

**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	)	Case No. 2020-00370
SOLAR GENERATING FACILITY IN FLEMING	)	
COUNTY, KENTUCKY PURSUANT TO	)	
KRS 278.700 AND 807 KAR 5:110	)	

**FLEMING SOLAR LLC'S  
MOTION FOR CLARIFICATION**

Fleming Solar LLC (“Fleming Solar”) moves the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) for clarification of certain portions of its November 24, 2021 Order in this case (“Order”). The Order conditionally granted Fleming Solar a certificate to construct an approximately 80 MW merchant solar electric generation facility in unincorporated Fleming County, Kentucky (the “Project”) and granted Fleming Solar’s motion to deviate from the setback requirements in KRS 278.704. The Order requires Fleming Solar to comply with mitigation measures and conditions prescribed in Appendix A to the Order. Clarification of the Order is necessary to allow Fleming Solar to fully comply with the conditions imposed by the Siting Board.

**REQUEST FOR CLARIFICATION**

Fleming Solar respectfully requests clarification by the Siting Board of the mitigation conditions described below. The conditions are included in italics for ease of reference.

1. Condition No. 10.

Condition No. 10 relates to Fleming Solar's obligation to plant vegetative screening to mitigated visual impacts from the Project:

10. *Fleming Solar shall implement planting of native evergreen species as a visual buffer to mitigate viewshed impacts, particularly in areas directly adjacent to the Project without existing vegetation.*

This condition could be read to require Fleming Solar to plant vegetative screening in areas directly adjacent to the Project even where there are no residences or roads that are adjacent to the Project and no viewsheds are impacted. In order to clarify the nature of viewshed impacts for which vegetative screening would be required and to avoid any confusion with the requirement in Condition No. 11 which requires Fleming Solar to carry out visual screening consistent with the plans proposed in its application, Fleming Solar respectfully requests that the Siting Board clarify Condition No. 10 as follows:

10. *Fleming Solar shall implement planting of native evergreen species as a visual buffer to mitigate viewshed impacts, ~~particularly~~ in areas where those viewshed impacts occur from residences or roadways directly adjacent to the Project ~~without~~ and there is no existing vegetation.*

2. Condition No. 22.

Condition No. 22 describes the traffic management plan that Fleming Solar will develop:

22. *Fleming Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any noise concerns during the construction phase and develop measures that would address those noise concerns.*

This condition requires that the traffic management plan identify "any noise concerns during the construction phase" and develop mitigation measures for the same. Condition No. 22 does not specify that the noise concerns must be related to traffic during construction. In order to clarify the requirements for the traffic management plan to avoid any confusion with other noise-

related mitigation conditions in the Order, Fleming Solar respectfully requests that the Siting Board clarify Condition No. 22 as follows:

22. *Fleming Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any traffic-related noise concerns during the construction phase and develop measures that would address those noise concerns.*

3. Condition No. 27.

Condition No. 27 describes the program through which Fleming Solar will respond to surrounding landowner complaints:

27. *Fleming Solar shall implement a Customer Resolution Program to address any complaints from surrounding landowners. Fleming Solar shall also submit annually a status report associated with its Customer Resolution Program, providing, among other things, the individual complaints, how Fleming Solar addressed those complaints, and the ultimate resolution of those complaints, identifying whether or not the resolution was to the complainant's satisfaction.*

Fleming Solar does not have customers and, therefore, respectfully requests that the Siting Board clarify Condition No. 27 as follows:

27. *Fleming Solar shall implement a ~~Customer~~ Complaint Resolution Program to address any complaints from surrounding landowners. Fleming Solar shall also submit annually a status report associated with its ~~Customer~~ Complaint Resolution Program, providing, among other things, the individual complaints, how Fleming Solar addressed those complaints, and the ultimate resolution of those complaints, identifying whether or not the resolution was to the complainant's satisfaction.*

WHEREFORE, Fleming Solar LLC respectfully requests the Siting Board enter an Order:

1. Clarifying the portions of the Order described herein; and
2. Granting Fleming Solar all further relief to which it may be entitled.

Respectfully submitted,



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