplemental response to 1 ESB 07, filed March 24, 2021.

Recommendations: (a) “Unbridled should also submit their screening plan for approval of the Henderson City-County Planning Commission, as required under the Henderson County Zoning Ordinance;” and (b) “Unbridled must carry out the screening plan and make sure the proposed new vegetative buffers are successfully established and develop as expected over time.”

Response: Unbridled agrees to the proposed mitigation.

Recommendations: (a) “Unbridled should contact homes within 500 feet of any pile driving activity and notify them in advance of the upcoming activity, its timing and anticipated duration, rather than waiting for complaints from those residents. It should also provide the opportunity for residents to ask questions or provide feedback, if desired;” and (b) “Unbridled should respond to any noise-related complaints from residents adjacent to the project boundary, and work with those residents to reduce noise-related concerns through careful scheduling or other means to the extent feasible.”

Response: Unbridled agrees to the proposed mitigation.

Recommendations: (a) “Unbridled should contact the Kentucky Transportation Cabinet as soon as feasible to discuss the transportation requirements and the KYTC’s restrictions on SR 283 and SR 416. If the route requires on-site assessment by KYTC before approval and permitting, Unbridled should allow as much time as possible for that process to occur;” (b) “Unbridled should contact the road departments of Henderson and Webster Counties as soon as feasible. Any overweight or overdimensional loads on local roads should be approved by the relevant county, and it is likely that county roads could be more vulnerable to damage or degradation than state routes;” and (c) “Unbridled should develop a detailed and site-tailored traffic management plan for the construction phase as soon as feasible. Given the number of access points to the site

(15) as shown in the applicant's amended Exhibit K, it is likely that the site will require extensive signage and coordination of traffic management personnel during construction activity.”

Response: Unbridled agrees to the proposed mitigation.

II. Evaluation of Proposed Unregulated Transmission Line

Unbridled supports BBC's findings, conclusions, and recommendations regarding the proposed unregulated transmission line with minor clarifications and a request for Siting Board consideration.

Regarding the Applicant's request to allow movement of the transmission line route by up to 500 feet in either direction on its right of way with written agreement from the landowner(s), Unbridled would like to request greater flexibility to allow movement of the transmission line route within Big Rivers Electric Corporation (BREC) property east of Interstate 69 (*see* attached BREC Property Map). Since BREC could require route changes that are outside of Unbridled's control, the Applicant respectfully requests permission to move the transmission line route within BREC's property by up to 1,000 feet in either direction with approval of the landowner. Due to the number of transmission lines on BREC's property, such movement would result in no additional visual impacts and would conform with the National Electric Safety Code and any other applicable legal requirements. Outside of BREC property, Unbridled requests to allow movement of the transmission lines route by up to 500 feet in either direction on its right of way with written agreement from the landowner(s), as initially proposed. To further ensure no additional visual impacts, Unbridled commits not to move the line any closer than proposed in the Application to the six residences just west of US 41.

Finally, Unbridled agrees to use appropriate coatings within the viewshed of the six residences to minimize the visual impact of the transmission poles.

III. Conclusion

Unbridled appreciates the opportunity to comment on BBC's Final Report to the Siting Board and agrees to the recommended mitigation measures as described above with requested revisions.

Respectfully submitted,

/s/ Jason R. Bentley

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