

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE ELECTRIC GENERATION AND TRANSMISSION SITING BOARD**

In the Matter of:

ELECTRONIC APPLICATION OF )  
THOROUGHbred SOLAR, LLC FOR A )  
CERTIFICATE OF CONSTRUCTION FOR )  
AN APPROXIMATELY 50 MEGAWATT )  
MERCHANT ELECTRIC SOLAR )  
GENERATING FACILITY IN HART )  
COUNTY, KENTUCKY PURSUANT TO )  
KRS 278.700 AND 807 KAR 5:110. )

Case No. 2022-00115

**THOROUGHbred SOLAR, LLC'S RESPONSE TO CONSULTANT REPORT**

Thoroughbred Solar, LLC (“Thoroughbred”) provides the following response to the Harvey Economics’ (“HE”) Review of Thoroughbred’s Site Assessment Report for Solar Facilities (“SAR” or “Report”) filed on February 3, 2023. Thoroughbred appreciates the thorough review and analysis of the proposed project and proposed location. Thoroughbred respectfully submits its response to the Report as set forth below.

**Section B, Recommendation No. 6:**

*The Applicant shall provide a visual buffer between Project infrastructure and residences or other occupied structures with a line of sight to the facility to the reasonable satisfaction of the affected adjacent property owners. If vegetation is used, plantings should reach eight feet high within four years. To the extent that an affected property owner indicates to the Applicant that a visual barrier or vegetative buffer is not necessary, Thoroughbred Solar will obtain that property owner’s written consent and submit such consent in writing to the Siting Board.*

**Response to Section B, Recommendation No 6:**

Thoroughbred recommends that the height requirement of plantings after four years be six feet instead of eight. The six foot height is consistent with a number of recent Siting Board orders, such as *Blue Moon Energy*, Case No. 2021-004 (Condition No. 9) and *Russellville Solar*, Case No. 2021-00235 (Condition No. 9). While it is the expectation of Thoroughbred that the relevant vegetation will reach eight feet in height after four years, the growth rates of vegetation can be impacted by annual variations in the weather, such as a year with limited rainfall or extreme heat. Note that visual screening is proposed in the SAR for all surrounding residences where existing vegetation is not proposed to be retained and that the SAR (as reaffirmed through Section B, Recommendation No. 13) reflects continued input from key stakeholders such as adjacent landowners in the final landscaping plan; this recommendation, therefore, may not be necessary as a condition.

**Section B, Recommendation No. 12:**

*The Applicant will use anti-glare panels and operate the panels in such a way that glare from the panels is minimized or eliminated. The Applicant will immediately adjust solar panel operations upon any complaint about glare from those living, working, or traveling in proximity to the Project. Failing this, the Applicant will cease operations until the glare is rectified.*

**Response:**

Thoroughbred does not object to the first sentence of the recommendation. Thoroughbred recommends that the second sentence be modified to require Thoroughbred to utilize its Compliant Resolution Plan process to address any complaint. In Section I of the Report, Recommended Conditions Nos. 1 & 2 require Thoroughbred to develop and implement a

complaint resolution plan and file annual status reports with the Siting Board associated with the complaint resolution plan.

The current language of the above-reference recommendation states that “any” complaint “immediately” requires Thoroughbred to adjust operations, including the cessation of operations. This language leaves no room for investigation into the merit of the complaint without potentially significant operational impacts to the facility. As noted in the HE Report, “[t]he use of anti-glare panels will reduce, or eliminate, the potential for glare from solar panels for local residents and drivers.” Page V.12. Moreover, the HE Report notes that “[a] glare study was performed by the Applicant’s consultants, and glare is not expected to be an issue.” *Id.* There is no particular glare concern associated with this project. For this reason, utilization of Thoroughbred’s Complaint Resolution Plan process is the more reasonable approach to addressing any complaint alleging glare impact.

Thoroughbred also notes that this glare recommendation has not been applied in the orders granted by the Board. For instance, in *Horus Kentucky 1 LLC*, Case No. 2020-00417, HE was the consultant that issued the review and evaluation of the project’s site assessment report. That report makes the same recommendation concerning glare (Page VI-4 of the Review and Evaluation of the *Horus Kentucky 1, LLC* Site Assessment Report). However, in the Siting Board’s final Order in *Horus Kentucky 1 LLC*, this glare recommendation was not included as a condition. Thoroughbred requests a consistent outcome in its proceeding.

**Section D, Recommendation No. 3:**

*If pile driving activity occurs within 1,500 feet of a noise sensitive receptor, the Applicant shall implement a construction method tractor and canvas method; sound blankets on fencing surrounding the Project site; or any other comparably effective method).*

**Response:**

It is our understanding that the 1,500-foot distance has been applied in other projects (*Northern Bobwhite Solar, Ashwood Solar 1, and Russellville Solar*) that propose the use of louder pile driving equipment than is proposed for this Project. The equipment proposed for Thoroughbred will result in a much quieter sound profile from pile driving. On a sound basis with the quieter pile driving equipment, a distance of 400 feet would be appropriate (rather than 1,500 feet), as comparable distances for the same sound level are calculated at between 218 and 377 feet. Note that the closest solar panel to a residence (and, thus, anticipated pile driving) will be 275 feet.

This mitigation would be in addition to attention to and resolution of potential complaints during the construction process.

Respectfully submitted,



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