

Amended Response to December 6, 2023 Data Request

Bright Mountain Solar Project

Perry County, Kentucky

Case No. 2022-000274

Prepared by:



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BRIGHT MOUNTAIN SOLAR, LLC'S AMENDED RESPONSE TO STAFF'S December 6, 2023, DATA REQUEST

- 1. Describe any internal road improvements or maintenance that may occur prior to or during construction and operations of the project.**

There are existing internal access roads from the Facility site's prior use as a surface coal mine. These existing access roads have been incorporated into the design of the Facility to the extent practicable. Existing access roads that will be utilized for the Facility will be improved during the construction process. The exact nature of improvements will be identified prior to construction but will likely include compaction and the use of additional gravel. The design of the Facility also includes access roads in locations where existing access roads do not currently exist. Similarly, the exact specifications of internal access roads will be determined prior to construction but will likely consist of a base of compacted subsoil and smaller aggregate, and then a layer of larger aggregate. The access roads are anticipated to be approximately 14 feet in finished width.

Responding Witnesses: Andrew House, Nautasha Gupta

- 2. Provide an updated site plan indicating any changes since the Application was filed.**

No changes to the site plan have been made since the application was filed on September 15, 2023.

Responding Witness: Andrew House

- 3. Refer to Bright Mountain's response to Siting Board Staff's First Request for Information (Staff's First Request), Items 11 and 12, Exhibits E Exhibit F. Confirm that the tables provide the cumulative noise levels, including both construction activities and ambient noise for these receptors. If the cumulative levels are not provided, submit revised tables with the cumulative noise levels added for each receptor.**

The construction noise levels presented in the tables provided as Attachment F to Staff's First Request in response to Items 43 and 44 do represent cumulative levels of construction noise and ambient noise. As the expected construction noise levels provided in Table 2 of Attachment F exceed the estimated ambient level of 40 dBA by more than 10 dBA, the cumulative sound level during construction is the same as the sound levels presented in Table 2. When two sound levels are more than 10 dBA apart, their summation is the same as the highest level (e.g., 40 dBA + 55 dBA = 55 dBA).

As stated in the response to Item 44 of Staff's First Request, the cumulative noise levels during operation accounting for ambient noise are only predicted to exceed the estimated ambient noise level of 40 dBA at two receptors, 232 and 259. For clarity, revised tables with cumulative noise levels accounting for ambient noise are included as Attachment A.

Responding Witnesses: Andrew House, Mark Bastasch

- 4. Refer to Bright Mountain's response to Staff's First Request, Item 11, Attachment E, Receptor Distance Tables. Provide the business name and address for the non-residential structures identified as Receptor 11 and Receptor 162.**

Receptor 11 as listed on Table 2 of Attachment E in the response to Staff's First Request is Busy Pentecostal Church, located at 4374 Couchtown Road in Busy, Kentucky 41723. Receptor 162, as listed on the same table, is a United States Postal Service Post Office located at 8550 Kentucky Highway 451 in Yerkes, Kentucky 41778.

Responding Witness: Andrew House

- 5. Refer to the Application, Tab 12, Site Assessment Report (SAR), Exhibit G, Figure 2-1. Receptor 13 and Receptor 101 are identified as commercial properties within 1,500 feet of the project. Provide the business name and address for these structures. Explain why they were not included in the list of non-residential structures Bright Mountain's response to Staff's First Request, Item 11 and Item 12.**

Figure 2-1 included with Tab 12 Exhibit G was created earlier in the development process than the receptor distance tables included as Attachment E to the response to Staff's First Request. Additional receptor data review, subsequent to the development of Exhibit G, could not confirm that receptors 13 and 101 were commercial structures. Because desktop review or field verification did not clearly indicate that a structure was **not** residential, it was assumed that the structure was residential, in order to ensure that the most sensitive possible use of the structure was considered. Receptors 13 and 101 are listed as residential receptors and are included in Table 1 of Attachment E to the response to Staff's First Request.

Responding Witnesses: Andrew House, Mark Bastasch

- 6. Refer to Bright Mountain's response to Staff's First Request, Items 11 and 12, Attachment E and Attachment F. Explain why Receptor 6 (Pentecostal Church) and Receptor 200 (Wedding and Event Venue) were not included in the list of non-residential structures.**

There is a Pentecostal Church in the area, which is represented by receptor 11 as identified in the response to Item 4. Receptor 6 has been identified as a residential receptor as it could not be clearly determined whether it was being used as a residence, as described in the response to Item 4. The Applicant is not aware of any affiliation between receptor 6 and the Busy Pentecostal Church.

Receptor 200 is the property of the Perfect Place Wedding and Event Venue. However, based upon Perry County parcel data and field verification, the property also seems to contain an occupied residence. Because residential is a more sensitive use of a structure than commercial, as described in the response to Item 4, receptor 200 was identified as a residential receptor and included on Table 1 of Attachment E to the response to Staff's First Request.

Responding Witnesses: Andrew House, Sean Hollowell

- 7. Refer to Bright Mountain's response to Staff's First Request, Items 11 and 12, Attachment E and Attachment F. Update the charts to include nonresidential receptors: 6, 13, 101, and 200; and, residential receptors: 89, 160, 161, 163, and 359.**

As described in the responses to Items 5 and 6 above, receptors 6, 13, 101, and 200 have all been identified as residential receptors and are all already included in Attachments E and F to the response to Staff's First Request.

Receptors 160 and 163 are included in the tables in Attachments E and F.

Receptors 89, 161, and 359 are not included in Attachments E and F. Additional receptor data review indicated that these receptor points did not identify structures, and as such they were deleted from the receptor dataset.

Responding Witnesses: Andrew House, Sean Hollowell

8. **Refer to the Application, Tab 12, SAR, Proposed Mitigation Measures, page 12. Also, refer to Bright Mountain's response to Staff's First Request, Item 40. Clarify if heavy construction activity is proposed between 7 a.m. through 9 a.m. or 7 a.m. through 7 p.m.**

Noise producing construction activities will be limited to 7 a.m. through dusk, or until 7 p.m. when dusk is before 7 p.m., Monday through Saturday.

Responding Witness: Andrew House

9. **Provide the local roads that will be utilized for the construction of the transmission line. For each road, provide:**
 - a. **A description of current traffic and road conditions, including the number of lanes, presence of shoulders and bridges, speed limit, and weight limits.**

The proposed transmission line route and the final location of associated structures are subject to further engineering design. At this stage of development, a contractor has not yet been engaged for construction of the transmission line and final information on the roadways to be used for construction is not available. In addition to the local roadways identified as part of the preferred access route to the Facility in the Traffic and Dust Study included with the Site Assessment Report as Exhibit F, segments of Flat Gap Road, Lower Second Creek Road, Days Lane, and Kentucky Highway 267 may be utilized for the construction of the transmission line. Days Lane and a segment of Flat Gap Road are aggregate, and the rest of the mentioned roadways are asphalt. In general, the asphalt roadways are narrow with no shoulders present, and the existing asphalt shows damage in some locations. There is a small concrete bridge on Lower Second Creek Road where it intersects with Flat Gap Road. As stated in the Traffic and Dust Study, the access route for Facility construction is limited in speed limit signage. The same is true of the roads which may be utilized for transmission line construction, which are limited in speed limit signage and do not have posted weight limits.

- b. **Anticipated traffic impacts from transmission line construction activities, number of construction vehicle trips by type per day, load weights, and any stoppages that will be needed for construction.**

At this stage of development, a contractor has not yet been engaged for construction of the transmission line and details on the construction process including the number and type of vehicle trips necessary are not available.

- c. **Any road or traffic mitigation measures that will be implemented before, during, or after transmission line construction.**

At this stage of development, a contractor has not yet been engaged for construction of the transmission line and details on traffic control of mitigation measures to be implemented are not available. The Applicant

has discussed construction of the Facility and the transmission line with Perry County (see response to Item 10) and the Applicant will continue to coordinate with Perry County to ensure any impacts to traffic or roadways as a result of construction are minimized.

Responding Witnesses: Andrew House, Nautasha Gupta

10. Provide any agreement with Perry County in relation to the transmission line.

The Applicant has entered into an overhead electrical line easement agreement with Perry County. That agreement, which is regarding crossings of public roads and any necessary access road entrances, is included as Attachment B.

Responding Witness: Andrew House

11. Provide the distances between transmission line structures and the closest residence(s) to each structure along the transmission line route. Indicate whether the closest residences are participating landowners.

A table providing the distances between each transmission line structure and the five closest residential receptors is included as Attachment C. Transmission Line structures were assigned an ID number in ascending order from 1 closest to the generation Facility to 64 closest to the POI at the Bonnyman substation.

Responding Witnesses: Andrew House, Sean Hollowell

12. Refer to the Application, Tab 11, Socioeconomic Report. Also, refer to Bright Mountain's response to Staff's First Request, Items 56 and 57. Provide estimates of annual tax payments that would be made to Perry County, individual local entities within the County, and to the Commonwealth of Kentucky in the absence of a Payment in Lieu of Taxes (PILOT) agreement.

At this time, the Applicant has not modeled estimated annual tax payments that would be made in the absence of a Payment in Lieu of Taxes (PILOT) and does not anticipate doing so because the Applicant has instead engaged in productive communications with Perry County regarding execution of a PILOT agreement. While those discussions are confidential, they have progressed to the point that the Applicant believes a PILOT agreement will be executed as soon as practicable after issuance of the proposed construction certificate for the Facility. The Applicant also understands that if the Board would like further information on the discussions regarding the PILOT and Industrial Revenue Bond (IRB), it can contact counsel for Perry County, Jim Parsons at the firm Keating Muething & Klekamp PLL.

Responding Witness: Andrew House