

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY FOR CERTIFICATES OF)	CASE NO. 2022-00402
PUBLIC CONVENIENCE AND NECESSITY)	
AND APPROVAL OF A DEMAND SIDE)	
MANAGEMENT PLAN)	

RESPONSE OF
KENTUCKY UTILITIES COMPANY
AND
LOUISVILLE GAS AND ELECTRIC COMPANY
TO
THE MERCER COUNTY FISCAL COURT'S
SUPPLEMENTAL REQUEST FOR INFORMATION
DATED APRIL 14, 2023

FILED: MAY 4, 2023

VERIFICATION

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The undersigned, **Lonnie E. Bellar**, being duly sworn, deposes and says that he is Chief Operating Officer for Louisville Gas and Electric Company and Kentucky Utilities Company and an employee of LG&E and KU Services Company, 220 West Main Street, Louisville, KY 40202, and that he has personal knowledge of the matters set forth in the responses for which he is identified as the witness, and the answers contained therein are true and correct to the best of his information, knowledge and belief.

Lonnie E. Bellar

Lonnie E. Bellar

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 1st day of May 2023.

Caroline J. Dawson

Notary Public

Notary Public ID No. KYNP63286

My Commission Expires:

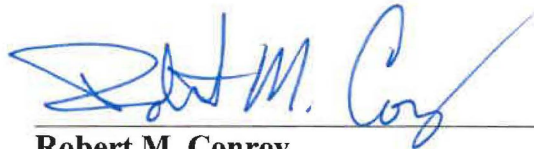
January 22, 2027



VERIFICATION


COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The undersigned, **Robert M. Conroy**, being duly sworn, deposes and says that he is Vice President, State Regulation and Rates, for Kentucky Utilities Company and Louisville Gas and Electric Company and an employee of LG&E and KU Services Company, 220 West Main Street, Louisville, KY 40202, and that he has personal knowledge of the matters set forth in the responses for which he is identified as the witness, and the answers contained therein are true and correct to the best of his information, knowledge, and belief.



Robert M. Conroy

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 1st day of May _____ 2023.



Notary Public
Notary Public ID No. KYNP61560



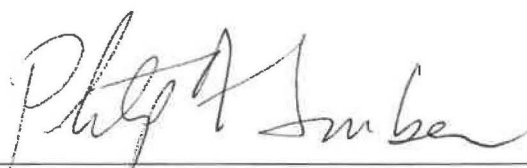
My Commission Expires:

November 9, 2026

VERIFICATION

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The undersigned, **Philip A. Imber**, being duly sworn, deposes and says that he is Director – Environmental and Federal Regulatory Compliance for LG&E and KU Services Company, 220 West Main Street, Louisville, KY 40202, and that he has personal knowledge of the matters set forth in the responses for which he is identified as the witness, and the answers contained therein are true and correct to the best of his information, knowledge and belief.



Philip A. Imber

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 2nd day of May 2023.

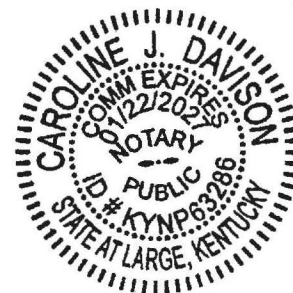


Notary Public

Notary Public ID No. KYNP63286

My Commission Expires:

January 22, 2027



VERIFICATION

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The undersigned, **David S. Sinclair**, being duly sworn, deposes and says that he is Vice President, Energy Supply and Analysis for Kentucky Utilities Company and Louisville Gas and Electric Company and an employee of LG&E and KU Services Company, 220 West Main Street, Louisville, KY 40202, and that he has personal knowledge of the matters set forth in the responses for which he is identified as the witness, and the answers contained therein are true and correct to the best of his information, knowledge, and belief.

David S. Sinclair

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 1st day of May 2023.

Notary Public

Notary Public ID No. KYNP63286

My Commission Expires:

January 22, 2027



**KENTUCKY UTILITIES COMPANY
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**Response to Mercer County Fiscal Court's
Supplemental Request for Information
Dated April 14, 2023**

Case No. 2022-00402

Question No. 1

Responding Witness: Lonnie E. Bellar

Q-1. Please reference the Companies' response to Mercer County Initial Request No. 4. Of the approximately 900 acres, or 1.4 square miles, planned for the solar facility, how much land has been set aside as a buffer between the facility and any local:

- a. Residential dwelling,
- b. Commercial establishment,
- c. Industrial facility, and
- d. farm.

A-1. Setbacks included in the preliminary design are provided below.

Site Boundary – 50 feet
Streams & Wetlands – 50 feet
Right-of-Ways – 20 feet

- a. No defined quantity of land has been set aside beyond the setbacks provided provide above.
- b. No defined quantity of land has been set aside beyond the setbacks provided provide above.
- c. No defined quantity of land has been set aside beyond the setbacks provided provide above.
- d. No defined quantity of land has been set aside beyond the setbacks provided provide above.

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Question No. 2

Responding Witness: Philip A. Imber

- Q-2. Assuming the CPCN is approved, have the Companies made any effort to determine the fair market value after its construction on the following:
- a. Residential dwelling,
 - b. Commercial establishment,
 - c. Industrial facility, and
 - d. farm.
- A-2. Yes. The Site Assessment Report the Companies are causing to be prepared will evaluate property value impacts of the proposed Mercer County Solar Facility.
- a. See the response above.
 - b. See the response above.
 - c. See the response above.
 - d. See the response above.

**KENTUCKY UTILITIES COMPANY
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Question No. 3

Responding Witness: Lonnie E. Bellar

- Q-3. Please reference the Companies' response to Mercer County Initial Request No. 11. Please list the following regarding the due diligence studies:
- a. Please provide the studies,
 - b. Provide the entities who performed the studies,
 - c. Provide the fair market value of the solar property purchase referenced in the answer.
- A-3.
- a. A copy of the Solar Feasibility study is attached.
 - b. The feasibility study was performed by Burns and McDonnell.
 - c. The property in question can currently only be obtained by paying a per acre price and a development fee, per terms established by Savion. On April 27, 2023 the Companies' closed on approximately 858 acres at a price of \$9,871,324 with an additional obligation to pay, subject to CPCN approval, an \$8,000,000 development fee to obtain the property. The value of the property as measured by Savions's terms is \$17,871,324 or \$20,820/acre.

The attachment is being
provided in a separate
file.

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Question No. 4

Responding Witness: Lonnie E. Bellar

Q-4. Please reference the Companies' response to Mercer County Initial Request No. 19. Will the Companies commit, with the cooperation of Savion, that the remaining acres, whether 416 or otherwise, will be set aside for industrial development? If not, why not?

A-4. At this point in time it would not be in the best interest of the Companies' or their customers to commit to any specific property use, other than for the purposes of solar construction.

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Question No. 5

Responding Witness: Lonnie E. Bellar

Q-5. Please reference the Companies' response to Mercer County Initial Request No. 44. Please provide the following:

- a. List the members of the Companies' economic team by name, title, and level of binding, decision-making hierarchy,
- b. Each Company's members' participation in the review of the decision-making process, for the following:
 - i. Site visits to the anticipated property to be developed,
 - ii. Meetings with the local economic development team and community representatives including name, date, location of the visit, and outcome of the visit.
 - iii. Provide any notes, analyses, reports, studies or conclusions as a result of the visits generated by the Companies.

A-5.

- a. John Bevington, who is a witness in this matter, leads the Companies' economic development team. The identity of and other information regarding the members of his team, how decisions are reached, and any related documents are not relevant.
- b. See the response to part (a).
 - i. See the response to part (a).
 - ii. See the response to part (a).
 - iii. See the response to part (a).

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Question No. 6

Responding Witness: Lonnie E. Bellar

- Q-6. Please reference Mercer County Initial Request No. 30. Is it the Companies' understanding that Martin County's 1,200-acre solar project will employ 12 full-time employees?
- A-6. The Companies assume the reference should be to Mercer County Initial Request No. 31. The Companies are unaware of what Martin County project is being referenced in this request.

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Question No. 7

Responding Witness: Lonnie E. Bellar

- Q-7. Reference the Companies' response to Mercer County Initial Request No. 36, a. What are the land acquisition costs in total as well as by acre?
- A-7. See the response to Question No. 3(c).

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Question No. 8

Responding Witness: David S. Sinclair

- Q-8. Reference the Companies' response to Mercer County Initial Request No. 36, b. What are the yearly variable costs for the facility going forward after the construction and implementation of the facility broken down by the following:
- a. Full-time employees' salaries (by total number, title and benefits),
 - b. Maintenance,
 - c. Replacement of panels,
 - d. Administrative, and
 - e. Other (as defined by the Companies).
- A-8. The operating and maintenance (O&M) costs for the proposed Mercer Solar facility were developed based on the E.W. Brown Solar facility historical O&M costs. The total historical O&M costs were divided by historical generation to establish the \$15.127/kW-year cost provided in Lonnie E. Bellar's Direct Testimony at page 20. The historical O&M costs do not have the level of detail requested.
- a. See above.
 - b. See above.
 - c. See above.
 - d. See above.
 - e. See above.

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Question No. 9

Responding Witness: Lonnie E. Bellar / David S. Sinclair

Q-9. Reference the Companies' response to Mercer County Initial Request No. 37. Are there definitive science and experience to prove the proposed BESS will function as proposed?

- a. If the answer is in the affirmative, provide all studies, reports and analyses to demonstrate same.
- b. If the answer is not in the affirmative, why should the ratepayers pay for "valuable experience with stored power" instead of the shareholders?

A-9. Yes. Utility-scale lithium-ion batteries have been deployed at scale throughout the world.

- a. The number of documents related to this topic are too numerous to provide all of them. According to a December 8, 2022 article by the U.S. Energy Information Administration ("EIA"), "As of October 2022, 7.8 GW of utility-scale battery storage was operating in the United States; developers and power plant operators expect to be using 1.4 GW more battery capacity by the end of the year. From 2023 to 2025, they expect to add another 20.8 GW of battery storage capacity."¹

According to EIA's "Preliminary Monthly Electric Generator Inventory" for March 2023 (released April 25, 2023), there are a total of 466 battery storage facilities currently operating in the United States with a total nameplate capacity of 9.4 GW.² Of those, there are 36 facilities with a nameplate capacity greater than or equal to 100 MW, which have a total nameplate capacity of 5.3 GW.³ The same data further show 117 planned battery storage

¹ U.S. EIA, "U.S. battery storage capacity will increase significantly by 2025" (Dec. 8, 2022), available at <https://www.eia.gov/todayinenergy/detail.php?id=54939> (accessed Apr. 30, 2023).

² <https://www.eia.gov/electricity/data/eia860m/> (accessed Apr. 30, 2023).

³ *Id.*

facilities in the United States with a nameplate capacity greater than or equal to 100 MW, which are planned to have a total nameplate capacity of 24 GW.⁴

In addition, a February 22, 2023 story in Scientific American discusses the current lithium-ion storage market: “The United States installed 4 gigawatts of battery capacity in 2022, nearly matching the 4.7 GW installed in all previous years combined, according to U.S. Energy Information Administration figures. California and Texas accounted for 90 percent of U.S. battery installations, bringing online 2.4 GW and 1.3 GW, respectively, in 2022.”⁵

Between now and 2026, developers plan to install 22 GW of battery capacity, according to EIA figures. Of that, 16 GW is slated for Texas and California.⁶

- b. See the response to part (a).

⁴ *Id.*

⁵ <https://www.scientificamerican.com/article/u-s-battery-installations-soared-in-2022-reshaping-power-grids/#:~:text=The%20United%20States%20installed%204.2.4%20GW%20and%201.3%20GW%2C>

⁶ *Id.*

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Question No. 10

Responding Witness: Lonnie E. Bellar

- Q-10. Reference the Companies' response to Mercer County Initial Request No. 38 whereat the Companies admit the BESS is "truly a test facility." Do the Companies request the recovery of this facility in their application, notwithstanding their responses to Mercer Initial Requests 39, 40 and 41?
- a. Reconcile this admission with the Companies' response to Mercer Initial Request No. 39.
 - b. Admit or deny the Companies are seeking recovery from ratepayers for the costs of the BESS in its application.
- A-10. It is not correct that the Companies referred to the proposed Brown BESS as a "test facility." In fact, the opposite is true. The Companies stated in response to Mercer County Initial Request No. 38 that, "The proposed BESS will be an operational asset, not a "test facility," that is connected to the transmission system and used to provide service to customers." See the response to Mercer 1-38(a).
- a. See the response above.
 - b. Although a CPCN application is not a rate case, it is the Company's expectation that, since the BESS is being constructed to serve customers' needs, that its costs would be recovered in a future rate case.

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Question No. 11

Responding Witness: Lonnie E. Bellar

- Q-11. Please reference the Companies' response to Mercer County Initial Request No. 52. Does the Companies' response indicate that they will need 7 acres for the BESS in addition to the 900 acres for the solar array/facility?
- A-11. The Brown BESS facility requires approximately 7 acres and will be located on land currently owned by the Companies at the EW Brown Generating Station – not on the land required for the Mercer Solar project.

**KENTUCKY UTILITIES COMPANY
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Question No. 12

Responding Witness: Robert M. Conroy / Philip A. Imber

- Q-12. Please reference the Companies' response to Mercer County Initial No. 53. How can the PSC approve the solar facility without having the Solar Facility Site Assessment Report and Site Compatibility Certificate before it can approve the solar facility rather than after the fact as the Companies propose? Do these issues need to be addressed prior to any potential PSC consideration of the application? If not, why not?
- A-12. For the proposed Mercer County Solar Facility, the Companies will need both the CPCN they have requested in this matter pursuant to KRS 278.020 and a Site Compatibility Certificate pursuant to KRS 278.216 that has not yet been requested. The Companies have not requested a Site Compatibility Certificate yet because one of the documents necessary to support that request, a Site Assessment Report, is not yet complete. When it is complete, the Companies will seek a Site Compatibility Certificate from the Commission. The requirements for a CPCN are different than for a Site Compatibility Certificate, so it is logical, permissible, and within the Commission's authority to issue the CPCN and a Site Compatibility Certificate in any sequence it chooses (or as dictated by any applicable timing requirements in the respective cases) as the requests for each are submitted to the Commission.

**KENTUCKY UTILITIES COMPANY
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Question No. 13

Responding Witness: Lonnie E. Bellar / Philip A. Imber

- Q-13. Please reference the Companies' response to Mercer County Initial Request No. 55. The Companies do not appear to provide the current status of all of the required permits. Please provide same.
- A-13. For air permits, see the response to KCA 2-18. For the KDOW permit for the Mercer County Solar Facility, see the response to Question No. 14.

**KENTUCKY UTILITIES COMPANY
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Case No. 2022-00402

Question No. 14

Responding Witness: Philip A. Imber

Q-14. Please reference the Companies' response to Mercer County Initial Request No. 56 whereat the Companies state they have not filed a permit application to the KYDOW.

- a. Is it not premature to file this application with the PSC for even requesting the permit?
- b. How much water will the solar facility displace if built?
- c. Where will the water go?
- d. Will it cause any potential damage or harm to the adjacent properties?

A-14.

- a. No. It is premature to file a KPDES permit application for the project at this time with KYDOW. Such a permit is not required for a CPCN.
- b. We do not have an engineered estimate of stormwater runoff for the site at this point. However, once constructed, the impervious panel surface will occur above a permeable vegetated surface. Further, the single tilt panels will not overlap, allowing for stormwater to be shed from the panels and permeate into the vegetated surface below. This will serve to minimize stormwater runoff through surface infiltration which is consistent with existing agricultural land use.
- c. Water is anticipated to be managed via the existing stormwater drainage features on the site. Additionally, except for access roadways, the projects permeable and vegetated surface below the PV panels will be maintained. This will allow for water infiltration and minimize water runoff. The roadways and any required runoff mitigations will be designed in keeping with stormwater pollution prevention best management practices.

- d. No. Stormwater will be managed such that it does not impact adjacent properties.

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Question No. 15

Responding Witness: Lonnie E. Bellar / Robert M. Conroy

- Q-15. With respect to the Companies' response to Mercer County's Initial Request No. 42, are the Companies aware of any non-utility entity, including but not limited to an IPP or solar developer, that has applied with Mercer County for a permit or rezoning request in order to construct a solar facility? If yes, please provide the following information for each such entity:
- a. Date of each permit request and/or rezoning request.
 - b. Location of the proposed solar facility.
 - c. Whether the requested permit and/or rezoning request was granted by Mercer County.
- A-15. The Companies note that the Mercer County Fiscal Court would seem to have the information sought in this request, or, at a minimum would have ready access to that information because, to the extent such applications have been made, they would have been made to the appropriate governmental entity in Mercer County. Having said that, the Companies are generally aware that Savion has sought approval to construct a solar facility at or near the same location the Companies propose the Mercer County Solar Facility and that the approval was not obtained. The Companies are not aware of the details beyond that.
- a. See the response above.
 - b. See the response above.
 - c. See the response above.

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Question No. 16

Responding Witness: Lonnie E. Bellar / Counsel

- Q-16. With respect to the Companies' response to Mercer County's Initial Request No. 14, has Savion previously applied for permitting and/or submitted a rezoning request with Mercer County for a solar facility at the proposed location of the solar facility subject to approval in this CPCN proceeding? If yes, please provide the following information:
- a. Date of each permit request and/or rezoning request.
 - b. Status of each request in part a. above.
 - c. Whether the permit and/or rezoning request was granted by Mercer County.
- A-16. See the response to Question No. 15.
- a. See the response above.
 - b. See the response above.
 - c. See the response above.

**KENTUCKY UTILITIES COMPANY
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Question No. 17

Responding Witness: Lonnie E. Bellar / Counsel

- Q-17. With respect to the Companies' response to Mercer County's Initial Request No. 14, to the extent not already answered, please describe all actions taken by Savion to comply with existing planning and zonal laws necessary to construct a solar facility in Mercer County.
- a. Date of each action.
 - b. Status of each action in part a. above.
- A-17. See the response to Question No. 15.
- a. See the response above.
 - b. See the response above.

**KENTUCKY UTILITIES COMPANY
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Question No. 18

Responding Witness: Lonnie E. Bellar

Q-18. With respect to the Companies' response to Mercer County's Initial Request No. 1, regarding the Companies' existing E.W. Brown solar facility in Mercer County, please provide the following information:

- a. Please explain whether any local permits were obtained for the solar facility and describe the process required for obtaining those permits.
- b. Please explain whether any rezoning requests were necessary for the existing solar facility and describe the process required for obtaining approval of those rezoning requests.
- c. Please explain all actions that were taken by the Companies to comply with all existing planning and zonal laws in order to construct the E.W. Brown solar facility.

A-18.

- a. The Companies did not obtain local permits for the E.W. Brown Solar Facility.
- b. Rezoning requests were not necessary for the E.W. Brown Solar Facility.
- c. The Companies complied with all applicable laws and regulations during execution of the E.W. Brown Solar Facility project. See the response to part (b).

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Question No. 19

Responding Witness: Lonnie E. Bellar / David S. Sinclair

- Q-19. With respect to the Companies' response to Mercer County's Initial Request No. 12, please provide a detailed listing of all assets the Companies have or will purchase from Savion and provide the purchase price for each such asset.
- A-19. For purchase price, see the response to Question No. 3(c).

Reports, Studies, and Assets

Permitting and Environmental

- Critical Issues Analysis (4/18/19)
- Phase I Environmental Site Assessment (7/31/19)
- Desktop Cultural Resources Report (8/14/20)
- Threatened and Endangered Species Habitat Survey Report (8/14/20)
- Wetland and Waterbody Delineation Report (8/14/20)
- Glint and Glare Analysis (9/23/20)
- Cultural Historic Overview Study (4/26/21)
- Archaeological Reconnaissance Study (4/27/21)
- Property Value Impact Study (9/28/20)
- US Army Corps of Engineers Approved Jurisdictional Determination (4/9/21)

Real Estate

- Preliminary ALTA Survey (10/21/20)
- Title Review/Research
- Mineral Review Report (10/19/20)

Engineering

- Geophysical Site Screening Report, Phase I (11/13/19)
- Geotechnical Investigation Phase II Report (12/27/19)
- Preliminary Site Layout and Design

- Topographic Survey (6/9/2020)
- Full year of on-site meteorological data, including albedo
- Solar Resource Assessment using on-site data (9/10/20)

Interconnection

- LGE/KU Interconnection Queue Position: LGE-GIS-2019-025
- Feasibility Study Report (6/30/20)
- System Impact Study Report (4/28/21)
- Facilities Study Report (1/28/22)
- Large Generator Interconnection Agreement (8/15/22)
- MISO Affected System Study Report (9/27/21)
- PJM Affected System Study clearance email (8/2/21)

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Question No. 20

Responding Witness: Lonnie E. Bellar

- Q-20. With respect to the Companies' response to Mercer County's Initial Request No. 24, when do the options on the property expire? Please explain in detail the ramifications for the Companies if the options expire.
- A-20. The proposed Mercer Solar project is fully contained within Purchase Option 1, which has been fully executed by Savion. There is no risk to the Companies associated with the expiration of Options 2 & 3.
- Purchase Option 1 – Approximately 1,316 acres – Option was executed by Savion on January 27, 2023 with an effected date of January 30, 2023.
 - Purchase Option 2 – Approximately 406 acres – October 15, 2023
 - Purchase Option 3 – Approximately 142 acres – February 20, 2024

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Question No. 21

Responding Witness: Lonnie E. Bellar / Counsel

- Q-21. With respect to the Companies' response to Mercer County's Initial Request No. 25, can the enactment of the Kentucky Product Development Initiative affect the site location of the Companies' proposed solar facility? Please explain in detail.
- A-21. The Kentucky Product Development Initiative has no effect on the Companies' plans to construct the Mercer County Solar Facility.

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Question No. 22

Responding Witness: Lonnie E. Bellar

- Q-22. With respect to the Companies' response to Mercer County's Initial Request No. 35, have the Companies completed their purchase of the land? If no, when are the Companies expected to complete their proposed purchase of the land?
- A-22. See the response to PSC 2-58(b).

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Question No. 23

Responding Witness: Lonnie E. Bellar

- Q-23. With respect to the Companies' response to Mercer County's Initial Request No. 44, did the February 3, 2023 meeting with Mercer County and the Secretary of the Cabinet for Economic Development change the Companies' plans to construct the solar facility? Please explain in detail.
- A-23. No, the Companies continue to advance the development of the Mercer Solar to meet the dates provided in the CPCN filing while remaining open to communicating with local and state leaders with respect to our development activities.

**KENTUCKY UTILITIES COMPANY
AND
LOUISVILLE GAS AND ELECTRIC COMPANY**

**Response to Mercer County Fiscal Court's
Supplemental Request for Information
Dated April 14, 2023**

Case No. 2022-00402

Question No. 24

Responding Witness: Lonnie E. Bellar

- Q-24. If the Companies purchase land within their service territory, are there any permits or other requirements that the Companies must comply with to purchase such land? Please respond for purchasing both privately held land and publicly held land.
- A-24. The phrase "other requirements" is ambiguous, but the Companies are unaware of any permits they must obtain solely to purchase land regardless of whether it is publicly or privately held land.