

**RHUDES CREEK SOLAR, LLC
GENERATION APPLICATION**

ibV energypartners
an ib vogt company

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1. Applicant Information

REQUIREMENT: per KRS 278.706(2)(a); *The name, address, and telephone number of the person proposing to construct and own the merchant electric generating facility*

COMPLIANCE: Please see below for the requested information.

- Name: ibV Energy Partners LLC (Timothy Kim, CEO)
- Address: 777 Brickell Avenue, Suite 500, Miami, FL 33131
- Phone: 786-575-8005

2. Description of Proposed Site

REQUIREMENT: per KRS 278.706(2)(b); *A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility*

COMPLIANCE: The proposed site for Rhudes Creek Solar is located in Hardin County and approximately 7 miles southwest of the county seat, Elizabethtown. The site is situated on a total of 11 individual tax parcels totaling 1,072 acres owned by the Grey and Hill families. The majority of the land has historically been used for agriculture. Currently, there are driveway access points on Kentucky Route 86 (KY-86/Hardinsburg Road) and county roads, South Black Branch Road and Hansborough Road. The natural features include subtle rolling topography, small streams and wetlands, karsts, and wooded areas. These features have been thoroughly mapped, surveyed, and studied to be considered in the project design. Federal review, agency consultation, and permitting are being led by the US Army Corps of Engineers Louisville District.

The solar photovoltaic Project will utilize approximately 700 to 750 of the total acreage and will avoid streams and karsts. The equipment onsite will consist of solar photovoltaic arrays, inverter stations, a substation, electrical cabling, and related infrastructure. The racking system, which is used to fix the solar panels to the ground, has a small footprint that does not use any concrete, and the panels are not considered impervious as rainwater can travel over and around the panels. The installation of solar arrays will allow most of the natural topography of the site to be maintained. A fence meeting the National Electrical Safety Code requirements will enclose the facility. Where there are visual impacts created by the facility, 300-foot setbacks from adjoining residential dwellings and landscaping will create a visual buffer to screen the solar farm from the surrounding area. Wooded areas that provide beneficial buffers will be retained.

A vicinity map showing the proposed site and its surroundings is being provided as Attachment A. An Adjacent Property Map identifying locations of nearest residential structures is being provided as Attachment B.

3. Public Notice Evidence

REQUIREMENT: per KRS 278.706(2)(c); *Evidence of public notice that shall include the location of the proposed site and a general description of the project, state that the proposed construction is subject to approval by the board, and provide the telephone number and address of the Public Service Commission. Public notice shall be given within thirty (30) days immediately preceding the application filing to:*

- 1. Landowners whose property borders the proposed site; and*
- 2. The general public in a newspaper of general circulation in the county or municipality in which the facility is proposed to be located*

COMPLIANCE:

A sample letter mailed on Tuesday, March 16, 2021, to landowners whose property borders the proposed site is contained in Attachment C. A copy of this notice and cover letter was mailed to each landowner, via Certified mail. Also contained in Attachment C is the tearsheet of the notice published in the *News Enterprise* on March 17, 2021, which is the newspaper of general circulation in Hardin County.

The public notice of application that was sent out to landowners whose property borders the proposed site on Thursday, September 2, 2021, is contained in Attachment D. A copy of this notice and cover letter was mailed to each landowner, via Certified mail and return receipt. Also contained in Attachment D is the affidavit of publication of the notice published in the *News Enterprise* on September 1, 2021, which is the newspaper of general circulation in Hardin County, as well as a scanned copy of that notice.

4. Compliance with Local Ordinances and Regulations

REQUIREMENT: per KRS 278.706(2)(d); *A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances. The statement shall also disclose setback requirements established by the planning and zoning commission as provided under KRS 278.704(3)*

COMPLIANCE: Rhudes Creek Solar, LLC certifies that the Project will be in compliance with all local ordinances and regulations concerning noise control, and with any applicable local planning and zoning ordinances existing at the time of filing this Application. A statement regarding these certifications is submitted as Attachment E. While Rhudes Creek Solar, LLC certifies that it will be in compliance with ordinances existing at the time of filing this Application, it is working on obtaining the necessary approvals, including a conditional use permit, from the local planning and zoning authorities.

5. Setback Requirements

REQUIREMENT: per KRS 278.706(2)(e); *If the facility is not proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source or in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement that the exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, unless facilities capable of generating ten megawatts (10MW) or more currently exist on the site. If the facility is proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5). If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is in compliance with those established setback requirements:*

COMPLIANCE: The Project is not proposed to be located on the site of a former coal processing plant, nor will it use any waste coal as a fuel source. No existing electricity generating facilities are on-site at the Project location. Hardin County has established setback requirements in Agricultural Zone (A-1) to be 70 feet for the front yard and 100 feet for the side and back yards. The Project will be in compliance with these setbacks as it proposes a minimum 100-foot setback for exterior perimeter boundaries and 300-foot setback for equipment (excluding roads and fences) to adjoining residential dwellings.

The Project will not include any exhaust stacks or wind turbines as part of the facility; therefore, there are no established setback requirements from the property boundary of any adjoining property owner to the energy generating facilities.

KRS 278.704(3) states as follows:

If the merchant electric generating facility is proposed to be located in a county or a municipality with planning and zoning, then setback requirements from a property boundary, residential neighborhood, school, hospital, or nursing home facility may be established by the planning and zoning commission. Any setback established by a planning and zoning commission for a facility in an area over which it has jurisdiction shall

- (a) Have primacy over the setback requirement in subsections (2) and (5) of this section; and
- (b) Not be subject to modification or waiver by the board through a request for deviation by the applicant, as provided in subsection (4) of this section.

The Project is within the jurisdiction of the Hardin County Planning and Development Commission and will have specific setback requirements set by the zoning ordinance or conditional use permit. Accordingly, the setback requirements identified in KRS 278.704(2) and KRS 278.706(2)(e) do not apply to this Project. The Project will comply with those setback requirements. As such, no motion for deviation is anticipated.

6. Public Involvement Report

REQUIREMENT: per KRS 278.706(2)(f); *A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including:*

- 1. The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;*
- 2. Evidence that notice of the time, subject, and location of the meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting; and*
- 3. Any use of media coverage, direct mailing, fliers, newsletters, additional public meetings, establishment of a community advisory group, and any other efforts to obtain local involvement in the siting process*

COMPLIANCE:

Rhudes Creek Solar, LLC, through its parent ibV Energy Partners, LLC (collectively, “ibV Solar Energy”), has made a substantial effort to engage the public in numerous ways regarding the Rhudes Creek solar power project near the Town of Cecilia in Hardin County. Presentations and documents from this engagement are enclosed as Attachment F.

Two public informational open house meetings were held in Cecilia, Kentucky. The first open house meeting was held from 5:30pm-7:30pm on October 8, 2020, to inform the public about the Project and receive comments from the public. This meeting was held at the Cecilia Ruritan Building Pavilion, which is located near the Project site. The Project also mailed letters to all adjoining landowners and to all homeowners within 1200 feet of the project area, notifying them of the public meeting.

The October 8, 2020, event was catered by Wicked Eyed Woman, a local restaurant, and was well attended by approximately 27 neighbors and members of the community. Attendees were shown enlarged satellite images depicting the location of the proposed solar array and the proposed Project layout. In addition, displays and handout materials were available on other topics including environmental, health, and safety of photovoltaics and the impact of solar projects on property values (these maps, layouts and handouts were also available for review at the public meeting described above).

Experts who were present at the meeting, and available to answer questions from neighbors included:

Robin Saiz, Executive Vice President and Chief Development Officer
Wesley Smith, Project Development Analyst at ibV Energy Partners

In addition to the open house, the Project held a community meeting and virtual information session at 5:30pm-6:30pm and 7:00pm -8:00pm respectively on April 1, 2021, also at the Cecilia Ruritan Building Pavilion and via Zoom. A notice announcing the public meeting was printed in the News Enterprise on March 17, 2021. The tearsheet for this notice is located in Attachment C, and a copy of the letter sent to neighboring landowners is in Attachment C.

The April 1, 2021, event was catered by Wicked Eyed Woman and was well attended by approximately 30 neighbors and members of the community. Attendees were shown and invited to inspect enlarged satellite images showing the exact location of the proposed solar array and the proposed Project layout. In addition, displays and handout materials were available on other topics including environmental health and safety of photovoltaics and the impact of solar projects on property values (these maps, layouts and handouts were also available for review at the public meeting described above). Experts who were present at the meeting and available to answer questions included the following:

- Robin Saiz, Executive Vice President and Chief Development Officer at ibV Energy Partners, made welcome and introductory comments and delivered parts of the virtual presentation
- Jeffrey Chang, Planning and Engineer Manager at ibV Energy Partners delivered parts of the virtual presentation
- Chad Thompson, Community Relations at ibV Energy Partners moderated the virtual presentation
- Wes Smith, Senior Development Analyst at ibV Energy Partners
- Alex Gregory, Development Analyst at ibV Energy Partners
- Nathan Coleman, Development Analyst at ibV Energy Partners

The meeting also afforded attendees the opportunity for informal conversations with representatives of ibV Energy Partners about questions and concerns.

The following is a brief description of other public involvement activities, in addition to the open house and community meeting, undertaken prior to the submission of this Application. ibV Energy Partners will continue these efforts and will participate in any public notice, comment and hearings which may be initiated as part of ongoing permitting activities.

- On numerous occasions from July 2019, through June 2021, representatives of ibV Energy Partners have met in Elizabethtown, KY, with Rick Games, President and COO of the Elizabethtown/Hardin County Industrial Foundation, to discuss the Rhudes Creek Project.
- On numerous occasions from November 2019, through June 2021, representatives of ibV Energy Partners have met in Elizabethtown, KY, with Adam King, Hardin County Planning Director, to discuss the Rhudes Creek Project.
- On numerous occasions from November 2019, through June 2021, representatives of ibV Energy Partners have met in Elizabethtown, KY, with Daniel London, Hardin County Deputy Judge/Executive, to discuss the Rhudes Creek Project.
- On several occasions from October 2020 thru June 2021, Jeffrey Chang and Robin Saiz, Community Representatives for ibV Energy Partners, discussed the Rhudes Creek Project with, Keith Tall, who is an adjacent landowner to the Project site.
- On October 14, 2020, representatives of ibV Energy Partners, including Robin Saiz, Vice President of Development and Jeffrey Chang, met in Cecilia, KY, with several adjoining landowners and members of their family and discussed their concerns about vegetative screening for the Rhudes Creek Project.
- On November 17, 2020, representatives of ibV Energy Partners, attended and participated in a meeting of the Hardin County Planning and Development Commission, at which the Planning and Development Commission adopted Resolution 2020-011 that allowed solar projects to be a conditional use in Agricultural and Industrial zones.
- On February 2 and May 17, 2021, Nathan Coleman, Community Representative for ibV Energy Partners, met in Cecilia, KY, with an adjoining landowner and discussed their concerns about vegetative screening for the Rhudes Creek Project.
- On February 6, 2020, Jeffrey Chang, Community Representative for ibV Energy Partners, met in Lancaster, KY with a Hardin County resident and discussed their knowledge of any historic or archeological significance of the Rhudes Creek Project site.
- On February 15, 2021, Robin Saiz, Vice President of Development, and Michael Barry, Project Developer for ibV Energy Partners, met via Microsoft Teams, with the Chief Operating Officer of Hardin County Schools, John Stith, and John Wright, Public Relations Director of Hardin County Schools, and discussed the Rhudes Creek Project.

- On April 1, 2021, representatives of ibV Energy Partners, including Robin Saiz, Vice President of Development, met in Cecilia, KY, with members of the Hardin County Volunteer Fire Company 86, and donated meals left over from the Cecilia town hall.
- On May 18, 2021, Robin Saiz, Vice President of Development for ibV Energy Partners, gave a presentation to the Hardin County School Board about the Rhudes Creek Project.
- On May 25, 2021, Robin Saiz of ibV Energy Partners met in Elizabethtown, KY, with the Rotary Club, to discuss the Rhudes Creek Project.
- On June 4, 2021, representatives of ibV Energy Partners, including Robin Saiz, Vice President of Development, met in Elizabethtown, KY, with a member of the Kentucky Legislature, including State Representative Jim DuPlessis., whose district includes the Rhudes Creek Project, and discussed the Project.
- On June 16, 2021, representatives of ibV Energy Partners, including Jeffrey Chang and a landscape architect, met in Cecilia, KY, with Russell and Tiffani Tucker at their property to discuss stormwater, landscaping, and noise concerns.
- On June 22, 2021, Robin Saiz, Community Representative for ibV Energy Partners, gave a presentation to the Hardin County Planning Commission about the Rhudes Creek Project. The *News Enterprise* published a front-page story about this council meeting, including a description of the Rhudes Creek Project, in its following issue.
- On July 8, 2021, Robin Saiz, Vice President of Development for ibV Energy Partners met with Ryan Brus at Fort Knox to discuss their existing solar facility and the impacts on the community.
- On July 12, 2021, Robin Saiz, Vice President of Development for ibV Energy Partners met with Anne Franklin of the Kentucky State Energy and Environment Cabinet to discuss Rhudes Creek Solar and incorporating sheep and bee pollinators on the site.
- On July 21, 2021, Robin Saiz, Vice President of Development for ibV Energy Partners, gave a presentation to the Hardin County Chamber of Commerce about the Rhudes Creek Project.
- On July 22, 2021, Robin Saiz, Vice President of Development for ibV Energy Partners met with the Hardin County Agriculture Extension Agency to discuss Rhudes Creek Solar and incorporating sheep and bee pollinators on the site.

7. Efforts to locate near Existing Electric Generation

REQUIREMENT: per KRS 278.706(2)(g); *A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located;*

COMPLIANCE: It is rare for utility-scale solar projects to be co-located with existing electricity generating infrastructure, such as a coal or natural gas fired power plant. As a result of Applicant's efforts, this Project is located on land nearby to existing transmission lines.

The Project will interconnect to the existing Black Branch to Hardinsburg 138 kv transmission line owned by Louisville Gas & Electric and Kentucky Utilities (LG&E/KU) approximately 1 ½ miles from the Project. At the Project's expense, Rhudes Creek will build a new unregulated 138 kv transmission line to interconnect the Project on the utility's transmission network. A generator interconnection request was submitted in November 2019 and subsequently assigned queue number LGE-GIS-2019-029. Information on LG&E/KU's studies of the interconnection cost and infrastructure are included in the System Impact Study, Attachment H.

Efforts were made to site the Project where there is existing electricity transmission infrastructure. Rhudes Creek was successful because the proposed interconnection is only approximately 1 ½ miles from the Project. on-site, existing infrastructure owned by KU. The output from the Project will delivered to KU for the benefit of Toyota Manufacturing, Dow, and others.

8. Proof of Service to County and Municipality Officials

REQUIREMENT: per KRS 278.706(2)(h); *Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed facility is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located;*

COMPLIANCE: As indicated in the Certificate of Service, a copy of the Siting Board Application for Rhudes Creek Solar was electronically transmitted to the Judge/Executive of Hardin County, Harry L. Berry and Hardin County Planning and Development Commission Chairman Mark Hinton (via Planning Director Adam King), on the date of the electronic filing of this application. Additionally, a paper copy will be sent upon request from these officials.

9. Effect on Kentucky Electricity Generation System

REQUIREMENT: per KRS 278.706(2)(i); *An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky;*

COMPLIANCE:

The proposed Project will interconnect onto the transmission network of Louisville Gas & Electricity and Kentucky Utilities, which effectively functions as the Transmission Owner. In November 2019, an application and deposit for a generation interconnection request for Rhudes Creek Solar was submitted to TransServ International, an Independent Transmission Organization that manages interconnection requests and studies network impacts on behalf of the Transmission Owner. The request is for Network Resource Interconnection Service and Energy Resource Interconnection Service for the new 100 MW solar photovoltaic generator at a point of interconnection on the 138 kV Black Branch – Hardinsburg transmission line. The Project is assigned the queue number LGE-GIS-2019-029. The study procedures require a feasibility study, system impact study, and facilities study. The feasibility study was completed in October 2020 and the system impact study was completed in July 2021. The facilities study is expected to be completed by 2021.

In parallel to the standard large generator interconnection process, a provisional interconnection service process was pursued. This process includes provisional system impact and facilities studies. The provisional system impact study was completed in August 2020 and the provisional facilities study was completed in December 2020. Subsequently, a provisional large generator interconnection agreement was fully executed on May 7, 2021 by Louisville Gas and Electric and Kentucky Utilities and Rhudes Creek Solar.

The available studies listed below are been provided as Attachments G, H, I, and J.

- LGE-GIS-2019-029 GI Feasibility Study Report
- LGE-GIS-2019-029 GI System Impact Study
- LGE-GIS-2019-029 GI Provisional System Impact Study
- LGE-GIS-2019-029 Provisional Facilities Study Report

10. Effect on Local and Regional Economies

REQUIREMENT: per KRS 278.706(2)(j); *An analysis of the proposed facility's economic impact on the affected region and the state;*

COMPLIANCE: See the report in Attachment K for a full report on the impact of the Project on local and regional economics.

Professor Coomes summarizes the economic impact of the Project on page 1 of his report, stating:

There are two primary impacts expected from the project. First, there will be a one-time spike in construction and linked jobs as the site is built out over approximately one year. Using data from other similar projects and an economic model of the County, I estimate that there will be a total of 312 new jobs in the County in year one, with new payroll of \$15.2 million. Second, there will be 35 years of new property tax and PILOT payments to state and local jurisdictions in Hardin County due to the increased value of real estate, machinery and tangible property installed at the site. New property taxes to jurisdictions are expected to be \$2.35 million over the subsequent thirty-five years.

11. Record of Environmental Violations

REQUIREMENT: per KRS 278.706(2)(k); *A detailed listing of all violations by it, or any person with an ownership interest, of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, where violations have resulted in criminal convictions or civil or administrative fines exceeding five thousand dollars (\$5,000). The status of any pending action, whether judicial or administrative, shall also be submitted;*

COMPLIANCE: Neither Rhudes Creek Solar, LLC, nor any entity with ownership interest in the Project, has violated any state or federal environmental laws or regulations. There are no pending actions against Rhudes Creek Solar, LLC, nor any entity with ownership interest in the Project.

12. Site Assessment Report

REQUIREMENT: per KRS 278.706(2)(1); *A site assessment report as specified in KRS 278.708. The applicant may submit and the board may accept documentation of compliance with the National Environmental Policy Act (NEPA) rather than a site assessment report*

COMPLIANCE: The Site Assessment report is being contemporaneously filed herewith and labeled as Attachment M.