

CASE NO. 2020-00272
FLAT RUN SOLAR, LLC
RESPONSES TO BBC RESEARCH AND CONSULTING'S FIRST REQUEST FOR INFORMATION

1. Application page 4 states: "The Project will be built on up to 450 acres which has historically been used as pasture and crop land." Does this acreage estimate include the additional 25-acre parcel added after the public meetings, as discussed on Application page 10?

Response: Yes; the 450 acres includes the 25-acre parcel added after the public meeting.

Witness: Carson Harkrader

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2. Page 11 of the Site Assessment Report (SAR) states that all solar equipment (except fences and vegetation) will be 150 feet from neighboring homes. Does this include the 'participatory' residences whose owners are leasing land to the Project?

Response: No, the 150-foot setback from non-participatory homes does not apply to participatory homes. There are three lease agreements with Flat Run landowners who own residential homes that will be nearer than 150 feet from the solar equipment on their property. In all three cases, the landowners are aware of the setbacks and spacing of solar equipment on their properties. These three landowners have reviewed Project maps and the planned location of solar equipment on their properties, as described in more detail in Flat Run's response to the Siting Board's question 14.

Witness: Carson Harkrader

3. Page 3 of the SAR notes: "To provide more detailed information on the closest residential homes to the Project, a map showing a 300' radius around the exterior of the Project is attached as Attachment C. There are three non-participating residential homes within 300' of the Project, which are marked on the map." Figure 3, entitled "Nearest Residences Map" appears to show five 'participatory' residences within 300 feet of any solar equipment, including two residences within the project footprint in the northwestern portion (along Hobson Road), another residence northwest of those homes that is located within 300 feet of project facilities, another residence further northeast along Hobson Road (outside the project footprint but within 300 feet of solar equipment), and a residence near Saloma Road close to the southern most corner of the proposed project (also within 300 feet of proposed equipment.) Please clarify this apparent inconsistency or let us know if we are misinterpreting the information provided in Figure 3.

Response: Attachment C of the Site Assessment Report, the "Nearest Residences Map" is correct in showing three *non-participating* residences (each shown with a blue dot), and five *participating* residences (each shown with a yellow dot – these are the five residences you refer to in the question) within 300 feet of the potential project footprint.

Witness: Carson Harkrader

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4. On Page 11 of the SAR, the applicant uses the expected noise levels of a pile driver at a distance of 150 feet to calculate a proposed noise limit of 95 dba at the nearest receptor (i.e., a residential home). Were noise guidelines from the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the Center for Disease Control or other health or regulatory agencies considered in developing this proposed noise limit?

Response: Flat Run consulted with GAI, the noise and traffic consultant who provided the noise and traffic report for this Project. GAI advised that the Occupational Safety and Health Administration (OSHA) is intended to regulate workplace noise, and according to the OSHA website “does not have any regulations that apply to residential properties.”¹

Because the pile driver will move around the site without staying near any one home for extended periods of time, and because the proposed 95 dBA limit is measured outside the home and not inside the home where noise levels may be lower, Flat Run did not include analysis from health or regulatory agencies in developing this proposed noise limit.

Flat Run has proposed limited working hours for the pile driver in its response to the Siting Board's question 19.

Witness: Carson Harkrader

¹ <https://www.osha.gov/laws-regs/standardinterpretations/1997-02-21#:~:text=OSHA%20does%20not%20have%20regulations%20that%20apply%20to%20residential%20properties.,-Standard%20Number%3A>

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5. At multiple points in the SAR and Application materials, the applicant notes that no homeowners or community members have raised concerns about the project during the September 2020 meeting or at any point before or after, up through April 2021. Please describe the level of detail provided to the owners of adjacent residential homes. Were these homeowners (including 'participatory' and non-participatory residences) provided with details about the applicant's motion for deviation from setback requirements, and the estimated distances between solar equipment and their homes? Were these homeowners provided with specific descriptions of noise levels during both construction and operation phases, including analogies or noise levels based on common machines and equipment (e.g., air conditioning unit, motorcycle engine running, etc.)?

Response: Large printed copies of the site plan showing the project setbacks were provided to neighbors and the public at the public meeting held by Flat Run on September 17, 2020, and a large printed copy of the site plan was posted at the entrance to the Taylor County Fiscal Court for 3 business days prior to the public meeting, as described in the Application. Adjacent neighbors of the Project received a letter prior to the public meeting that included a Fact Sheet and a website link that includes a large color copy of the site plan. Also, the local newspaper, the *Central Kentucky News Journal*, published an article about the Project that included a large color copy of the site plan. Therefore, Flat Run concludes that the adjacent neighbors of the Project had significant opportunity to be informed of the Project, and to review the site plan that depicted the distances between solar equipment and their homes.

Flat Run did not provide adjacent neighbors with additional notice of Flat Run's motion for deviation from neighborhood setbacks. Flat Run did provide adjacent neighbors with two notices of application, one sent via regular US Mail and one sent via certified US Mail. As required by statute, the notices of application referred the neighbors to the Kentucky Public Service Commission for more information about the

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Project.

Because the noise level of solar equipment is similar or less than the noise generated by residential household air conditioning units at the Project setback distance for central inverters and energy storage units (a minimum of 300 feet, and generally much farther away for surrounding homes at Flat Run), Flat Run did not provide specific descriptions about operational noise. Utility scale solar projects in operation do not generally create noise that is audible from neighboring properties. A study of solar power facility acoustics in Massachusetts found that at 150 feet from an inverter pad, sound levels approached background levels (please refer to Attachment J for a copy of the study.)

No landowners or members of the public asked about noise produced by the Project during construction. Carolina Solar Energy, the owner of Flat Run, has experience permitting utility scale solar projects in rural communities in North Carolina and Virginia. In our prior experience, construction noise has not been a concern for regulatory bodies such as Planning Boards, Boards of Commissioners, planning departments, or neighboring property owners, including in counties that already had solar projects installed when our project was being permitted. For this reason, we did not speak more directly to construction noise in our outreach to neighboring property owners.

Witness: Carson Harkrader

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6. On Page 12, the applicant states that if noise levels during construction are unacceptable to nearby residents or landowners, Flat Run shall mitigate so that noise levels are no more than 95 dba as measured at a neighboring residential home. What if 95 dba itself is not acceptable to these neighboring residents?

Response: While annoyance is generally a subjective experience, the Project will always do its best to limit noise emissions as much as possible by applying appropriate industry standards, high-quality equipment and experienced contractors. However, as with every construction project, whether residential, commercial or industrial, it will not be possible to completely eliminate noise emissions or reduce them below a level that a particular individual might find "too loud" or "annoying".

If held to the standard of only producing noise levels during construction that are acceptable to neighboring residents, Flat Run will face challenges securing project financing because neighboring landowners may prefer a low noise level that is impossible for Flat Run to achieve. It is important to note that Flat Run has proposed the 95 dBA maximum noise level at a receptor in order to ensure the Project is able to be built, but this noise level will not be experienced by all neighbors of the Project. This noise level will only be experienced by homes that are 150 feet away from a pile driver for the approximately one day that the pile driver is within a 150-foot distance to the home, and there is only 1 non-participating home at Flat Run within 150-feet from the Project area (please refer to the revised site layout attached as Attachment G.) Flat Run has committed to sending all property owners within 1,500 feet of the Project a letter prior to the commencement of construction a notice about the start of construction, and a Project point of contact for questions or concerns about construction impacts including noise.

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7. Has the applicant contacted the KY Transportation Cabinet and the Taylor County road department regarding the overweight and overdimensional loads that will be delivered to site? Have either of those agencies expressed any concerns regarding the ability of the road network to handle these loads, or the traffic disruption that may occur during their transport?

Response: Flat Run has not reached out to the KY Transportation Cabinet or the Taylor County road department at this stage of development, nor have we been contracted by either agency regarding loads to be delivered to the site. Flat Run and its contractors will comply with the conditions of all required transportation permits. Permits for heavy or oversized loads will be obtained by the construction contractor or in the case of the transformer by the manufacturer, as applicable.

Witness: Carson Harkrader

8. Attachment D of the Application (Letter from Taylor County Judge Executive Barry Smith) states that there are no planning/zoning ordinances applicable to the proposed Horseshoe Bend project. The letter is also addressed to **Horseshoe Bend Solar**. However, the Horseshoe Bend project is an entirely separate project by Carolina Solar Energy and is not within Taylor County but rather in neighboring Green County. Was this letter intended for another project?

Response: This was an error, and a corrected letter is attached as Attachment K.

Witness: Carson Harkrader

9. Page 5 of Attachment M of the Application (PJM Interconnection System Impact Study Report) references a solar storage generating facility located in Taylor County, West Virginia. Please confirm that this PJM report (as well as the PJM Feasibility report and the soon-to-be-released PJM Facilities Study) is actually an analysis for Taylor County Kentucky rather than West Virginia.

Response: The reference to Taylor County, West Virginia, is an error by PJM, and Flat Run has asked PJM to correct this reference to Taylor County, Kentucky. PJM and East Kentucky Power Cooperative have completed a site visit at Flat Run, and are aware of the Project's correct location.

Witness: Carson Harkrader

10. Attachment F assesses the projected volume of vehicular traffic during construction in the context of the local road system. "Construction of the Flat Run facility is expected to take eight to 12 months, with working hours from 7 AM to 9 PM daily. up to 150 workers are anticipated to be on-site each day. up to 15 trucks (Class 9) are anticipated to deliver components daily, with trucks weighing approximately 20 tons each. a distribution of the anticipated 165 daily vehicles during construction is shown in Figure 6." For purposes of comparing projected construction traffic to existing roadway traffic counts shown in Figure 4 (which are based on AADT which measures the number of trips in both directions), we believe the 165 daily vehicles cited above should be counted as 330 daily trips?

Response: A letter from GAI Consultants on this topic is attached as Attachment F.

Witness: Carson Harkrader

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11. The Noise and Traffic Study (page 8) notes that "One Class 21 truck (20 tons) is anticipated for the delivery of the substation transformer (approximately 60/70 tons) using the KY Route 527 driveway." Please confirm that this is expected to be the largest and heaviest load delivered during facility construction.

Response: Yes, this is expected to be the largest and heaviest load to the site during construction.

Witness: Carson Harkrader