

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

In the Matter of:

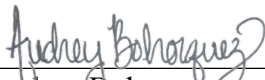
ELECTRONIC APPLICATION OF FLEMING)
SOLAR, LLC FOR A CERTIFICATE OF)
CONSTRUCTION FOR AN APPROXIMATELY)
80 MEGAWATT MERCHANT ELECTRIC)
SOLAR GENERATING FACILITY IN FLEMING)
COUNTY, KENTUCKY PURSUANT TO)
KRS 278.700 AND 807 KAR 5:110)

Case No. 2020-00370

CERTIFICATION

This is to certify that I have prepared or supervised the preparation of the responses to the Siting Board Staff's Post-Hearing Requests for Information for which I am identified as the witness on behalf of Fleming Solar, LLC and that the responses are true and accurate to the best of my knowledge, information and belief after reasonable inquiry.

DATE: October 11, 2021



Audrey Bohorquez

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Dominic Salinas

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Fleming Solar LLC
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- 1. Provide any studies performed for or in conjunction with Kentucky and United States Fish and Wildlife, the Kentucky Division of Water, and the United States Corps of Engineers, including, but not limited to habitat studies and stream and wetland delineation.**

Response:

Copies of responsive studies and agency responses are provided in Exhibit A including the following:

Jurisdictional Waters of the U. S. Assessment, Fleming Solar Project, April 2021
Protected Species Habitat Assessment, Fleming Solar Project, April 2021
USFWS Response to Habitat Assessment, July 9, 2021
US Army Corps of Engineers Jurisdictional Determination, August 2, 2021.

Witness: *Audrey Bohorquez*

- 2. Provide a copy of the Phase I Assessment.**

Response:

A copy of the Phase I Environmental Site Assessment is provided in Exhibit B.

Witness: *Audrey Bohorquez*

- 3. Provide any updates available or more accurate information for Table 1 of the Noise and Traffic Assessment.**

Response:

Based on the updated site layout, provided as Exhibit C to Fleming Solar's response to Board Staff's First Requests for Information, Table 1 of the Noise and Traffic Assessment is updated as follows:

Residential Structure	Distance to Nearest Inverter (feet)	Distance to Potential Project Footprint (feet)
1	1,657	415
2	1,927	455
3	1,985	421
4	2,023	460
5	1,763	416
6	949	547

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Residential Structure	Distance to Nearest Inverter (feet)	Distance to Potential Project Footprint (feet)
7	957	326
8	1,052	355
9	1,176	353
10	1,329	553
11	1,257	620
12	1,221	434
13	1,073	474
14	797	426
15	758	414
16	1,109	509
17	987	453
18	1,232	367
19	1,445	452
20	1,530	507
21	1,248	362
22	1,387	486
23	1,232	388
24	1,441	375
25	1,480	436
26	1,506	402
27	1,624	529

Note: The only changes from the original are to the Distance to Nearest Inverter (feet).

Witness: *Audrey Bohorquez*

- 4. Provide any agreement with participating landowners regarding the distance between operating equipment and participating landowners' residences or property.**

Response:

With the exception of the Option for Temporary Construction Easement between Amanda Ann Mitchell and Fleming Solar, which requires that all above-ground Project structures and facilities be located at least fifty (50) feet from the boundary line of the Mitchell Property, the property agreements include no restrictions on where Fleming Solar may place project equipment.

Witness: *Dominic Salinas*

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5. Refer to the map in Fleming Solar's Application, Exhibit A, Potential Project Footprint and Nearest Residences, PDF page 24, identify the structure indicated by a black dot/Residential Structure directly across Highway 559 from the proposed substation, indicated in green, and explain why that is not a teal dot/Nearest Residential Structure or a white square/Residential Structure (participating).

Response:

Fleming Solar utilized a three-color system to identify residence on Exhibit A

- *White – Residences within the Project Boundary (participating landowner residences)*
- *Teal – Nearby Residences*
- *Black – Other residential structures*

Fleming Solar utilized the following process for identifying "Nearby Residences" and creating the Potential Project Footprint:

- 1) *Fleming Solar identified parcels adjacent to the Project Boundary (including those across a Right-of-Way)*
- 2) *For each of these parcels, Fleming Solar calculated the distance (in feet) from the center of the residential structure (if any) to the Project Boundary*
- 3) *If the residence was within 300 feet of the Project Boundary, it was considered a Nearby Residence and marked in teal on Exhibit A; if the residence was greater than 300 feet from the Project Boundary it was marked in black on Exhibit A.*
- 4) *Fleming Solar then established the Potential Project Footprint within the Project boundary based on the following setbacks:*
 - a. *300 feet from the Project Boundary if the adjacent parcel contained a Nearby Residence;*
 - b. *50 feet from the Project Boundary if the adjacent parcel did not contain a Nearby Residence*

Establishing the Potential Project Footprint, the line within which all Project components would be located, with a 300-foot setback from the Project Boundary where parcels with a Nearby Residence adjoin, ensures that no project component is closer than 300 feet to a Nearby Residence. In reality, as shown in the updated Table 1 provided in response to PHDR-3, the actual distance to Nearby Residences varies from 326 feet to 620 feet from the Potential Project Footprint.

Fleming Solar's Noise Study calculated that, during operation, project components would produce the following noise levels at 300 feet:

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- *Inverters: 45.6 dBA¹*
- *HVAC Units: 27.0 dBA²*
- *Substation GSU Transformer: 31.0 dBA³*

With ambient noise levels estimated at between 50.0 and 60.0 dBA, and utilizing the lower level of this range, the Noise Study concluded that the inverters would be the only operating equipment to add to the ambient noise levels, but would do so at a level below the average human's sensitivity to sound level changes.⁴

The residence identified in this request is located approximately 418 feet from the Project Boundary and, therefore, does not meet the definition of a Nearby Residence, according to the above-described process.

Witness: Audrey Bohorquez

6. Refer to the response to Item 5 above, identify the distance between that residential structure and the project boundary.

Response:

See the last paragraph of the response to 5.

Witness: Audrey Bohorquez

7. Refer to the map in Fleming Solar's Application, Exhibit A, Potential Project Footprint and Nearest Residences, PDF page 24, provide the distance from the project boundary to the black dot/Residential Structure directly west of residences 16 and 17, indicated by teal dots.

Response:

The residence identified in this request is located approximately 310 feet from the Project Boundary and, therefore, does not meet the definition of a Nearby Residence. Please note that because of the location of this residence relative to Nearby Residence 16, the Potential Project Footprint is located approximately 755 feet from this residence. The Potential Project Footprint would not be affected if this residence was to be considered a "Nearby Residence."

¹ Fleming Solar Noise and Traffic Studies Report, Appendix C to the Site Assessment Report ("Noise Study") at 6 (Table 4).

² Noise Study at 6 (Table 5).

³ Noise Study at 7 (Table 6).

⁴ Noise Study at 8-9.

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Witness: *Audrey Bohorquez*