

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	)	Case No.
Transmission Line in Henderson and Webster	)	2020-00242
Counties, Kentucky	)	

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**Motion for Determination**

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Unbridled Solar, LLC (“Unbridled”), by counsel, files this Motion and requests a finding by the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) of no materially different patterns or magnitude of impacts in its updated site plan. By Order dated June 4, 2021 (“Final Order”), Unbridled received conditional approvals to construct an approximately 160-megawatt merchant solar electric generating facility and a 161-kilovolt nonregulated transmission line in Henderson and Webster counties, Kentucky (“the Project”). Although not a condition in Unbridled’s Certificate, subsequent Siting Board Orders have included a condition allowing the Siting Board to determine whether “any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts.”<sup>1</sup>

As Unbridled plans to begin clearing and other preparation of the generation-facility site and transmission line route in June 2023, updated site design has been substantially completed,

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<sup>1</sup> See *In re Electronic Application of Golden Solar LLC for a Certificate of Construction for an Approximately 100 MW Merchant Electric Solar Generating Facility in Caldwell County, Kentucky*, Case No. 2020-00243, February 21, 2023 Order, Appendix pg. 1, Conditions 1-3; see also *In re Electronic Application of Caldwell Solar LLC for a Certificate of Construction for an Approximately 200 MW Merchant Electric Solar Generating Facility in Caldwell County, Kentucky*, Case No. 2020-00244, April 8, 2022 Order, Appendix pg. 1, Conditions 1-3.

and the up-to-date site layout plan is attached hereto. Unbridled respectfully requests a Siting Board determination that the deviations described herein do not constitute a “materially different pattern or magnitude of impacts” and are consistent with the Certificate conditionally issued in the present matter. Construction or installation of Project facilities will begin in late Summer or early Fall 2023. Unbridled is within the statutory timeframe to commence construction, since while it has obtained some of the necessary permits from the KY DEP, it has applied for other permits from the KY DEP which have not yet been issued. The Siting Board’s determination that the proposed site deviations do not constitute “a materially different pattern or magnitude of impacts” is needed to provide assurance to Unbridled prior to construction that the proposed site layout conforms with the conditions of the Certificate.

The enclosed updated site layout plan conforms to the Project requirements set in the Final Order, *i.e.*, (1) “panels, inverters and substation equipment” will be placed no closer to noise receptors than indicated in Unbridled’s noise and traffic study” (Final Order Appx. p.4 item 22) and (2) no deviation of more than 500 feet laterally has been made to the Project site boundaries to accommodate a change to the transmission line route (Final Order, Ordering p. 2). The updated site layout lies within the leased, purchased, and right-of-way easement boundaries as proposed and as shown on Final Order Appx. B, and the facilities located in Henderson County are in compliance with its Zoning Ordinance requirements.

Comparison of the final site layout plans to the plans approved as part of the Application (*see esp.* Application Amended Exhibit K) and Final Order Appx. B shows that Unbridled’s updated site plan provided herewith will further reduce the visual impact of the Project. First, the overall acreage of the Project has been reduced by 158 acres, thereby further minimizing the total project footprint and allowing even more efficient use of the land. There has been no

change to the parcels used for the transmission line route from the generating site boundary to BREC's property and facilities.

Second, the planned substation has been relocated eastward to a spot near the originally proposed exit point for the gen-tie line on its way to the BREC Reid Substation — a relocation which both increases the distance to the nearest existing residence from approximately 900 feet to approximately 1,470 feet and reduces the gen-tie line's overall length by 2,640 feet. The operation and maintenance building and yard will also be relocated in conjunction with the substation relocation, and will be at least 350 feet from the nearest residence.

Third, due to the substation relocation, the starting point of the gen-tie line will be moved eastward within the proposed Project boundary, closer to the exit point from the generating facility boundary, compared to what was originally proposed. As can be seen on the enclosed updated site layout plan, the transmission line will be routed southward from the substation for approximately 1500 feet until it intersects with and then continues eastward along the originally-proposed transmission line path. Within the Project boundary, this shortening and reconfiguration of the line will put it approximately 1,500 feet from the nearest residence and produce a more compact visual appearance/profile.

Unbridled is pleased to have improved upon the site plan in the enclosed updated layout and looks forward to beginning work on the Project. It has voluntarily provided the Siting Board with the updated site plan at this time so that the Siting Board may comment or request clarification before Unbridled proceeds with the required one-month's notice to residents and business within 2,400 feet of the Project boundary and with the commencement of construction.

Wherefore, Unbridled respectfully requests that the Siting Board enter an Order finding that there are no materially different patterns or magnitude of impacts in the attached updated

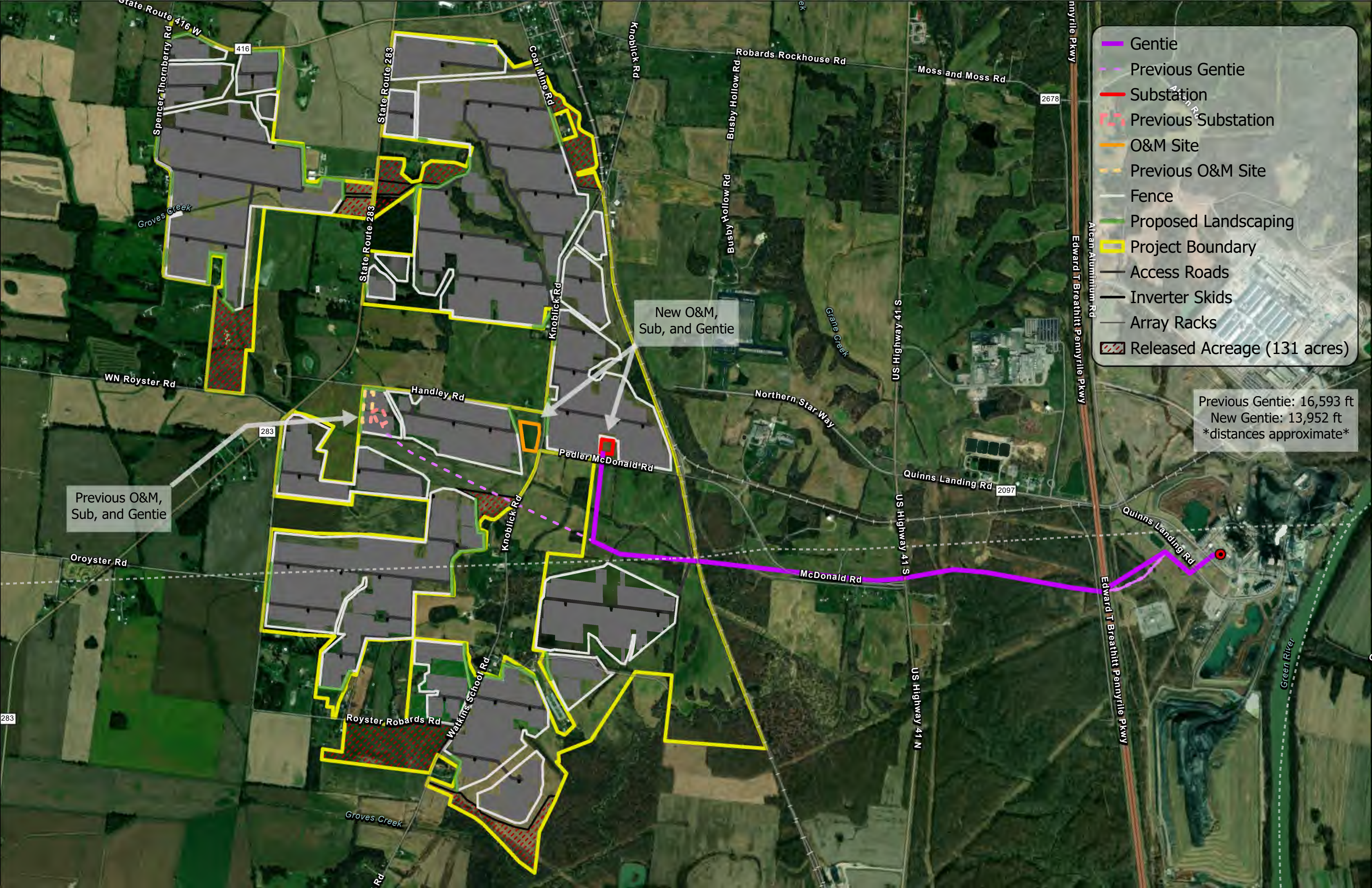
site plan. Due to the proposed construction schedule and the need to provide advanced notice to neighboring landowners prior to commencing construction activities, Unbridled respectfully requests a Siting Board finding by May 15, 2023.

Respectfully submitted,

/s/Kathryn A. Eckert

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- Gentie
- - - Previous Gentie
- Substation
- - - Previous Substation
- O&M Site
- - - Previous O&M Site
- Fence
- Proposed Landscaping
- Project Boundary
- Access Roads
- Inverter Skids
- Array Racks
- Released Acreage (131 acres)

New O&M,  
Sub, and Gentie

Previous O&M,  
Sub, and Gentie

Previous Gentie: 16,593 ft  
New Gentie: 13,952 ft  
\*distances approximate\*

