

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

In the Matter of:)
) **Case No. 2021-00127**
The Electronic Application of Rhodes Creek Solar,)
LLC for a Construction Certificate to Construct a)
Merchant Solar Electric Generating Facility and an)
approximately 1.5 mile Nonregulated Transmission)
Line)

RESPONSE TO THE CONSULTANT’S REPORT

Rhodes Creek Solar, LLC (“Rhodes Creek”), by counsel, provides the following response to BBC Research and Consulting’s (“BBC”) report filed with the Siting Board on December 17, 2021.

Rhodes Creek appreciates the time and effort BBC has spent on reviewing information related to this project, as well as its recommendation that the Siting Board approve a construction certificate for the generating facility and transmission line subject to complying with certain mitigation measures and obtaining a Conditional Use Permit. Although Rhodes Creek may disagree with some of the statements contained in the report, it has focused on the proposed mitigation measures identified on pages B-8 to B-12 of the BBC report because BBC indicated the mitigation measures would appropriately address any concerns BBC raised elsewhere in its report.

Generally, Rhodes Creek finds the mitigation measures proposed by BBC to be reasonable, but clarification on at least one measure is necessary. BBC proposed its thirteenth measure to be as follows:

Rhudes Creek Solar should follow through with the plan to prioritize vegetative screen planting before commencing construction activity.

Rhudes Creek presumes that BBC's reference to its plan to prioritize vegetative screen planting before commencing construction activity to be based on Rhudes Creek's statement in response to Item 20(a) of the First Request for Information, which stated "Installation of vegetation buffers and plantings of trees on site are strategically planned for early-stage construction to reduce and muffle the potential for construction noise to make it off site."

Rhudes Creek agrees that it is reasonable and logical to plant vegetation buffers at the early stages of construction, but there are two reasons why there should not be a rigid and absolute requirement that all vegetation buffers be installed prior to any construction activity. First, parts of the planned vegetative buffer may not provide any benefit to construction work being performed. As mentioned in the Site Development Plan and referenced in BBC's report on page C-6, Rhudes Creek is planning five construction phases generally traveling west to east with a sixth phase for the gen-tie transmission line. A vegetation buffer on the far eastern side of the project site would not be necessary at the beginning of Phase 1 and 2, which will focus a western-most sections. As such, installation of a vegetation buffer on the far eastern side of the project site should not be required prior to any construction activity. Second, planting of vegetation buffers is reliant on seasonal weather. Vegetation must be planted at the appropriate time in order to promote viability of the plants. Accordingly, there must be some flexibility as to when the vegetation buffers are planted.

For these reasons, Rhudes Creek would request any mitigation measure on the timing of planning of vegetation buffers to provide flexibility.

Respectfully submitted,



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