

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

In the Matter of:

ELECTRONIC APPLICATION OF BRIGHT)
MOUNTAIN SOLAR, LLC FOR A)
CERTIFICATE OF CONSTRUCTION FOR AN)
UP TO 80 MEGAWATT MERCHANT)
ELECTRIC SOLAR GENERATING FACILITY)

Case No. 2022-00274

NOTICE OF COMPLIANCE

Comes now Bright Mountain Solar, LLC (“Bright Mountain”), by counsel, and pursuant to 807 KAR 5:110 Section 9(2), hereby files proof of publication of its second public information meeting notice. Public notice was published in *The Hazard Herald*, a local newspaper of general circulation in Perry County, Kentucky, on August 10, 2023. A copy of the meeting notice and accompanying Affidavit of Publication is attached hereto as Attachment A. Bright Mountain further gives notice of its mailing of the attached correspondence to landowners on August 8, 2023 (Attachment B).

Respectfully submitted,



Dylan F. Borchers
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Counsel for Bright Mountain Solar, LLC



The Hazard Herald

P.O. Box 869 • Hazard, KY 41702 • (606) 436-5771 • Fax: (606) 436-3140

jjones@hazard-herald.com

AFFIDAVIT

I, Barb A. Skeens, of the Hazard Herald newspaper, published at Hazard, Kentucky, and having the largest circulation of any newspaper in Perry County, Kentucky do hereby certify that the Advertisement of Bright Mountain Solar Project

Was published on the following dates:

Date: 8-10-2023 Page: 613 Column: 1, 2, 3 & 4

Date: _____ Page: _____ Column: _____

Date: _____ Page: _____ Column: _____

Date: _____ Page: _____ Column: _____

Signature: Barb Skeens

Subscribed and Sworn To Before Me by Barbara A. Skeens

This 10 Day of August, 2023

Notary Public

Virginia L Jones

My Commission Expires the 25th Day of October, 2025

Kentucky, State at Large

Commission Number KYNP37556

Legals

Legals

Legals

Legals

Legals

Legals

Legals

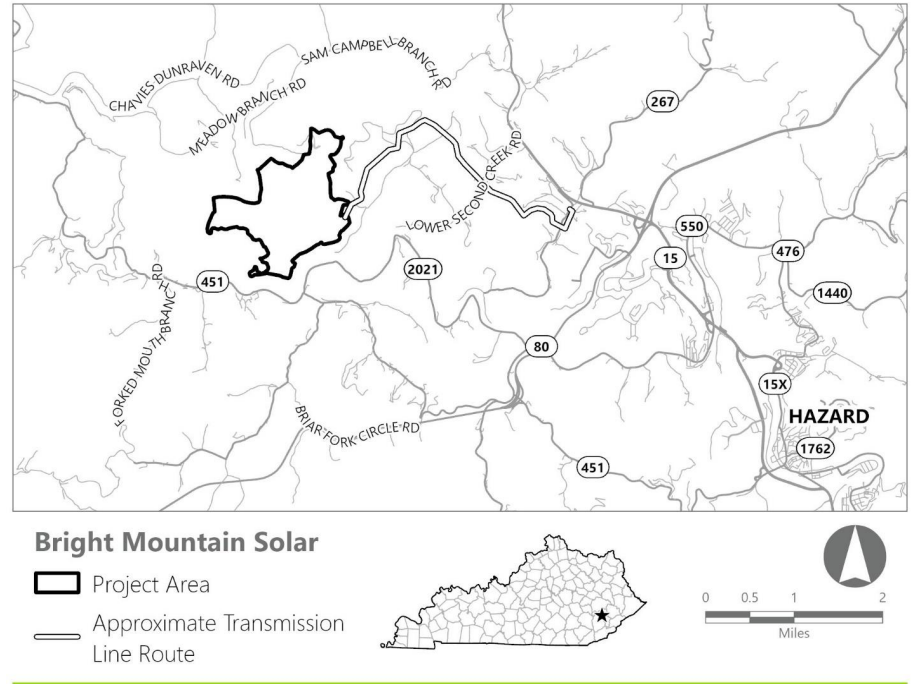
Help Wanted

**PUBLIC NOTICE
BRIGHT MOUNTAIN SOLAR PROJECT**

Bright Mountain Solar is proposing to develop and construct an up to 80-megawatt solar electric generating facility on approximately 800 acres comprised of multiple tracts of reclaimed mine land located in Perry County, Kentucky, which includes approximately 200,000 photovoltaic solar panels, associated racking, 21 inverters, a project substation transformer, and a related 69 kV overhead transmission line owned by the Project of approximately 4 miles in length that will interconnect at the existing AEP Bonnyman Substation.

The Project website includes information about the size and location of the proposed Project as well as information on the upcoming local public information meeting. The website can be accessed at www.brightmountainsolar.com. You may email questions to info@brightmountainsolar.com or call (419) 619-8873.

The public information meeting has been scheduled for August 22, 2023 from 5:30 p.m. to 7:30 p.m. at West Perry Elementary School, 72 Miss Edna Lane, Hazard, Kentucky, 41701. The meeting format will be similar to an open house, and maps of the project area will be available to review. Company representatives will be available to answer questions.



NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

August 10, 2023

Kentucky Housing Corporation
1231 Louisville Road
Frankfort, KY 40601
502-564-7630

These notices are related to Federal assistance provided in response to the Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Incident Period: July 26, 2022-August 11, 2022, Declaration Date July 29, 2022). These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by Kentucky Housing Corporation (KHC).

Per 24 CFR 58.33, the combined Notice of Finding of No Significant Impact (FONSI) and

Notice of Intent to Request Release of Funds (NOI-RROF) will be published simultaneously

with the submission of the Request for Release of Funds (RROF) to the U.S. Department of Housing and Urban Development (HUD) for HOME Investment Partnerships (HOME) funds and to the Commonwealth of Kentucky Department for Local Government (DLG) for Community Development Block Grant Disaster Recovery (CDBG-DR) and Mitigation (CDBG-MIT) funds. The funds are needed on an emergency basis due to the impacts of a Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Declaration Date July 29, 2022). As a result, the comment periods required under 24 CFR 58.45 for the FONSI and NOI-RROF and the HUD/DLG objection periods required under 24 CFR 58.74 have been combined to occur in the same 15-day period. Commenters may submit comments to KHC and objections to HUD and/or DLG to ensure they will receive full consideration.

Project Title:
Sky View Estates Area 1, Perry County, KY-Team KY

Project Location:
Skyview Lane, Hazard, Perry County, KY

Geographic Coordinates: 37.248952/-83.269390

Purpose of Project: Kentucky Housing Corporation, in partnership with the Commonwealth of Kentucky, will build 90 to 153 single-family detached housing units to create replacement housing following the July 2022 in Southeastern Kentucky flood disaster.

Project Cost: \$1,500,000 in HOME funds, \$22,500,000 in CDBG-DR funds, \$765,000 in CDBG-MIT and \$5,070,000 in non-HUD funding for a total project cost of \$29,835,000 for 153 units.

Applicant/Recipient Agency: Kentucky Housing Corporation, 1231 Louisville Road, Frankfort, KY 40601

FINDING OF NO SIGNIFICANT IMPACT
KHC has determined

LEASE OF FUNDS
On or about August 11, 2023, simultaneous with start of the public comment period initiated by the August 10, 2023 publication of the FONSI and NOI-RROF as allowed by 24 CFR 58.33, KHC will submit a request to the U.S. Department of Housing and Urban Development for the release of HUD HOME Investment Partnerships (HOME) Program funds (under Title II of the Crans-ton-Gonzalez National Affordable Housing Act of 1990, as amended) and, under the authority granted by 24 CFR 58.18, a request to the Commonwealth of Kentucky Department for Local Government for the release of Community Development Block Grant Disaster Recovery (CDBG-DR) and Mitigation (CDBG-MIT) funds (appropriated by the Continuing Appropriations Act, 2023 and the Department of Housing and Urban Development Appropriations Act, 2023 for major disasters occurring in 2022) pursuant to undertake a project known as Sky View Estates Area 1, Perry County, KY-Team KY.

that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at <https://www.kyhousing.org> and <https://cpd.hud.gov/cpd-public/environmental-reviews> or at the office of the Perry County Fiscal Court, 481 Main Street, 1st Floor Hazard, Kentucky 41701; (606) 439-1816, and is available for public examination and copying, upon request, between the hours of 9 A.M. and 4 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to KHC, Attn. Curtis Stauffer, at the address at the top of this notice or via email to estauffer@kyhousing.org. All comments received by August 26, 2023 will be considered by KHC. Comments should specify which notice they are addressing.

ENVIRONMENTAL CERTIFICATION

Kentucky Housing Corporation certifies to HUD and DLG that Winston Miller in his capacity as Executive Director consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's and DLG's approval of the certification satisfies their responsibilities under NEPA and related laws and authorities and allows KHC to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD and DLG will accept objections to its release of funds and KHC's certification for a period of 15 days following the anticipated submission date (concurrent with the KHC public comment period as permitted under 24 CFR 58.33), or its actual receipt of the request (whichever is

later), only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of KHC; (b) KHC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD and DLG; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections to HOME funding must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the HUD Louisville Field Office at CPD_COVID-19OEE-LOU@hud.gov. Potential objectors should contact HUD to verify the actual last day of the HOME objection period. Objections to CDBG-DR and CDBG-MIT funding must be prepared and submitted in accordance with the required procedures (24 CFR 58.76) and shall be addressed to the Department for Local Government, Office of Federal Grants, 100 Airport Road, 3rd Floor Frankfort, Kentucky 40601. Potential objectors should contact DLG to verify the actual last day of the state CDBG-DR and CDBG-MIT objection period. Winston Miller, Executive Director
1x-8/10-p-khc-62

ADVERTISE- MENT TO BID

The Perry County Fiscal Court, phone number (606) 439-1816 is now accepting sealed bids for the following:

5075 PERRY DSR 014- UPPER SECOND CREEK Emergency Watershed Protection Debris Removal Project and Stream Bank Stabilization with the cooperation of the PCFC and NRCS - Must have Drilled Railroad Steel Machine

Pre-Bid Meeting will be 10:00AM August 17, 2023 located at Little League Field Parking Lot in the Perry County Park followed by Onsite Inspection

ADVERTISE- MENT TO BID

The Perry County Fiscal Court, phone number (606) 439-1816 is now accepting sealed bids for the following:

5075 PERRY DSR 047- CORNETT / DWARF COMBS BRANCH RD Emergency Watershed Protection Debris Removal Project with the cooperation of the PCFC and NRCS

Pre-Bid Meeting will be 10:00AM August 16, 2023 located at Little League Field Parking Lot in the Perry County Park followed by Onsite Inspection

ADVERTISE- MENT TO BID

The Perry County Fiscal Court, phone number (606) 439-1816 is now accepting sealed bids for the following:

5075 PERRY DSR 048- JAKES FORK Emergency Watershed Protection Debris Removal Project with the cooperation of the PCFC and NRCS

Pre-Bid Meeting will be 10:00AM August 16, 2023 located at Little League Field Parking Lot in the Perry County Park followed by Onsite Inspection

ADVERTISE- MENT TO BID

A Representative from each Company must attend meeting to Qualify for Bidding

PERRY COUNTY FISCAL COURT IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER. SMALL DISADVANTAGED BUSINESS ENTERPRISES INCLUDING MINORITY OWNED, WOMEN OWNED, VETERAN OWNED ARE ENCOURAGED TO BID. FOR HEARING IMPAIRED YOU MAY CALL THE STATE RELAY NUMBER 711 OR TTY: 1-800-648-6056; VOICE: 1-800-648-6057; SPEECH TO SPEECH; 1-888-244-6111; SPANISH TO SPANISH: 1-866-490-4403. THE CONTRACTOR / SUB CONTRACTOR WILL COMPLY WITH 41CFR 60-4. IN REGARD TO AFFIRMATIVE ACTION, TO ENSURE EQUAL OPPORTUNITY TO FEMALES AND MINORITIES AND VETERAN OWNED BUSINESS AND WILL APPLY THE TIMETABLE AND GOAL SET FORTH IN 41CFR 60-4 IF APPLICABLE TO THE AREA OF THE PROJECT.

BIDDERS MUST COMPLY WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1954, THE ANTI-KICKBACK ACT, CONTRACT WORK HOURS' STANDARD ACT AND 40CFR 31.36 L (3.4&6), 2012 BY: PRESIDENT EXECUTIVE ORDER NO. 11246 AS AMENDED, WHICH PROHIBIT DISCRIMINATION REGARDING RACE, CREED, COLOR, SEX, OR NATIONAL ORIGIN.

THE PERRY COUNTY FISCAL COURT RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

BIDS MAY BE MAILED OR DELIVERED TO THE COUNTY JUDGE-EXECUTIVE, PERRY COUNTY COURTHOUSE, 481 MAIN ST, PO DRAWER 210, HAZARD, KY 41702. BIDS MUST REACH THE OFFICE BY 2:00 P.M., WEDNESDAY, AUGUST 24TH, 2023. BIDS MUST BE IN SEALED ENVELOPES AND MARKED "BID TO BE OPENED PUBLICLY AT 2:00 P.M., AUGUST 24, 2023 IN CONFERENCE ROOM 1ST FLOOR OF COURTHOUSE. PLEASE SPECIFY THE BID ITEMS AND LOCATION ON THE OUTSIDE OF THE ENVELOPE.

Scott Alexander
Perry County Judge Executive
1x-8/10-c-pcfc-64

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Scott Alexander
Perry County Judge Executive
1x-8/10-c-pcfc-65

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5075 PERRY DSR 048- JAKES FORK Emergency Watershed Protection Debris Removal Project with the cooperation of the PCFC and NRCS

Pre-Bid Meeting will be 10:00AM August 16, 2023 located at Little League Field Parking Lot in the Perry County Park followed by Onsite Inspection

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Perry County Judge Executive
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Sommer L. Sheely
Partner
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ssheely@brickergraydon.com

August 8, 2023

Dear) Property Owners of Land Leased for the Project:
) Property Owners of Land Next to Land Leased for the Project:

As the attorneys representing Bright Mountain Solar before the Kentucky Electric Generation and Transmission Siting Board ("Board"), we are writing to inform you that Bright Mountain Solar is proposing to develop and construct an up to 80-megawatt (MW) solar electric generating facility on approximately 800 acres comprised of multiple tracts of reclaimed mine land located in Perry County, Kentucky.

Avangrid Renewables, LLC ("Avangrid Renewables"), the owner of Bright Mountain Solar, is a subsidiary of Avangrid and part of the Iberdrola S.A. Group. Iberdrola S.A. has been a company for well over a century and currently employs more than 38,000 people in nearly 40 countries.

Bright Mountain Solar has set up a project website to provide additional information and help keep you informed of project updates. You can visit it at www.brightmountainsolar.com.

Additionally, a second public meeting has been scheduled for August 22, 2023 from 5:30 p.m. to 7:30 p.m. at West Perry Elementary School, 72 Miss Edna Lane, Hazard, Kentucky 41701. The meeting format will be similar to an open house, and maps of the project area will be available to review. Company representatives will be available to answer questions.

If you have any questions, you may contact a Bright Mountain Solar representative at info@brightmountainsolar.com or call (419) 619-8873.

Sincerely on behalf of
Bright Mountain Solar, LLC,

Sommer L. Sheely (handwritten signature)

Sommer L. Sheely
Dylan F. Borchers