

CASE NO. 2020-00272
FLAT RUN SOLAR, LLC
RESPONSES TO SITING BOARD'S FIRST REQUEST FOR INFORMATION

List of Attachments to
Siting Board and BBC Consultants
Request for Information

- A. Revised Context Map
- B. Adjoining Parcel Neighbor Comparison Table and Corrected Copy of Certified Mail Receipts
- C. Letter from Patricia Thomas
- D. Land Control Agreements (filed confidentially)
- E. Letter from Professor Coomes
- F. Letter from GAI Consultants
- G. Revised Site Layout
- H. Participating Landowner Maps
- I. Wetlands Delineation Showing the Locations of Existing Water Wells and Ponds
- J. Study of Acoustic and EMF Levels from Solar Photovoltaic Projects Prepared for the Massachusetts Clean Energy Center
- K. Corrected Letter from Taylor County

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1. Refer to Application, page 2 and Attachment A. There is public land designated as research and educational land, Clay Hill Memorial Forest (<http://www.clayhillforest.org/> and <https://eec.ky.gov/Nature-Preserves/Locations/Pages/Clay-Hill-Memorial-Forest.aspx>), owned and managed by Cumberland University and supported by the Kentucky Nature Preserves Commission as a heritage land. It is located northeast and within the two-mile radius around Flat Run, and south of the intersection of KY-289 (Old Lebanon Road) and Kindness Road. Revise Attachment A to show the location of this nature preserve.

Response: Please see Attachment A for a revised context map that includes the Clay Hill Memorial Forest.

Witness: Carson Harkrader

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2. Page 4 of the Application refers to the site plan, Attachment A of the Site Assessment Report. This map's date of issue is March 15, 2021. However, there is a similar map in Attachment F, "Noise and Traffic Study," Figure 2, Site Plan, of the Site Assessment Report dated February 11, 2021. The main differences between the two maps is that, first, Tennessee Gas facility (March plan) is labeled Atmos Energy (February plan) and, second, there are three homes showing setbacks in the March plan and seven homes showing setbacks in the February plan.

a. Explain whether the March Site Plan is the final site plan under consideration before the Siting Board.

b. Explain why four homes were removed from the most recent site plan.

Response:

a. The March Site Plan is the final site plan for Flat Run, and Tennessee Gas Pipeline Company is the correct owner of the gas facility adjacent to the site. The site plan included in Attachment F was a previous draft, which we should have updated prior to submission of the Application.

b. Notations at the four homes are not shown on the final March site plan because Flat Run decided to reduce the Potential Project Footprint in the Northeast corner of the site. This decision was made internally and not in response to any complaint or concern from neighbors. The four homes that were noted on the February plan are now over 300ft from the Proposed Project Footprint, and are therefore not noted on the final March site plan.

Witness: Carson Harkrader

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3. Refer to the Application, page 5, and Attachment C for public notice evidence. There is evidence of only 13 notices sent via Certified Mail (the last page is a duplicate of the first one). According to the map of adjacent neighbors in Appendix B, Attachment B to the Site Assessment Report, there are 27 neighbors listed by surname.

a. Submit a complete list of landowners whose properties border the proposed site with the complete name or names of the owners for each parcel. In this list, use the key to the "Tax Parcel Map" in Appendix B, Attachment B to the Site Assessment Report.

b. Explain whether these names align with the names for the neighboring properties in Attachment E "Survey and Legal Description" of the Site Assessment Report. Explain any differences.

c. Provide the number of first class or certified mail receipts that were sent and how many were returned. List any returns and describe any further attempts to contact them.

Response:

a. Please see Attachment B for a table of landowners adjacent to the Project. The list is numbered to match the "Tax Parcel Map" in Appendix B, Attachment B to the Site Assessment Report. Attachment B also contains a corrected copy of the Certified Mail receipts; we apologize for the duplicate page in the Application Attachment C.

b. There are 4 total discrepancies between the names shown on Attachment B, and the names shown on Attachment E "Survey and Legal Description" of the Site Assessment Report. They are listed below by the numbering system on the "Tax Parcel Map." PVA websites can often show slightly different information than what a title search or ALTA survey show.

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1. The survey lists this parcel as Atmos Energy; however, the facility is owned by the Tennessee Gas Pipeline Company. The next version of the survey will correct this error.
15. The survey lists this parcel as being owned by Ronald and Gwynette Sullivan, however the Taylor County PVA website shows this parcel being owned by Keith Edward Jr and Nancy Franklin. The Franklins were mailed a notice of application.
16. The survey lists this parcel as being owned by Clayton and Kathryn Sullivan and Ronald and Gwynette Sullivan. The Taylor County PVA website shows that it is owned by Flat Run participating landowners, Ronald and Gwynette Sullivan.
17. This parcel is shown on the survey as being a portion of a larger parcel owned by Chad and Carol Sullivan, but is shown on the Taylor County PVA website as a subdivided parcel owned by Flat Run participating landowners, Ronald and Gwynette Sullivan.

c. Flat Run sent 19 letters via regular US Mail, and 19 letters via certified US Mail. Three certified US Mail letters were returned as "unclaimed", but no regular US Mail letters were returned. We assume that the individuals who did not accept the certified mail would have received the regular US Mail letter, as no regular mail letters regarding the Notice of Application have been returned as of the date of this filing.

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4. After the public meeting on September 17, 2020, an additional parcel of 25 acres was added to the footprint adjacent to the Tennessee Gas facility. It is stated on page 10 of the Application that there were no new neighboring parcels with the larger footprint. However, the additional parcel does add more panels to the site plan when the site plan submitted (Attachment A of the Site Assessment Report) is compared to the site plan shown at the public meeting (Attachment J "Layout Map Presented at Public Meeting" of the Application). A letter from Tennessee Gas Pipeline Company stated that they did not object to the additional parcel (Attachment K "Letter from Tennessee Gas" of the Application). However, the owner of Parcel VI, Patricia Ann Thomas, (according to Attachment E "Survey and Legal Description" of the Site Assessment Report) will have more construction and maintenance traffic going through the proposed construction entrance that is on her property and adjacent to a residence.

a. Describe all contact and the date of contact with Patricia Ann Thomas, particularly regarding the additional traffic entering the solar facility.

b. Submit a detailed map for the Patricia Ann Thomas property showing the internal roadway and its entrance for solar facility traffic, the fencing, and the vegetation buffer for the residence.

c. Submit a copy of the lease agreement with Patricia Ann Thomas.

Response:

a. Flat Run has been in contact with the Project's landowner, Patricia Ann Thomas, on a frequent basis to discuss various aspects of Project development. Patricia Ann Thomas has signed a lease with Flat Run for her property, and it is typical for the Project to be in touch with participating landowners frequently. Unfortunately we do not have records of every conversation. However, Mrs. Thomas has signed a letter, attached as Attachment C, confirming

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that she is aware of the additional noise and construction traffic due to the addition of the new parcel into the Project site plan.

b. We do not have a more detailed site plan for the Thomas property than what was provided in the Application. The vegetative buffer shown on the site plan in the Application covers the entire road frontage and area behind the Thomas home, and this buffer location will not change (unless a change is required by the Siting Board.) The final locations for the fencing and internal roads will be decided in the final site design phase, to be submitted to the Siting Board prior to construction. Note that Patricia Thomas has requested that Flat Run lease as much of her property as possible.

c. Please see Attachment D for a copy of the lease agreement for the Thomas property, filed confidentially.

Witness: Carson Harkrader

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5. Refer to the Application, Attachment N, page 1. Explain whether payments in lieu of taxes (PILOT) to local government jurisdictions creates any additional employment in Taylor County.

Response: The PILOT payment will be spent by the County on local services, which may or may not include creating additional employment. The decision on how to spend the PILOT payment will be up to Taylor County, which is one of the benefits of the PILOT agreement. The PILOT will provide Taylor County with new revenues that it can use to support the highest-need areas of the County's operations.

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6. Refer to the Application, Attachment N, page 1. Explain whether the \$1.32 million in PILOT payments is remitted to Taylor County or surrounding counties as well. If to surrounding counties, provide the amount to each.

Response: The PILOT payments are only to be made to Taylor County.¹

Witness: Carson Harkrader

¹ As described in Flat Run's Supplemental Filing dated May 24, 2021, the PILOT payment, which has now been approved by Taylor County, has been increased from \$1.32 million to \$1.485 million over 40 years.

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7. Refer to the Application, Attachment N, page 2. Explain whether the approximately 150 workers are going to be supplied from Taylor County or surrounding counties as well.

Response: Flat Run anticipates that workers will be supplied from Taylor County and surrounding counties. Flat Run has met with the Principal of the Green County Area Technology Center (ATC), which serves Taylor County, and will work with the ATC in 2021-2022 on a training program for local solar installers. Solar installer is a job that does not require a college education, requires only short-term training, and typically pays higher than average wages. Flat Run is looking forward to bringing workforce development and new employment opportunities to Taylor County and the surrounding area.

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8. Refer to the Application, Attachment N, page 3.
 - a. Explain how the IMPLAN model was customized for Taylor County.
 - b. Explain why the IMPLAN model was not customized to include surrounding counties.

Response: Please see Attachment E for a response from Paul Coomes, Professor Emeritus of Economics at the University of Louisville, who prepared the initial IMPAN model and the Economic Impact Report for Flat Run.

Witness: Paul Coomes, PhD

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9. Refer to the Application, Volume 1, Section 2, Description of Proposed Site, page 4, regarding the inverters.
- a. State when a decision will be made regarding use of central inverters or string inverters.
- b. To the extent that string inverters are selected, state how many string inverters will be used.
- c. Provide the noise level generated at the source and at increments of 100 feet up to 1,000 feet for central inverters and string inverters.

Response:

- a. The decision regarding the use of central inverters or string inverters will be made sometime prior to construction; construction is anticipated to begin in 2023. It is advantageous to Flat Run to not make sourcing decisions too early in the development process, as solar panel efficiency, racking technology, and other equipment improvements are continually being announced by product manufacturers. Delaying sourcing decisions until closer to the time of construction allows the Project to benefit from the best technology available at the time.
- b. If string inverters are used for Flat Run, there will be approximately 220 used onsite, however this number is subject to change based on the type of inverter and type of racking system chosen for the Project in the final design and procurement phase of development.
- c. Please see Attachment F for a table of noise levels at increments of 100 feet up to 1,000 feet for central inverters and string inverters, prepared by GAI Consultants.

Witness: Carson Harkrader

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10. Refer to the Application, Volume 1, Attachment F – Public Involvement Activities.

a. Regarding the meeting with Ricky Dale Shreve, a landowner adjacent to the proposed solar project, explain the purpose of the meeting, who initiated how those issues or concerns, if any, were addressed by Flat Run Solar. Also state whether Flat Run Solar provided Mr. Shreve with the types of noise levels that could occur during construction.

b. Other than the public meeting notices that were mailed, state whether Flat Run Solar has attempted to directly contact any nonparticipating adjacent property owners. If so, state whether there were any communications with these non-participating adjacent property owners and whether these property owners expressed any concerns or issues in connection with the proposed solar project.

Response:

a. Flat Run met with Ricky Dale Shreve to discuss the potential addition of his adjacent property into the Project. After discussing the matter, Mr. Shreve told Flat Run that he did not want to include his adjacent property in the Project (in other words, he declined to become a Project participating landowner.) Mr. Shreve does not live on the property adjacent to the Project, and therefore Flat Run did not discuss the potential for construction noise with him. Flat Run shared printed copies of the site layout with him.

b. Flat Run made numerous attempts to contact the Deener family, who own multiple parcels surrounding the Project. No response was received. No other adjacent property owners were proactively approached, other than Flat Run mailing invitations to the public meeting held on September 17, 2020. No neighboring property owners expressed concerns or issues in connection with the proposed solar project to Flat Run at the public meeting (or

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otherwise.)

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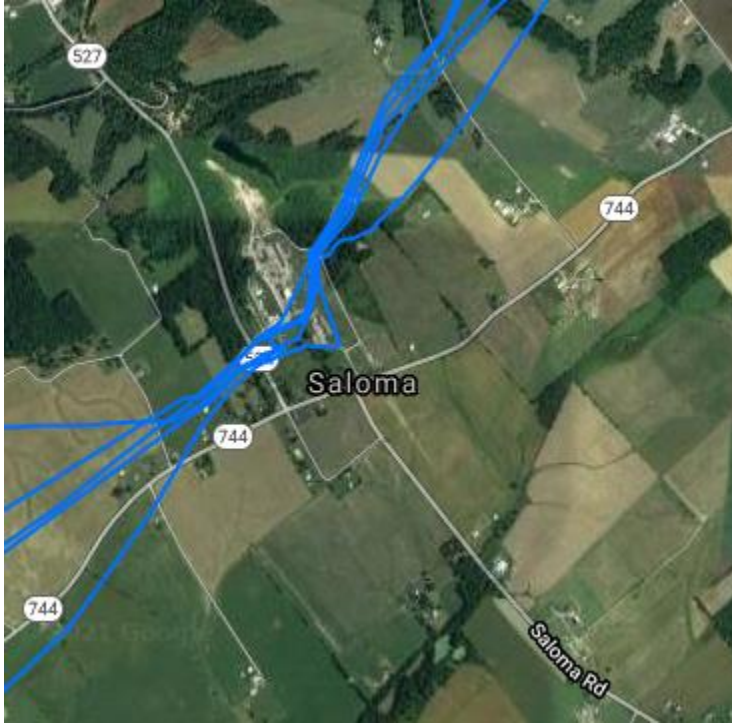
11. Refer to the Application, Attachment I "Map showing New Parcel" issued March 9, 2021. The northern part of this parcel, leased from Tennessee Gas Pipeline Company, is not a Potential Array Area. In the Application, Attachment K "Letter from Tennessee Gas" a letter from Carolina Solar Energy dated February 18, 2021, to Tennessee Gas includes a map which shows the solar arrays excluded from the northern part of the parcel. According to the National Pipeline Mapping System (<https://www.npms.phmsa.dot.gov/>), there is a Tennessee Gas transmission pipeline (100-2) that goes through the northern part of the parcel. Now refer to the Site Assessment Report, Attachment A "Preliminary Project Layout" dated March 15, 2021. The fence and the fenced area with the solar arrays appears to exclude the northern area with the active pipeline.

- a. Explain why the site plan shows the Potential Project Footprint Area extending to the northern edge of the new parcel.
- b. Revise the Preliminary Site Plan to show the utility easement for the Tennessee Gas Pipeline and any adjustments that should be made to the Potential Project Footprint Area.
- c. Submit a copy of the lease agreement with Tennessee Gas Pipeline Company.

Response:

- a. Please see Attachment G for an updated site plan that removes the mentioned area of the Potential Project Footprint.
- b. Please see image below from the National Pipeline Mapping System which shows the location of the pipeline, which is now outside of the Potential Project Footprint area.

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c. Flat Run does not have a lease agreement with Tennessee Gas Pipeline Company, as the Project is not utilizing any land or easement areas owned by Tennessee Gas Pipeline Company. Please see Attachment I of the Application Volume 1 for a reference map of the Tennessee Gas Pipeline Company parcel and the Project area. The Tennessee Gas Pipeline Company parcel is outlined in green to show its location, and the new parcel is outlined in yellow and labeled "New Parcel".

Witness: Carson Harkrader

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12. Refer to the Site Assessment Report, pages 4 and 14, for the setback of 50 feet from adjacent roadways for the Potential Project Footprint and solar equipment.

a. Explain if this is 50 feet from the roadway right-of-way or 50 feet from the road centerline.

b. Explain how the 50 feet aligns with the water lines and gas distribution lines along Hobson and Saloma Road, since their right-of-ways generally parallel roadway right-of-ways.

Response:

a. The proposed 50-foot setback from roadways is to be measured from the right-of-way of the road.

b. All utility easements will be avoided by the Project. If there are any water lines, gas distribution lines, or other utility easements that extend outside of the proposed 50-foot road setback, those easements will be avoided and will remain outside of the Project area.

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13. Refer to the Site Assessment Report, page 4–5, regarding the “Potential Project Footprint” setbacks, which are measured to the nearest solar panel or other equipment.

a. State what is meant by “other equipment.”

b. Regarding the 50-foot setback from adjacent roadways, the 25-foot setback from nonparticipating adjoining parcels, and the 150-foot setback from nonparticipating residences, state how these setback levels were determined (in addition to what was mentioned in this section of the Site Assessment Report) and whether these setback levels took into account noise and visual impacts during construction and operations.

c. Regarding the proposed setback levels for central inverters, if any, and energy storage systems of 150 feet from the project boundary and 300 from nonparticipating residences, state how these setback levels were determined (in addition to what was mentioned in this section of the Site Assessment Report) and whether these setback levels took into account noise and visual impacts during construction and operations.

Response:

a. Please accept our apologies as this was not clear. “Other” equipment was meant to refer to the racking systems that hold the solar panels.

b. Yes, noise and visual impacts were a key component in the process of developing the proposed setbacks. The parent company of Flat Run, Carolina Solar Energy, has developed solar projects in dozens of jurisdictions, each with their own permitting structure and setback requirements. Flat Run’s proposed setbacks are based on experience with other jurisdiction’s existing setbacks and requirements for solar farms. In rural communities without planning and zoning such as the area around Flat Run, the proposed setbacks are more restrictive than what would typically, in Carolina Solar Energy’s experience, be required. The setbacks are proposed in order to minimize noise and visual impacts to neighbors and to keep

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the Project's impacts minimal to the community, while still allowing the Project to be constructed and operated safely and economically.

c. Flat Run took into account noise impacts during operation in proposing the proposed setback levels for central inverters, if any, and energy storage systems of 150 feet from the project boundary and 300 feet from nonparticipating residences. In Carolina Solar Energy's experience in other states, inverters and energy storage systems do not typically have separate setbacks independently imposed on them. Flat Run proposed setbacks of 150 feet for string inverters and 300 feet for central inverters and energy storage systems to proactively address potential Siting Board or community concerns regarding sound levels during operation. Please see Section 4 of the Site Assessment Report, Volume II, and Attachment F of the Site Assessment Report, Volume II, for a full evaluation of sound impacts. Based on the setbacks proposed by Flat Run, the sound impact for inverters and energy storage systems during Project operation is below the threshold for the human ear to hear the increase in noise.

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14. Refer to the Site Assessment Report, Attachment A, "Preliminary Project Layout" dated March 15, 2021. Three dashed yellow circles refer to 150 foot minimum setback from homes. According to the text on page 5, this represents the three nonparticipating residences. In the Site Assessment Report, Attachment C, "Map of Nearest Neighbors", there are five project landowner residences, and three nonparticipating residences. The three nonparticipating residences each have a map showing the distance (100, 200, 300 foot radius) of the residence from the potential project footprint.

a. Submit a map for each of the five project landowner residences showing the radius from the potential project footprint, any solar arrays shown in the "Preliminary Project Layout" and existing and planned vegetative buffers.

b. Submit a copy of the lease agreements that Flat Run Solar has entered into in connection with the footprint for the proposed solar facility, including the lease agreements for each of the parcels of the five participating landowner residences. To the extent that these leases will be provided under a petition for confidential treatment, provide the unredacted copies of each lease agreements under seal of confidentiality.

Response: Note there was an error in the "Preliminary Project Layout" filed with the Application; there should have been only one dashed yellow circle referring to a 150-foot minimum setback from neighboring homes, instead of three circles. (The home with a dashed yellow circle on Saloma Road is more than 300 feet from the Project, and the home with a dashed yellow circle on Hobson Road is owned by a participating landowner.) This has been corrected in the site layout attached as Attachment G, and we apologize for this error.

a. Please see Attachment H for maps for each of the five Project landowner residences, based on the updated site layout that is provided in Attachment G. Please note that Flat Run's final site area will be governed both by the permit issued by the Siting Board, and by

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Flat Run's lease agreements with the Project landowners. Each portion of land used for the Project must be subject to both a permit from the Siting Board, as well as a land lease agreement with the applicable landowner.

In discussions with each landowner prior to lease signature, Flat Run shared maps of the proposed lease area, and agreed on the boundaries of the lease area with the landowner. This agreement was then memorialized in each lease. In some cases, Project landowners discussed specific portions of their property that the landowner preferred to leave outside of the lease area, and this is reflected in the leases. In other cases, Project landowners requested a vegetative buffer to be placed between their home and the solar lease area, which is also reflected in the leases. In sum, the Project landowners are aware of, and have approved, the locations of the solar project on their properties.

b. Please see Attachment D for a copy of the lease and purchase agreements associated with Flat Run, filed confidentially.

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15. From the Site Assessment Report, pages 5 and 6, it appears that Flat Run Solar will need water occasionally for irrigating plantings, cleaning solar panels, and possibly mitigating dust during construction. Flat Run Solar may truck in water, or use water wells on the property. According to the Site Assessment Report, Attachment G "Phase I Environmental Site Assessment," pages i, ii, and 14, there are two water supply wells on the site.

- a. Explain whether there any farm ponds on the property that could be used for water.
- b. Submit a map showing existing water wells and ponds on the property.
- c. Campbellsville Municipal Water & Sewer System supplies water along Hobson Road and Saloma Road. Although drinking water is not necessary for Flat Run Solar, explain whether this utility been contacted regarding supplying water to the site.

Response:

- a. There are farm ponds on the property, but no farm ponds will be used for water.
- b. Flat Run's wetlands delineation, showing the locations of ponds and wetlands in red and orange, is attached as Attachment I. The location of the 2 water wells on Project parcels has been added to the map, and is included in Attachment I.
- c. Campbellsville Municipal Water & Sewer has not been contacted regarding supplying water to the site.

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16. Refer to the Site Assessment Report, page 11, regarding construction noise to residences that are within 300 feet of any solar equipment. State whether Flat Run Solar has directly communicated with these property owners regarding the noise level that will be generated during the construction process, particularly during the pile driving portion of the construction.

Response: Flat Run has not explicitly discussed noise levels produced by the Project during construction with neighbors within 300 feet of any solar equipment. In the Fact Sheet enclosed with the notice of Flat Run's September 17, 2020 public meeting, and sent to all adjacent neighbors of the project, and in the public meeting itself, Flat Run described that construction would take up to one year.

Flat Run will notify neighbors living within 1,500 feet of the Project prior to the start of construction, and provide contact information for any concerns or discussion, as described in Section 6 of the Site Assessment Report.

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17. Refer to the Site Assessment Report, Attachment G "Phase I Environmental Site Assessment, Appendix D "EDR Environmental Lien and AUL Search."

- a. Explain why there were only three properties searched.
- b. According to the Site Assessment Report, Attachment E "Survey and Legal Description," there are five other parcels, plus there is the new addition of the Tennessee Gas property. Explain whether there are any plans to search these properties.

Response:

a.-b. This was an error. Flat Run has requested an updated EDR from our environmental consultant, and will file it as soon as it is received. Note that the Tennessee Gas Pipeline Company property is not part of the Project. The Tennessee Gas Pipeline Company property is the adjacent neighbor of the new parcel that was added.

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18. Atmos Energy Corporation (Atmos) is a gas distribution company that operates in the area of Flat Run Solar. Typically gas distribution lines parallel road right of ways. Explain whether Atmos been contacted to check to see if there are any pipelines that are not parallel to roadways and cross the Flat Run Solar footprint.

Response: Flat Run has completed an exhaustive title search for all properties involved in the Project. The title search included a mineral search dating back to the 1800's. The search uncovered an Atmos Energy easement running along the roadway on the Northern side of Hobson Road. Flat Run contacted Atmos Energy to flag the location of the pipeline, which they did. Flat Run's surveyor went to the site once it was flagged, and added the location of the pipeline to the Flat Run survey. The pipeline will be avoided by the Project. There are no gas pipelines that cross the Flat Run Solar footprint, other than pipelines described in this response to Siting Board's First Request for Information.

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19. State whether Flat Run Solar, Carolina Solar Energy, or any of the engineering, procurement, and construction contractors that it has retained on any of its solar projects are aware of any construction methods or measures that would reduce or mitigate noise associated with the construction process of a solar facility, particularly noise generated by the pile driving process.

Response: We reviewed this question with construction companies that work on solar projects, and the companies we talked with have not had this specific requirement for projects to date. Typically, if there has been a noise restriction or mitigation measure related to construction noise, it has been to limit pile driving to specific hours during the day (for example, pile driving only between 7AM – 7PM).

In order to reduce the impact of pile driving noise on neighboring property owners, Flat Run proposes the following revised mitigation measure for working hours, as described in Section 4 of the Site Assessment Report, and referenced in Section 6 of the Site Assessment Report:

Flat Run's construction activity, process, and deliveries shall be limited to the hours of 7 a.m. and 9 p.m. daily.

Within 500 feet of a neighboring non-participating residential home, construction hours for the pile driver shall be limited to the hours of 8 a.m. and 6 p.m. daily.

*Within 500 feet of a neighboring place of worship, construction hours for the pile driver shall be limited to the hours of 8 a.m. and 6 p.m. Monday through Saturday, and 1pm and 6pm on Sunday.**

*Note there are no neighboring places of worship that Flat Run is aware of.

Flat Run's other mitigation measures proposed in Section 4 and Section 6 remain unchanged by this modification, including advance notification of neighbors of the construction and operation periods.

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Because construction noise is temporary and because the pile drivers move around the site and do not stay in one area or close to individual neighboring homes for significant periods of time, Flat Run respectfully suggests that limiting the working hours for the pile driver to hours when most neighbors will be at work will effectively provide the neighbors of the Project with reduced noise impacts during the short period of time that the pile driver will be nearest their home.

Flat Run also notes that there are only three non-participating landowners that live within 300 feet of the Project and only one non-participating landowner that lives within 150 feet of the Project and therefore, the number of days that pile driving will be close to neighboring residential homes is very limited.

Witness: Carson Harkrader