

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

In the Matter of:

ELECTRONIC APPLICATION OF BLUEBIRD)	
SOLAR LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 100)	CASE NO.
MEGAWATT MERCHANT ELECTRIC SOLAR)	2021-00141
GENERATING FACILITY IN HARRISON COUNTY,)	
KENTUCKY PURSUANT TO KRS 278.700 AND KAR)	
5:110)	

**BLUEBIRD SOLAR LLC’S MOTION FOR APPROVAL OF
ITS FINAL SITE PLAN**

Bluebird Solar LLC (“Bluebird”), by counsel, moves the Kentucky State Board on Electric Generation and Transmission Siting (the “Siting Board”) for an order approving the final development plan that is being filed contemporaneously with this Motion. In support of this Motion, Bluebird states as follows:

In its August 3, 2022, Order approving a construction certificate to Bluebird, the Siting Board required that Bluebird submit a final site layout plan with deviations from the preliminary site layout plan clearly indicated on the revised plan. The Siting Board indicated that it would “determine whether any deviation in the boundaries or site-layout plan is likely to create a materially different pattern or magnitude of impacts.” As discussed herein and depicted on the revised plan, Bluebird’s changes between the preliminary site layout plan and the revised plan do not create a materially different pattern or magnitude of negative impact. And as such, Bluebird respectfully requests the Siting Board to confirm this understanding.

The most notable change to the project is the elimination of the Reed and Hines parcels that were located to the east of Highway 353 (Russell Cave Road) and geographically separated from the rest of this project. The elimination of this area will obviate the need for construction of an access road on the east side of Highway 353. It will also eliminate impact to neighboring and nearby properties located in that area. Bluebird's Construction Noise Analysis Report modeled anticipated noise for six residential structures near that area of the project. The closest of these structures (R5) was located 250 feet from the project boundary.¹ The elimination of this area of the project will extend the distance of the project to these six residential structures by nearly a mile.

In order to accommodate the elimination of the Reed and Hines parcel and maintain generating capacity, Bluebird plans to construct three additional areas solar arrays within the previously identified project boundaries. Each of these three areas are identified on the revised development plan. There are no changes to the project's property boundaries for the parcels west of Highway 353, in comparison to the boundaries depicted on the preliminary site plan. The new array area in the northwestern section² of the project places solar panels closer to a parcel boundary, but would have negligible effect on the closest residential structures. As shown in the Construction Noise Analysis Report, the closest residences in that area (R20 and R21) are over 1,700 feet from the project boundary.³ Similarly, the two new array areas in the southwestern section⁴ of the project would have negligible impact on the closest residence in that area (R11),

¹ Construction Noise Analysis Report at 7-8, *available at* [https://psc.ky.gov/pscecf/2021-00141/tosterloh%40sturgillturner.com/05062022051633/Bluebird Response 2nd RFI without Archaeological Report %2801662669%29.pdf#page=13](https://psc.ky.gov/pscecf/2021-00141/tosterloh%40sturgillturner.com/05062022051633/Bluebird%20Response%202nd%20RFI%20without%20Archaeological%20Report%202801662669%29.pdf#page=13).

² See Revised Site Plan coordinates E2.

³ See Construction Noise Analysis Report at 7-8.

⁴ See Revised Site Plan coordinates D6, E6, and F6.

which is 1,280 feet from the project boundaries.⁵ Even with these changes, Bluebird will adhere to the setbacks set forth in paragraph 16 of the Appendix to the Siting Board's order.

In addition to these changes to the location of solar arrays, Bluebird is planning the following additional minor adjustments:

- A new access road is being proposed on the east side of Allen Pike. This new entrance will balance construction and operation traffic by providing an alternative entrance to the arrays in the previously unused areas.
- The proposed access road on the west side of Allen Pike serving the western most parcels of the project will be moved 130 feet to the north. This will reduce unnecessary road turns and avoid the overhead electric utility line it previously crossed under. It will not have any negative impact in comparison to the preliminary location.
- The proposed entrance on the west side of Highway 353 will be moved approximately 540 feet to the south to better accommodate the solar array and inverter parcels.
- Two additional internal road crossings under the EKPC overhead transmission line will be constructed to provide alternative access to the large array areas east of the transmission line, avoiding stream or FEMA flood zones to reach them.
- There are minor changes to the shapes and locations of detention basins for stormwater management to better fit existing terrain features and optimize grading design.
- Overall, the total area of fenced acreage has increased from approximately 610 acres to approximately 647 acres. All fenced in areas, however, are within the project's property boundaries that were initially shown on the preliminary development plan.

⁵ See Construction Noise Analysis Report at 7-8.

Based on the foregoing information, Bluebird respectfully requests an order from the Siting Board confirming that Bluebirds's revised site development plan is in compliance with the conditions imposed in the August 3, 2022, Order. The changes to the site plan have not materially changed the Project and do not create a magnitude of impacts different from the impacts the Siting Board addressed in the original consideration of the case.

RESPECTFULLY SUBMITTED,

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