

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
TELESTO ENERGY PROJECT LLC FOR)	
CERTIFICATE OF CONSTRUCTION)	
FOR AN APPROXIMATELY 110)	Case No. 2022-00096
MEGAWATT MERCHANT ELECTRIC)	
SOLAR GENERATING FACILITY IN)	
HARDIN COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700 ET SEQ.)	
AND 807 KAR 5:110)	

RESPONSE OF TELESTO ENERGY PROJECT LLC TO CONSULTANT REPORT

Telesto Energy Project LLC (“Telesto”) provides the following response to the BBC Research & Consulting Final Report of Telesto’s Site Assessment Report (“BBC Report” or “Final Report”). Telesto appreciates the thorough review and analysis of the proposed project and proposed location. The Report’s recommendations are generally agreed to with minor clarifications recommended below.

Site Development Plan:

Recommendation:

11. Telesto’s viewshed screening plan should incorporate particular efforts to reduce impacts on the views from the fourteen smaller lot residential properties (smaller than five acres) adjacent to the proposed project.

Response:

Those landowners and residents were considered when the current site plan and screening plan were developed. The screening plan proposed in this case reflects those considerations.

Compatibility with Scenic Surroundings:

Recommendation:

10. Telesto should be open to communication with adjacent landowners regarding viewshed impacts and the implementation of strategic additional vegetative screening, if needed. Communication regarding viewshed impacts and concerns should be incorporated into the Complaint Resolution Program described further in mitigation recommendation #18 later in this section.

Response:

Telesto is open to discussing landowner requests and suggestions on vegetative screening that meet local requirements.

Expected Noise from Construction and Operation:

Recommendation:

12. If Telesto's motion to deviate from setback requirements should be approved, the applicant should place panels, inverters and substation equipment no closer to homes and project boundaries than indicated in the application.

Response:

Despite the withdrawal of the Motion to Deviate, Telesto is committed to placing panels, inverters and substation equipment no closer to homes and project boundaries than indicated in the application and subsequent filings.

Recommendation:

13. If pile driving activity occurs within 1,500 feet of a sensitive noise receptor (e.g., residence), Telesto should implement a construction method that will suppress the noise generated during the pile driving process (i.e., semi-tractor and canvas method, sound blankets on fencing surrounding the solar site, or other comparable methods).

Response:

Telesto has and continues to explore options for suppressing noise generated during the pile driving process. Telesto is committed to using sound suppressing techniques during pile driving that have proven to be effective at suppressing the noise generated by pile driving.

Recommendation:

14. Similar to other recent solar facility applications reviewed by the Siting Board, construction activity at the Telesto site should be limited to the hours of 8 AM to 6 PM, Monday through Saturday, to reduce impacts from construction noise on nearby residents. Non-noise causing and non-construction activities such as field visits, planning meetings, surveying, mowing, etc. can take place on site between 7 AM and 10 PM Monday through Saturday.

Response:

Telesto requests that construction be allowed from 7 AM to 7 PM in areas where the sound studies have demonstrated that no noise above 55 dB shall be experienced by nearby sensitive noise receptors.

Recommendation:

15. Telesto should prioritize vegetative screen planting before commencing construction activity. This will not only mitigate noise but also allow for the growth of the tree screens during the construction phase, providing an established visual screen to protect the viewshed before the facility begins operation. It may also help mitigate against impacts to the property values of the smaller residential properties adjacent to the proposed facility.

Response:

Telesto requests that some vegetative screening be installed during the construction phase, but Telesto commits to having all vegetative screening proposed in the application and subsequent filings be installed completely prior to commencing operation of the facility.

Recommendation:

18. Telesto should implement a Complaint Resolution Program to address any complaints from surrounding landowners. Telesto should submit an annual status report on the Complaint Resolution Program to the Siting Board, identifying any complaints, the steps taken to resolve those complaints, and whether the complaint was resolved to the satisfaction of the affected landowner.

Response:

Telesto requests that it be allowed to file an annual status report only for years where a complaint was received or steps were taken to address a complaint filed in a previous year. Telesto believes that filing an annual report for years where no complaint transpires is unnecessary and burdensome.

Transportation Impacts and Fugitive Dust:

Recommendation:

20. Telesto should develop and implement a traffic management plan for the construction phase of the project to minimize impacts on traffic flow and keep traffic safe. As part of this plan, Telesto should implement ridesharing between construction workers; use appropriate traffic controls; or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.

Response:

Telesto commits to development of a traffic management plan that explores the possibility and use of a ridesharing program, but cannot commit to ridesharing between construction workers as they will be free to utilize various transportation methods at their own discretion.

Decommissioning

Recommendation:

27. Telesto should follow through with filing a bond with the Hardin County Fiscal Court, equal to the amount necessary to effectuate the explicit or formal decommissioning plan naming Hardin County as a third-party obligee (or secondary, in addition to individual landowners) beneficiary, in addition to the lessors of the subject property insofar as the leases contain a decommissioning

bonding requirement, so that Hardin County will have the authority to draw upon the bond to effectuate the decommissioning plan. For land in which there is no bonding requirement otherwise, Hardin County should be the primary beneficiary of the decommissioning bond for that portion of the project. The bond(s) should be filed with the Hardin County Treasurer or with a bank, title company or financial institution reasonably acceptable to the county. The acceptance of the county of allowing the filing the bond(s) with an entity other than the Fiscal Court, through the Hardin County Treasurer, can be evidenced by a letter from the Judge-Executive, the Fiscal Court, or the County Attorney. The bond(s) should be in place at the time of commencement of operation of the Project. The bond amount should be reviewed every five years at Telesto's expense to determine and update the cost of removal amount. This review should be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review should be provided to the Siting Board or its successors and the Hardin County Fiscal Court. Such certification should be by letter and should include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.

Response:

In the event the project is constructed in Hardin County, Telesto will comply with bonding requirements set forth by the County. However, if the project jurisdiction is ultimately the city of Elizabethtown, these decommissioning requirements will be followed with the City of Elizabethtown as the third-party obligee.

Compliance with Local Setback Requirements:

Recommendation:

5. Should the motion to deviate from setback requirements be approved, Telesto should promptly and fully meet the setback provisions or conditions outlined in its proposed project design.

Response:

On October 10, 2022, Telesto withdrew its Motion for Deviation from Setback Requirements. However, despite the withdrawal of the Motion to Deviate, Telesto is committed to placing panels, inverters and substation equipment no closer to homes and project boundaries than indicated in the application and subsequent filings.

Other Issues

The BBC Report noted alleged inconsistencies in the Applicant's Sound Study, which Telesto intends to clarify. The BBC Report first suggests that Telesto had underestimated piledriver noise emission estimates, noting that "it is unclear why the pile drivers used at the Telesto project site would be substantially quieter than standard impact pile drivers used in other similar projects." As noted in Section 4 of Telesto's Sound Study, Application Exhibit H, noise impacts due to piledriving activity were modeled using a sound power level of 117 dBA. Thus, Telesto did not underestimate noise levels emitted by piledriving activity and in fact overestimated noise levels to inform site design to minimize sound impacts to sensitive receptors during construction, particularly during piledriving activities.

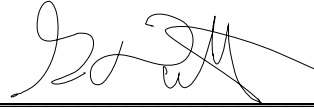
Second, the BBC Report alleges a contradiction regarding the distances between noise receptors R-109 and R-230 from the nearest inverter. It appears that BBC has pulled distances from two different reports with inverters in different locations. To clarify this alleged

contradiction, Telesto points to the 10% design plan filed on August 23, 2022. Under the 10% design plan, sensitive receptors R-109 and R-230 are located over 1,000 feet from the nearest inverter. Thus, under the 10% design plan, the above noise receptors are greater than 850 feet away from the nearest inverter without contradiction.

Third, the BBC Report stated that sensitive receptor R-242 could experience noise levels up to 78 dBA during piledriving activity due to its 380-foot proximity to the nearest solar panel. To clarify this inconsistency, the BBC Report appears to have measured the distance from a recreational vehicle garage or barn. The R-242 residence measures over 500 feet from the nearest panel, and thus will not experience the 78 dBA noise level during piledriving activities as noted in the BBC Report.

Fourth, the BBC Report noted 19 noise receptors located within 600 feet of the nearest panel would likely experience noise levels between 74 dBA and 76 dBA during piledriving and are unlikely to avoid noise impacts resulting from piledriving during construction. Telesto does not dispute this and stated such in its 10% design noise study. Telesto reiterates that piledriving activity will be temporary, conducted only during daytime hours, and is similar to other existing noise-emitting activities in the area such as farm tractors, plowing, home building, and similar activities. The sound will dissipate daily as construction moves away from the receptor.

Respectfully submitted,



Gregory T. Dutton

FROST BROWN TODD LLC

400 W. Market Street, 32nd Floor

Louisville, KY 40202

(502) 589-5400

(502) 581-1087 (fax)

gdutton@fbtlaw.com

Counsel for Telesto Energy Project LLC