

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

In the Matter of:

ELECTRONIC APPLICATION OF	)	
MARTIN COUNTY SOLAR PROJECT, LLC	)	
FOR A CERTIFICATE OF CONSTRUCTION	)	
FOR A NONREGULATED ELECTRIC	)	Case No. 2023-00131
TRANSMISSION LINE IN MARTIN	)	
COUNTY, KENTUCKY PURSUANT	)	
TO KRS 278.714 AND 807 KAR 5:110	)	

**APPLICATION FOR A CERTIFICATE OF CONSTRUCTION**

Comes now the applicant, Martin County Solar Project, LLC (the “Applicant” or “Martin County Solar”), by and through counsel, and hereby files this application seeking from the Kentucky State Board on Electric Generation and Transmission Siting (the “Siting Board” or “Board”) a certificate of construction for a 138 kV nonregulated electric transmission line pursuant to KRS 278.714 (the “Application”). The nonregulated electric transmission line for which the certificate is sought will be located near the unincorporated community of Pilgrim, Martin County, Kentucky.

In support of this Application and for ease of review, the Applicant submits herewith the Table of Contents required by 807 KAR 5:110 §3(2)(b) and an Index of Regulatory Requirements, listing respectively the legal requirements for a nonregulated electric transmission line application, and the principal place(s) each requirement is addressed in these Application materials. The facts on which the Application is based are contained in the concurrently filed exhibits, reports, and other information and the statements further made by the Applicant, as follows:

## **I. Applicant Information**

1. Pursuant to KRS 278.714(2)(a), the Applicant is Martin County Solar Project, LLC, a Delaware limited liability company organized on September 6, 2019. Its principal office is located at 422 Admiral Boulevard, Kansas City, Missouri, 64106. The Applicant's telephone number is (913) 568-0331, and its email is info@martincountysolarproject.com.

2. The Applicant has previously received a certificate of construction for an approximately 200 megawatt (MW) solar photovoltaic (PV) electric generating facility (the "Project"), issued by the Siting Board on November 15, 2021, in Case No. 2021-00029. The Board's final order conditionally granting the Applicant's construction certificate for its merchant solar electric generating facility and an appendix of mitigation measures are enclosed as Exhibit A.

3. On April 12, 2023, in Case No. 2022-00362, the Siting Board granted Martin County Solar's request to bifurcate the construction certificate and transfer 89 MW of the Project, along with the rights granted thereunder, to Martin County II Solar Project, LLC ("Martin County Solar II"). Savion, LLC, a wholly owned subsidiary of Shell, holds 100 percent ownership and control of both Martin County Solar and Martin County Solar II. The Project will be constructed in two phases, with Martin County Solar first developing its roughly 111 MW facility, including the onsite substation ("Project Substation") and the approximately 310-foot nonregulated electric transmission line connecting to the existing onsite 138 kV Inez substation, which is owned and operated by Kentucky Power Company, an American Electric Power (AEP) Company ("AEP"). Martin County Solar II will commence construction of its roughly 89 MW facility immediately thereafter. Martin County Solar II's 89 MW portion of the Project will flow to the Project Substation and through the transmission line. The Board's order granting the bifurcation and partial transfer of the construction certificate is enclosed as Exhibit B.

## **II. Description of Proposed Route**

4. Pursuant to KRS 278.714(2)(b), the proposed nonregulated electric transmission line will travel approximately 310 feet overhead from the Project Substation to the 138 kV Inez substation.

A map depicting the Project's site layout plan and a context map depicting the proposed route of the transmission line are enclosed as Exhibit C.

5. Pursuant to KRS 278.714(2)(b)(1), the proposed line will be located southeast of Wolf Creek Road, in the northern portion of the Project's site. See Exhibit C for further detail.

6. Pursuant to KRS 278.714(2)(b)(2), the portion of the proposed line owned by the Applicant will be maintained within a proposed 100-foot right-of-way. AEP does not need a right of way to maintain its portion of the proposed line, because, as described below, it is the owner of the underlying property. A map depicting the right-of-way limits is enclosed as Exhibit D.

7. Pursuant to KRS 278.714(2)(b)(3), the proposed line will begin at the Project Substation to be constructed on leased property owned by Triple H Real Estate LLC. The line will extend over a small portion of the property owned by Triple H Real Estate LLC and then cross onto property owned by AEP. The line will follow a route northeast from the Project Substation, where it will connect to a pole owned by AEP (the "Power Pole") and continue to the 138 kV Inez substation. See Exhibit D for details on the subject properties and route of the line.

8. Pursuant to KRS 278.714(2)(b)(4)(a), there are two residential neighborhoods within one mile of the proposed line, and no schools or parks are located within one mile of the proposed line. The context map in Exhibit C provides the distances between the proposed line and each neighborhood.

### **III. Description of Proposed Line and Appurtenances**

9. Pursuant to KRS 278.714(2)(c), the Applicant proposes to construct a 138 kV nonregulated electric transmission line. The Applicant submitted a Generation Interconnection System Impact Study Report for queue position AF1-130 as part of its application for the Project (the “Interconnection Study Report”). The Interconnection Study Report is enclosed as Exhibit E.

10. The nonregulated electric transmission line will be approximately 310 feet in total length and will run overhead between the Project Substation to the Inez substation owned and operated by AEP. The Applicant will build and own approximately 155 feet of the transmission line located between the Project Substation and the Power Pole. AEP will build and own the remaining 155 feet, which will continue from the Power Pole to the Inez substation.

### **IV. Statement of Compliance with National Electric Safety Code**

11. Pursuant to KRS 278.714(2)(d), the Applicant has designed the project to be consistent with legal requirements applicable to nonregulated electric transmission lines. The Applicant hereby certifies that the proposed nonregulated electric transmission line will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code.

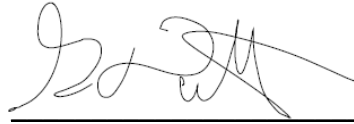
### **V. Public Notice**

12. Pursuant to KRS 278.714(2)(e), Martin County Solar’s public notice of the Application was published in the Mountain Citizen, the newspaper of general circulation in Martin County, on May 10, 2023. The Applicant’s proof of publication is enclosed as Exhibit F.

13. Pursuant to KRS 278.714(2)(f), a copy of the Application was electronically transmitted to Dr. Lon Lafferty, the County Judge/Executive of Martin County, on May 19, 2023.

Dated this 19th day of May 2023.

Respectfully submitted,



---

Gregory T. Dutton

Peter Schikler

**FROST BROWN TODD LLP**

400 W. Market Street, 32<sup>nd</sup> Floor

Louisville, KY 40202

(502) 589-5400

(502) 581-1087 (fax)

gdutton@fbtlaw.com

pschikler@fbtlaw.com

*Counsel for Martin County Solar Project, LLC*

**Statutory/Regulation Requirements  
ESB Certificate Transmission Line**

<b>KRS 278.714</b>	<b>Description</b>	<b>Filing</b>
<b><u>2(a)</u></b>	The name, address, and telephone number of the person proposing construction of the nonregulated electric transmission line or the carbon dioxide transmission pipeline.	Application ¶¶ 1-3, Exhibit A, B
<b><u>2(b)</u></b>	A full description of the proposed route of the electric transmission line or the carbon dioxide transmission pipeline and its appurtenances. The description shall include a map or maps showing: <ol style="list-style-type: none"> <li>1. The location of the proposed line or pipeline and all proposed structures that will support it;</li> <li>2. The proposed right-of-way limits;</li> <li>3. Existing property lines and the names of persons who own the property over which the line or pipeline will cross; and</li> <li>4. The distance of the proposed electric transmission line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities.</li> </ol>	Application ¶¶ 4-8, Exhibit C, D
<b><u>2(c)</u></b>	With respect to electric transmission lines, a full description of the proposed line and appurtenances, including the following: <ol style="list-style-type: none"> <li>1. Initial and design voltages and capacities;</li> <li>2. Length of line;</li> <li>3. Terminal points; and</li> <li>4. Substation connections.</li> </ol>	Application ¶¶ 9-10, Exhibit D, E
<b><u>2(d)</u></b>	A statement that the proposed electric transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code.	Application ¶ 11
<b><u>2(e)</u></b>	Evidence that public notice has been given by publication in a newspaper of general circulation in the general area concerned. Public notice shall include the location of the proposed electric transmission line or carbon dioxide pipeline, shall state that the proposed line or pipeline is subject to approval by the board, and shall provide the telephone number and address of the Public Service Commission.	Application ¶ 12, Exhibit F
<b><u>2(f)</u></b>	Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed electric transmission line or carbon dioxide transmission pipeline is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the general area in which the line or pipeline is proposed to be located.	Application ¶ 13

**EXHIBIT A**

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF MARTIN	)	
COUNTY SOLAR PROJECT, LLC FOR A	)	
CERTIFICATE OF CONSTRUCTION FOR AN	)	
APPROXIMATELY 200 MEGAWATT	)	CASE NO.
MERCHANT ELECTRIC SOLAR GENERATING	)	2021-00029
FACILITY IN MARTIN COUNTY, KENTUCKY	)	
PURSUANT TO KRS 278.700 AND 807 KAR	)	
5:110	)	

ORDER

On May 19, 2021, Martin County Solar Project, LLC (Martin County Solar or Applicant) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) requesting a Certificate of Construction to construct an approximately 200-megawatt alternating current (MWac) solar photovoltaic (PV) electric generating facility to be located near Pilgrim, Martin County, Kentucky (Project).<sup>1</sup>

There are no intervenors in this matter. Pursuant to KRS 278.708(5), the Siting Board hired BBC Research & Consulting to review the applicant’s site assessment report (SAR). Pursuant to a procedural schedule established June 11, 2021, Martin County Solar responded to two rounds of discovery; BBC filed a Review and Evaluation<sup>2</sup> (BBC Report) of the applicant’s site assessment report (SAR) after conducting a site visit; and Martin County Solar filed comments upon the BBC Report. A formal evidentiary hearing

---

<sup>1</sup> Application at 1.

<sup>2</sup> BBC Research & Consulting’s Review and Evaluation of Martin County Solar Project, LLC Siting Assessment Report (Ky. PSC Aug. 30, 2021).



was held on September 28, 2021. Martin County Solar filed responses to post-hearing data requests on October 12, 2021. The Siting Board received no public comments, and the Siting Board received no public comments at the beginning of the September 28, 2021 formal evidentiary hearing. The matter now stands submitted for a decision.

### PROPOSED MARTIN COUNTY SOLAR FACILITY AND PUBLIC ENGAGEMENT

The proposed solar facility is a 2,541-acre site located near Pilgrim, Kentucky, in Martin County.<sup>3</sup> The Project is located on a reclaimed coal mine that has been highly impacted by historical mining operations.<sup>4</sup> Martin County Solar states that approximately 153,000 linear feet of perimeter fence, not to exceed 7 feet, will surround the Project.<sup>5</sup> The solar facility has a rated capacity of 200 MWac and will be connected to an onsite existing transmission line owned by Kentucky Power Company (Kentucky Power).<sup>6</sup>

Martin County Solar provided notice of the proposed facility in accordance with KRS 278.706. Pursuant to KRS 278.706(2)(c), Martin County Solar notified landowners whose property borders the proposed solar facility site via certified mail on January 27, 2021.<sup>7</sup> Martin County Solar also published notice of the proposed solar facility in *The Mountain Citizen*, the newspaper of general circulation in Martin County, on January 27, 2021.<sup>8</sup>

---

<sup>3</sup> Application at 3.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 10.

<sup>7</sup> *Id.* at 5.

<sup>8</sup> *Id.*

In addition, Martin County Solar engaged in public involvement program activities, as required by KRS 278.706(2)(f), prior to the filing of its application.<sup>9</sup> Martin County Solar held a public meeting on February 10, 2021, to inform the public about the solar project and receive comments from the public.<sup>10</sup> Martin County Solar published notice of the public meeting in the January 27, 2021 edition of *The Mountain Citizen*.<sup>11</sup> Letters were also mailed to all adjoining landowners notifying them of the public meeting.<sup>12</sup> Members of the public were able to attend the February 10, 2021 meeting, which was held virtually, due to COVID-19 concerns.<sup>13</sup>

## DISCUSSION

### **I. Requirements Under KRS 278.708 – Site Assessment Report**

KRS 278.704(1) states that “[n]o person shall commence to construct a merchant electric generating facility until that person has applied for and obtained a construction certificate for the facility from the [Siting] [B]oard.” KRS 278.708 requires a SAR be prepared and filed with an application. The SAR should provide (1) a detailed description of the proposed site; (2) an evaluation of the compatibility of the facility with scenic surroundings; (3) potential changes in property values and land use resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the facility; (4) evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; (5) the impact of the

---

<sup>9</sup> *Id.* at 8–9.

<sup>10</sup> *Id.* at 8.

<sup>11</sup> *Id.* at 9.

<sup>12</sup> *Id.* at 7.

<sup>13</sup> *Id.*

facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility; and (6) any mitigating measures to be implemented by Martin County Solar to minimize or avoid adverse effects identified in the site assessment report.

#### Detailed Site Description

In addition to the description of the proposed Project as described above, Martin County Solar states the Project will be situated mainly on reclaimed mine land with small areas of intact forested land on the periphery. Martin County Solar states that vegetation is sparse on the site, and the natural hydrology has been significantly altered. Soils within the Project are shallow, approx. 3-8 inches in depth, and are underlain by mine spoil (crushed up rock and coal residuals).<sup>14</sup>

There are two residential neighborhoods within 2,000 feet of the Project's facilities. However, the project sits significantly above the surrounding properties, including approximately 240 and 360 feet in elevation above the two neighborhoods, respectively.<sup>15</sup> Pursuant to KRS 278.704(4), Martin County Solar filed a motion with the Siting Board for a deviation from statutory setback requirements, which is discussed later in this Order.

There are two proposed site entrances, one each on the east and west sides of the project footprint, adjacent to KY-1714 and KY-1439. In the SAR filed with the application, Martin County Solar states that it will comply with the National Electrical

---

<sup>14</sup> *Id.* at 3.

<sup>15</sup> *Id.* at 6.

Safety Code (NESC) requiring the site to be fenced prior to the start of construction and entrances to the site to be gated and locked when workers are not active on site.<sup>16</sup>

The proposed project footprint contains two properties that are currently part of a Kentucky Department of Fish and Wildlife (KDFW) Hunting Access area and will require disenrollment from that program. Martin County Solar states when the properties are removed, KDFW will post notice on their webpage that the boundaries have changed. In addition, Martin County Solar will post signage at access points of the properties notifying hunters that the area is no longer enrolled in the public access program.<sup>17</sup>

Martin County Solar does not propose to require utilities on site during the operational life of the proposed project other than potential electrical service for site lighting at the substation.<sup>18</sup>

The BBC Report concludes that Martin County Solar has generally complied with the requirements for describing the facility and site development plan, as required by KRS 278.708. The BBC Report recommends the following mitigation measures<sup>19</sup>:

1. Any change in project boundaries from the information reviewed during this evaluation should be submitted to the Siting Board for review.
2. Martin County Solar should provide the results of the American Land Title Association (ALTA) Survey of the legal boundaries of the site, including a metes and

---

<sup>16</sup> Application, Exhibit F, SAR at 4; see also Martin County Solar's Motion to Supplement Motion to Deviate (filed Sept. 3, 2021).

<sup>17</sup> Martin County Solar's Response to Siting Board Staff's Post-Hearing Request for Information (filed Oct. 12, 2021), Item 1.

<sup>18</sup> Martin County Solar's Response to Siting Board Staff's First Request for Information (filed July 19, 2021), BBC Request, Item 6.

<sup>19</sup> BBC Report, Section C at 11

bounds description, to the Siting Board as soon as it is completed, as well as an update on correspondence with owners of pipelines and wells located on the site.

3. Martin County Solar should control access to the site during construction and operation. All entrances should be gated and locked when not in use. Martin County Solar's access control strategy should include appropriate signage to warn potential trespassers. Martin County Solar should ensure that site entrances and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners. According to NESC regulations, the security fence must be installed prior to any electrical installation work.

4. Martin County Solar should coordinate with the KDFW Resources to notify hunters that access at the site will no longer be allowed. Martin County Solar should also incorporate this message into its signage at site entrances and boundaries.

5. Martin County Solar should resubmit its Motion for Deviation from Setback Requirements based on its correction to acknowledge two adjacent residential neighborhoods rather than only one. The Motion should describe Martin County Solar's proposed setbacks based on the distance estimates from facility components (e.g., solar panels) for all applicable adjoining residences.<sup>20</sup>

Having reviewed the information and data contained in the SAR, the Siting Board finds that Martin County Solar has complied with the requirements for describing the facility and a site development plan, as required by KRS 278.708. However, the Siting Board finds it necessary to impose certain mitigation measures and requirements related to the description of the facility and the proposed site development plan. Specifically, the

---

<sup>20</sup> Martin County Solar filed a Motion to Supplement Motion for Deviation on September 3, 2021.

Siting Board will require that Martin County Solar keep the Siting Board apprised of changes throughout the development of the Project, and as such will order Martin County Solar to provide the final site plan before the commencement of construction. This plan shall clearly indicate and highlight any changes, including those to the design and boundaries of the Project, from the proposed site plan provided to the Siting Board during the pendency of this matter. Additionally, based on the concerns and proposals raised in the BBC Report, the Siting Board further finds that the mitigation measures outlined in Appendix A to this Order, and in particular, items 1–9 shall be adhered to.

#### Compatibility with Scenic Surroundings

As noted above, the proposed Project site is mainly on reclaimed mine land with small areas of intact forested land on the periphery. The proposed Project site sits approximately 240 feet in elevation above and 1,000 feet away from the nearest residences. Martin County Solar states that, due to this Project being built at an elevation significantly higher than local residences, visual impacts to nearby resources will be minimal. Additionally, given that the Project is sited on a former coal mine, Martin County Solar claims any changes to current visual impacts will be less than those caused by the former land use.<sup>21</sup> Martin County Solar notes that it has not received any complaints or concerns regarding the Project.<sup>22</sup>

The BBC Report concludes the proposed facility is compatible with the scenic surroundings.<sup>23</sup> The BBC Report notes the site is considerably elevated and while the

---

<sup>21</sup> Application, Exhibit F, SAR at 6.

<sup>22</sup> Martin County Solar's Response to Siting Board Staff's First Request for Information (filed July 19, 2021), BBC Request Item 11.

<sup>23</sup> BBC Report, Section C at 17.

perimeter of site will be visible from surrounding residences, neighborhoods, or community buildings, the project's physical elements will be shielded from view by the site's elevation and existing vegetation.<sup>24</sup> The BBC Report recommends the following mitigation measures to address visual impacts:

1. Martin County Solar should retain existing vegetation around the site's perimeter to the extent possible and ensure the long-term health of the existing vegetation for the operation life of the project.

2. While it is not expected, if any components of the facility are visible to neighboring homes after construction, Martin County Solar should assess whether a screening plan is appropriate by consulting with neighbors to determine if there are adverse impacts to their viewshed.

Having reviewed the records of this proceeding, the Siting Board finds that the location of the proposed solar facility, given its elevation and distance from the nearest residences, combined with the pre-existing vegetation around the perimeter, will mitigate the effects the proposed facility will have on the scenic surroundings of the site. However, to ensure the continued compatibility of scenic surrounding, mitigation measures addressing obligations to maintain or further develop vegetative buffers and keep the Siting Board informed of potentially material changes to the site plan are necessary. As such, and based on the record, additional mitigation measures regarding scenic compatibility are outlined in Appendix A to this Order, and in particular, items 10-11.

---

<sup>24</sup> *Id.* at 14.

## Impact on Property Values

With respect to impact on property values, Martin County Solar submitted a Property Value Impact Report from a certified real estate appraiser that finds, based upon a comparative analysis, the solar facility will have no impact on the property values of abutting or adjacent residential or agricultural properties.<sup>25</sup> The report indicates that the solar facility would function in a harmonious manner with the nearby surroundings, which is mostly agricultural, and that operation of the solar facility would not generate the level of noise, odor, or traffic impacts to negatively impact the nearby surroundings as compared to a fossil fuel generating facility or other industrial facility.

The BBC Report notes that the central issue with respect to property values impact is whether, and to what extent, the development and operation of the Martin County Solar facility will cause nearby property values to change. The BBC Report reviewed Martin County Solar's Property Value Impact Report, noting that the report contained matched pair analysis and a comparative study analyzing data from numerous solar facilities across the country of property values in proximity to such facilities with similar homes, which are not in close proximity. The BBC Report also more closely examined the data provided in the matched pair sets to determine the likelihood of a positive impact, negative impact, or no impact. The matched pair analysis shows no impact on home values as close as 105 feet when reasonable visual buffers are provided.<sup>26</sup> The BBC Report states that the analysis performed on behalf of Martin County Solar is similar to the approach by which appraisers commonly estimate residential property values.

---

<sup>25</sup> Application, Exhibit F, SAR Exhibit B at 17.

<sup>26</sup> BBC Report, Section B at 3.



The BBC Report also reviewed recent studies and articles on this subject and notes that no data or analysis has been provided to support the contention that solar developments have had an adverse impact on property values. The BBC Report points to a 2018 study conducted by the LBJ School of Public Affairs at the University of Texas, which involved a survey of public sector property appraisers in 430 counties with commercial solar facilities. This study found that a majority of survey respondents estimated a value impact of zero and geospatial analysis showed that relatively few homes would be impacted.<sup>27</sup> The BBC Report also reviewed a 2020 study completed by economists at the University of Rhode Island, which found that in areas of high population density, houses within a one-mile radius depreciate by about 1.7 percent following construction of a solar array.<sup>28</sup> However, the BBC Report states these findings were specific to solar sites in suburban areas. There was found to be no statistically significant impact on home prices in rural settings such as the areas surrounding the proposed Martin County Solar facility. Based upon a review of Martin County Solar's SAR, discovery responses, independent research, and information collected from the site visit, the BBC Report concludes that the Martin County Solar facility will unlikely have any meaningful impacts on the property values of adjacent properties or other properties near the solar facility.

Upon review of the Property Value Impact Report, the study conducted by Kirkland Appraisals conflicted with information provided in Martin County Solar's SAR and application. The Property Value Impact Report had 25 fewer land parcels than the

---

<sup>27</sup> BBC Report, Section C at 20–21.

<sup>28</sup> BBC Report, Section C at 21.

application and the closest residence from the nearest solar panel was stated as being at a greater distance than as described in other parts of the SAR and application.<sup>29</sup> Martin County Solar explained that the Project had expanded its boundaries after the Property Value Impact Report by Kirkland Appraisals was prepared and that the expansion was not expected to change the findings. In response to a request from the Siting Board, Kirkland Appraisals filed a written statement along with supplemental calculations confirming that the expansion of the Project is not substantial enough to impact the findings of the Property Value Report.<sup>30</sup>

Having reviewed the record, the Siting Board finds that there is sufficient evidence to conclude that the proposed Martin County Solar facility will more than likely not have any adverse impact on nearby property values. The proposed Project site is elevated by more than 200 feet above adjacent residences, neighborhoods, and roads, and for this reason the physical components of the facility should not be viewable from nearby residences.<sup>31</sup> The characteristics of solar facilities operations is passive in nature in that it does not produce any air, noise, waste, or water pollution, nor does it create any traffic issues during operations.

#### Impact on Roads, Railways, and Fugitive Dust

With respect to the impact on roads, railways, and fugitive dust, Martin County Solar's Noise and Traffic Study, filed as part of its SAR, notes the proposed solar site will have a primary access point along KY 1439 near the railroad crossing and a second

---

<sup>29</sup> *Id.*

<sup>30</sup> Martin County Solar's Response to Siting Board Staff's Post-Hearing Request for Information (filed Oct. 12, 2021), Item 2.

<sup>31</sup> BBC Report, Section B at 4.

access point that would provide access to KY 1714 north of Lick Bridge.<sup>32</sup> There is one railway adjacent to the proposed site to the west; however, it is located downslope and Martin County Solar states it will not likely be used for any construction or operational activities related to the Project.<sup>33</sup>

With respect to road degradation, Martin County Solar estimates that the weight of the main power transformer, which is the largest delivery to site, will be approximately 200,000 pounds, and that, “the subsurface conditions [of the project site] are not expected to be of concern as the heavy loads will be using the existing access roads installed during the mining operations.”<sup>34</sup> For other standard equipment and supplies, Martin County Solar anticipates a maximum of 100 truck deliveries to site per day.

Martin County Solar recognizes construction and associated land disturbance associated with the proposed project may temporarily contribute airborne materials. To address this, Martin County Solar states the Project will utilize best management practices such as monitoring weather, minimization of disturbance areas, and covering of open piles, to minimize dust.<sup>35</sup> Additionally, open-bodied trucks transporting dirt will move slowly and be covered while moving. During construction activities, water may be applied to internal road system to reduce dust generation. Water used for dust control is

---

<sup>32</sup> Application Exhibit F, SAR Exhibit E at unnumbered page 271.

<sup>33</sup> Application, Exhibit F, SAR at 4.

<sup>34</sup> Martin County Solar’s Response to Siting Board Staff’s First Request for Information (filed July 19, 2021), Item 24 and response to BBC Item 4

<sup>35</sup> Application Exhibit F, SAR at 10.

authorized under the Kentucky Pollutant Discharge Elimination System (KPDES) as a non-storm water discharge activity, which will be required for the proposed project.<sup>36</sup>

The Noise and Traffic Study states that, during construction, all highway segments are anticipated to continue to operate at acceptable level of service (LOS) standards during both the peak hours.<sup>37</sup> Based upon the Noise and Traffic Study, Martin County Solar asserts the construction for this project will not adversely affect traffic operations on KY 1714 or KY 1439.<sup>38</sup> The Noise and Traffic Study further states that, after construction is complete, the future traffic demand related to this project will be less than a typical single-family home and this additional volume of daily traffic is considered negligible and the operational phase of the project will have no measurable impact on the traffic and/or transportation infrastructure.<sup>39</sup>

The BBC Report indicates that during the construction period, there could be noticeable effects on traffic volumes noticeable to local residents, but due to the low traffic levels at present, is unlikely to impact the level of service on roadways.<sup>40</sup>

The BBC Report further notes the following regarding road conditions and potential degradation of roadways:

“During construction, the anticipated 40 to 60 commuter vehicle roundtrips and up to 100 delivery truck trips would substantially increase local traffic relative to current levels. However, given the low traffic levels at present, and the history of the site as a surface mine, this is unlikely to impact the level of service on nearby roadways. Delivery of the 100-

---

<sup>36</sup> *Id.*

<sup>37</sup> Application Exhibit F, SAR Exhibit E, Executive Summary at i.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> BBC Report at 14.

ton substation transformer will likely present challenges given the existing load rating of KY-1439 and KY-1714.”<sup>41</sup>

The BBC Report states that these challenges can likely be overcome with careful advance planning.

The BBC Report ultimately finds that, while no significant adverse transportation impacts are anticipated, it recommends Martin County Solar pursue the following mitigation measures to ensure that impacts to roadways will be kept to a minimum:

1. Martin County Solar 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, Martin County Solar should implement ridesharing between construction workers as appropriate and feasible due to the COVID-19 pandemic, use appropriate traffic controls or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.
2. Martin County Solar should consult with the Kentucky Transportation Cabinet (KYTC) and the Martin County Road Department as soon as feasible to discuss the anticipated construction-related traffic and the transportation requirements for the power transformer and the KYTC’s restrictions on KY-1439 and KY-1714. Martin County Solar should obtain any necessary permits from these agencies.
3. Martin County Solar should commit to rectify any damage to public roads by fixing or fully compensating the appropriate transportation authorities for any damage or degradation to the existing road network that it causes or to which it materially contributes.

---

<sup>41</sup> BBC Report, Section C at 32.

Having reviewed the record, the Siting Board finds that traffic impacts will require mitigation during construction of the solar facility and will be minimal during its operation. Mitigation measures required for the project, including those related to Martin County Solar's obligations regarding traffic and road degradation, as well as related permits, are necessary based on the concerns and evidence provided by the SAR and BBC Report. As such, Mitigation measures related to traffic and roads are outlined in Appendix A, and in particular, items 12-19.

The Siting Board also believes that fugitive dust should not be an issue given the Applicant's proposed best practices for construction and operational activities. To ensure fugitive dust meets the expectation of not being an issue during the construction phase or operational phase of the solar project, the Siting Board will require Martin County Solar to implement mitigation measure 20 outlined in Appendix A to this Order.

#### Anticipated Noise Level

Martin County Solar's Noise Assessment report indicates that the project location is in a rural mountainous area and the current land use can be defined as agricultural. Land use adjacent to the project area is comprised of scattered homes, forested land and pastures. Martin County Solar notes that most of the project area was previously cleared and surface mined for coal.<sup>42</sup>

According to Martin County Solar's Noise Assessment, there are ten residences and four cemeteries within 1,000 feet of the project boundary. The nearest residence is approximately 590 feet from the project boundary at the closest point.<sup>43</sup> An active railroad

---

<sup>42</sup> Application Exhibit F, SAR Exhibit D, Noise Assessment at 1.

<sup>43</sup> *Id.* at 2.

runs between all ten residence and the proposed solar site. Martin County Solar further asserts that the residences are in a valley, 240 feet lower in elevation than the proposed site.<sup>44</sup>

The nearest cemetery is approximately 218 feet from the project boundary and exhibits frequent use, with covered shelters and picnic benches.<sup>45</sup> The closest shelter is approximately 250 feet from the closest proposed solar panel and approximately 780 feet from the nearest inverter.<sup>46</sup>

Martin County Solar provides that construction of the facility is expected to commence in March of 2022 and be completed in June of 2023.<sup>47</sup> The loudest source from construction is anticipated to be pile driving equipment. The anticipated noise level due to construction equipment will be approximately 79.8 dBA at 563 feet, the nearest residential receptor and for the nearest cemetery the level is anticipated to be 88 dBA at 218 feet from the project boundary.<sup>48</sup> Martin County Solar further notes noise levels from construction work is expected to progress across the site and be of shorter duration and at lower levels than historical coal mining activities.<sup>49</sup> Martin County Solar has requested that construction activities be allowed to take place 8 a.m. to 8 p.m., Monday through Saturday.<sup>50</sup>

---

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> Martin County Solar's Response to Siting Board Staff's First Request for Information (filed July 19, 2021), Item 17.

<sup>48</sup> BBC Report, Section C at 24.

<sup>49</sup> Application Exhibit F, SAR Exhibit D at 8.

<sup>50</sup> Martin County Solar's Response to BBC Report at 3.

When the solar facility is operating, there will be periodic noise associated with the solar equipment, intermittent noise from single-axis tracking motors, relatively constant noise from inverters and the substation transformer. The sound level produced by tracking motors is anticipated to be less than 55 dBA at the closest residential receptor approximately 670 feet away.<sup>51</sup> Noise from inverters is described as a hum and is anticipated to be 33 dBA at the closest residential receptor approximately 1,013 feet away from the source.<sup>52</sup> The noise level from the substation is described as a low frequency hum, with the anticipated level to be 7.0 dBA at the closest receptor, 1,341 feet away.<sup>53</sup> Martin County Solar stated that the nearest sound receptor to the battery energy storage system (BESS) would be at distance of 1,921 feet.<sup>54</sup> Martin County Solar states that it did not find any relevant county noise ordinance.<sup>55</sup>

The BBC Report likewise notes that noise issues stem from construction activities and operational components of the solar facility. During construction, noise from the pile drivers will have the most substantial impact on the nearest noise receptors. The topography of the area, distance and elevation from dwellings, as well as existing mature vegetation will likely mitigate impacts from construction noise.<sup>56</sup>

---

<sup>51</sup> Martin County Solar's Response to Siting Board Staff's First Request for Information (filed July 19, 2021), Item 20.

<sup>52</sup> *Id.*, Item 19.

<sup>53</sup> *Id.*, Item 18.

<sup>54</sup> Martin County Solar's Response to Siting Board Staff's Post-Hearing Request for Information, Item 6.

<sup>55</sup> Application, Exhibit F, SAR Exhibit D at 3.

<sup>56</sup> BBC Report, Section C at 28.



The BBC Report concludes that during operation of the proposed facility noise levels are unlikely to be disruptive to local residents.<sup>57</sup>

The Siting Board finds noise from construction will be intermittent and temporary, and as provided by both Martin County Solar and BBC, construction noise will be loudest during the pile driving portion of the construction process if pile driving is used. Accordingly, the construction noise will not be permanently impactful to nearby residence, while the operational noise from the Project components should have little effect on nearby residents. The Siting Board would note the unique circumstances of this proposed Project, and given the topography, the elevation and distance from the nearest sound receptors, and the mature existing vegetative buffering that can provide noise suppression, the Siting Board will grant Martin County Solar's request for construction hours of 8 a.m. to 8 p.m. Monday through Saturday. For the same reasons, the Siting Board will not mandate that any further noise suppression measure be utilized by Martin County Solar during the construction process. To ensure the impact of construction noise does not unduly impact nearby residents the Siting Board will require Martin County Solar to implement certain mitigation measures outlined in Appendix A to this Order, in particular items 21–24.

#### Mitigation Measures Proposed by Martin County Solar

Martin County Solar's SAR contained the following mitigation measures that it plans to implement<sup>58</sup>:

---

<sup>57</sup> *Id.*

<sup>58</sup> Application, Exhibit F, SAR at 10–12.

1. The Project was responsibly sited on the previously disturbed, former Martiki Coal Mine site. Siting solar projects on former coal mine sites minimizes the environmental impact that occurs as a result of all development while presenting a unique opportunity to repurpose land that might not be suitable for other types of development.

2. The Project is sited on a topographic high and surrounded by existing vegetation. Therefore, viewshed impacts to residences in the surrounding area are not expected.

3. The Project has been designed to minimize the amount of tree clearing required.

4. The Project has been designed to avoid impacts to Waters of the US (WOTUS) delineated on site. If impacts to such features becomes necessary, then the impact will be minimized and the appropriate Clean Water Act (CWA) Section 404/401 permit will be obtained from the U.S. Army Corps of Engineers (USACE) and the Kentucky Energy & Environment Cabinet – Department for Environmental Protection – Division of Water (Kentucky DOW).

5. Areas disturbed during Project construction will be revegetated with a mix of noninvasive native and non-native grass seed mixes to improve soil health and reduce storm water runoff.

6. The Project has been designed to avoid impacts and preserve access to four cemeteries located on site.

7. The regulation and permitting of utility scale solar impacts to stormwater and WOTUS will be addressed separately to this Siting Board application.

8. Regulatory Agency: Kentucky DOW: The Project will obtain a Kentucky Department of Environmental Protection Storm water Construction General Permit from the Kentucky DOW in compliance with the CWA.

9. Regulatory Agency: USACE – Louisville District: The Project has been designed to avoid impacts to WOTUS. However, if impact becomes necessary then Martin County Solar will coordinate with the USACE – Louisville District and the appropriate CWA Section 404 permit 12 will be obtained. If necessary, a CWA Section 401 Water Quality Certification will be obtained from the Kentucky DOW.

## **II. Requirements under KRS 278.710(1)**

In addition to the evaluation of the factors contained in the SAR, KRS 278.710(1) directs the Siting Board to consider the following additional criteria set forth below in rendering a decision

### **Economic Impact on Affected Region and State:**

Martin County Solar’s Economic Impact Report (EI Report) was prepared by Strategic Economic Research, LLC using National Renewable Energy Laboratory’s (NREL) Jobs and Economic Development Impacts Model (JEDI).<sup>59</sup> According to the EI Report, the Martin County Solar project is expected to have significant impacts on the economies of Martin County and Kentucky as a whole, bringing new employment, spending, and taxes to the areas.

The EI Report analyzes the direct, indirect, and induced impacts to both the state of Kentucky and Martin County. Direct impacts refer to any construction or maintenance-

---

<sup>59</sup> Application, Exhibit E, Economic Impact Analysis of Martin County Solar Project at 17.

related employment, wages, and spending associated specifically with the project.<sup>60</sup> Indirect impacts refer to secondary employment and wages that occur outside the project, but support the completion and operation of the solar site, such as materials and supplies purchased from local businesses.<sup>61</sup> Induced impacts refer to employment and wages, unrelated to the project, that result from the increase in business and household spending, stemming from the direct and indirect impacts.<sup>62</sup> Lastly, total impact refers to the combination of the direct, indirect, and induced impacts. Tax revenues will also contribute to the overall economic impact of the project.

An economic impact analysis was performed separately for, the construction phase, and the operation phase of the Project. The construction phase is estimated to last approximately 12 to 18 months, with the majority of economic impact occurring in the construction sector.<sup>63</sup> Martin County Solar estimates a direct impact of up to 180 full-time equivalent workers (FTE) in Martin County over the 12 to 18 month construction period with a direct payroll of \$17.2 million.<sup>64</sup> Martin County Solar estimated the portion of labor that would come from within the county using industry averages of comparable projects.<sup>65</sup> The total direct and indirect impact to Martin County is estimated to be 251 FTE jobs with a new payroll of around \$20.5 million.<sup>66</sup> A full analysis for the state of Kentucky estimated

---

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 18.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 17–18 and 20.

<sup>64</sup> *Id.* at 19 and 21.

<sup>65</sup> Martin County Solar's Responses to Siting Board Staffs First Request for Information (filed July 19, 2021), Item 13.

<sup>66</sup> Application Exhibit E, Economic Impact Analysis of Martin County Solar Project at 19 and 22.

a total direct and indirect impact of 502 jobs created or retained, and a payroll of \$39.3 million.<sup>67</sup> Other sectors are expected to be affected as contractors purchase supplies and materials from businesses in the area and workers spend a portion of their incomes at local businesses.<sup>68</sup>

The operation phase stands to bring fewer economic impacts to a variety of businesses in the areas, but is expected to have a longer-term impact that is estimated to last 20 to 30 years.<sup>69</sup> Martin County Solar estimated 11 FTE jobs to support continued operation of the site over the 20–30 year Project life.<sup>70</sup> The Operation Phase will have an additional combined indirect and induced impact of 16.2 and 21.2 jobs throughout the county and state, respectively.<sup>71</sup> Total payroll over the over the term, is expected to be \$3.6 million in the state of Kentucky.<sup>72</sup>

Martin County Solar sought a Payment in Lieu of Taxes (PILOT) agreement with Martin County.<sup>73</sup> The EI Report assumes that the project will pay a PILOT amount of \$1,500 per MWac of installed capacity, annually.<sup>74</sup> In addition, Martin County Solar is expected to pay to Kentucky a rate of \$0.0015 per \$100 of assessed value on both the

---

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 19.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 21.

<sup>73</sup> *Id.* at 22.

<sup>74</sup> *Id.* at 23.

manufacturing machinery and the tangible personal property on the site. Over a 30 year operational period, this amounts to a total of \$9.3 million in property tax revenues to Martin County and Kentucky.

Having reviewed the record, the Siting Board finds that the Martin County Solar facility will have a positive economic impact on the region for the reasons set forth above regarding job creation and retention, economic impact to other sections, and tax revenue.

#### Existence of Other Generating Facilities

Martin County Solar states that it is rare for utility-scale solar projects to be co-located with existing electricity generating infrastructure, such as a coal or natural gas fired power plant. Efforts were made to site the Project where there is existing electricity transmission infrastructure.<sup>75</sup> This Project is located on reclaimed coal mine land with an existing substation and transmission lines.<sup>76</sup> At the Project's expense, Kentucky Power will expand the existing breaker-and-half substation to include the addition of a new string and installation of two (2) 138 kV circuit breakers to interconnect the Project.<sup>77</sup>

KRS 278.710(1)(d) provides that the Siting Board must consider whether a merchant plant is proposed for a site upon which facilities capable of generating 10 MW or more of electricity are currently located. Although the site upon which the Martin County Solar facility will be located does not contain any other generating facilities, the Siting Board notes the selected site will encompass an existing transmission line and Martin County Solar will be able to directly interconnect its solar facility to that of the

---

<sup>75</sup> Application at 9–10.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

existing transmission line without the need for any additional land.<sup>78</sup> Also, as previously determined, the generally passive characteristics of the solar facility will be compatible with the surrounding area.

#### Local Planning and Zoning Requirements

Martin County Solar states that the proposed solar facility will be located entirely in Martin County, and that there are no setback requirements established by a planning and zoning commission for the location of the project.<sup>79</sup> Martin County Solar certifies that the Project will follow any applicable local ordinances and regulations concerning noise control, and with any applicable local planning and zoning ordinances.<sup>80</sup>

The Siting Board finds that Martin County Solar's certification, that the proposed solar facility will meet all local planning and zoning requirements that existed on the date the application was filed, satisfies the requirements of KRS 278.710(1)(e).

#### Impact on Transmission System

Martin County Solar states the Project is within the American Electric Power (AEP) service territory, and therefore, the interconnection of the project will be on the Kentucky Power system and will interconnect with PJM Interconnection, LLC (PJM), the regional transmission organization.<sup>81</sup> The PJM interconnection process requires three study phases; Feasibility Study, System Impact Study, and Facilities Study.<sup>82</sup>

---

<sup>78</sup> *Id.*

<sup>79</sup> Application, Exhibit C at unnumbered page 1.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 10.

<sup>82</sup> *Id.*

The purpose of the feasibility study is to determine a plan, with estimated cost and construction time, to connect the proposed Martin County Solar facility to the PJM network at a location specified by Martin County Solar. The purpose of the facilities study encompasses the engineering design work necessary to begin construction of required expansion plan upgrades identified by PJM to accommodate an interconnection request. The System Impact Study determines potential impacts to the regional electric grid and the need for any network upgrades to mitigate potential impacts. PJM issued the Systems Impact Report on the Martin County Solar project in August 2020.<sup>83</sup> The Systems Impact Report shows that Martin County Solar will be responsible for attachment facilities, direct connection network upgrade, and non-direct connection network upgrade costs of approximately \$2,408,000.<sup>84</sup>

KRS 278.710(f) provides that the Siting Board should consider whether the additional load imposed upon the electricity transmission system by use of the Martin County Solar facility will adversely affect the reliability of service for retail customers of electric utilities regulated by the Public Service Commission (PSC). Having reviewed the record, the Siting Board finds that the proposed solar facility will not adversely impact the reliability of service provided by retail electric utilities under the PSC's jurisdiction based upon Martin County Solar's commitment to the interconnection process and protocols and its acceptance of any cost obligations resulting from the interconnection process and protocols consistent with the requirements under KRS 278.212. The Siting Board finds that Martin County Solar has satisfied the requirements of KRS 278.710(f).

---

<sup>83</sup> Application, Exhibit D at 6.

<sup>84</sup> *Id.*



## Compliance with Setback Requirements

Martin County Solar's application acknowledges that KRS 278.706(2)(e) requires all proposed structures or facilities used for generation of electricity to be at least 2,000 feet from any residential neighborhood, school, hospital, or nursing home facility subject to a certain exception that is not applicable in this instance. KRS 278.700(6) defines "residential neighborhood" as a populated area of five or more acres containing at least one residential structure per acre. Martin County Solar states that there are two residential neighborhoods near the Project.<sup>85</sup> Martin County Solar filed a motion, and supplemental motion, pursuant to KRS 278.704(4), seeking a deviation from the 2,000 foot setback requirement, and is seeking approval for a 590 foot setback from two residential neighborhoods that lie within 2,000 feet of the Project site.<sup>86</sup> Without a deviation, all proposed structures or facilities used for generation of electricity must be located more than 2,000 feet from any residential neighborhood.<sup>87</sup> Pursuant to KRS 278.704(4), the Board may grant a deviation from the 2,000-foot setback requirements if it is determined that the proposed facility as designed and as located would meet the goals of in KRS 224.10-280 (Cumulative Environmental Assessment), KRS 278.010 (definitions), KRS 278.212 (costs of upgrading existing grid), KRS 278.214 (curtailment of service), KRS 278.216 (site assessment report), KRS 278.218 (transfer of

---

<sup>85</sup> Martin County Solar's Application and Motion to Deviate (filed July 7, 2021) stated there was one residential neighborhood near, but it was further clarified in Martin County Solar's Motion to Supplement Motion to Deviate (filed Sept. 3, 2021) that there are two neighborhoods within the applicable distance from the Project.

<sup>86</sup> Motion for Deviation; Motion to Supplement Motion to Deviate.

<sup>87</sup> Motion for Deviation from Setback Requirements at 3.

ownership), and KRS 278.700 to KRS 278.716 (Siting Board requirements) at a distance closer than the required 2,000 feet.

KRS 224.10–280 provides that no person shall commence to construct a facility to be used for the generation of electricity unless that person has submitted a cumulative environmental assessment (CEA) to the Energy and Environment Cabinet (Cabinet). In its motion, Martin County Solar proffers that the Project is designed and located to meet the goals of KRS 224.10–280, advising that its CEA provides an in-depth analysis of the potential air pollutants, water pollutants, wastes, and water withdrawal associated with the proposed merchant solar facility.

The CEA shows that the Martin County Solar facility will produce zero emissions and that minimal, indirect air emissions will occur during construction through the operation of vehicles and equipment and mowing, but no air quality permit is required for these construction or ancillary activities.

With respect to water evaluation, Martin County Solar will conduct Project construction activities in compliance with Kentucky Division of Water's (KDOW) Construction Storm Water Discharge General Permit for any construction activities that disturb one acre or more. Contractors will be required to use best management practices, such as silt fences, sediment basins, and buffer zones, in order to minimize the impacts of stormwater runoff and will implement a stormwater pollution prevention plan to comply with KDOW requirements.<sup>88</sup> Martin County Solar states that with the use of best

---

<sup>88</sup> *Id.* at 5.

management practices that will be followed to minimize impacts associated with construction.<sup>89</sup>

The Siting Board finds that if wetlands or streams are disturbed during construction or operation, they shall only be disturbed according to applicable law, including the securing of any necessary permits.

With respect to waste evaluation, the CEA notes that construction activities will generate solid waste consisting of construction debris and general trash, such as wood, cardboard, and plastic packaging. Martin County Solar states that wastes developed during construction and operation will be recycled where practicable or otherwise disposed of in accordance with applicable regulations. The Project could also generate very small amounts of hazardous waste. The Project would be considered a conditionally exempt small quantity generator. Any hazardous waste will be managed offsite at a permitted facility.<sup>90</sup>

With respect to managing water withdrawal and usage, the Martin County Solar facility will primarily utilize existing or new water wells. Construction-related water use would support site preparation (including dust control, if applicable) and grading activities. Similar to other solar facilities, the Martin County Solar project is not water intensive during the operational phase.<sup>91</sup>

Martin County Solar states that, based upon the CEA submitted to the Cabinet, the goals of the requirements of KRS 224.10-280 have been met.

---

<sup>89</sup> *Id.* at 5.

<sup>90</sup> *Id.* at 6.

<sup>91</sup> *Id.* at 7.

With respect to KRS 278.010, Martin County Solar states that this statutory provision sets forth the definitions to be used in conjunction with KRS 278.010 to KRS 278.450, KRS 278.541 to KRS 278.544, KRS 278.546 to KRS 278.5462, and KRS 278.990. Martin County Solar asserts that the Siting Board's authority begins with KRS 278.700 and extends through KRS 278.716 and any applicable provision of KRS 278.990. Martin County Solar contends that in filing a complete application pursuant to the applicable statutes in this proceeding, the company has satisfied the goal of providing the required information utilizing the definition of any applicable term defined in KRS 278.010.

KRS 278.212 requires the filing of plans and specifications for electrical interconnection with merchant electric generating facility and imposes the obligation upon a merchant electric generating developer for any costs or expenses associated with upgrading the existing electricity transmission grid as a result of the additional load caused by a merchant electric generating facility. Martin County Solar avers that it has met the goals of KRS 278.212 because Martin County Solar will comply with all applicable conditions relating to electrical interconnection with utilities by following the PJM interconnection process. Additionally, Martin County Solar states that it will accept responsibility for appropriate costs which may result from its interconnecting with the electricity transmission grid.

KRS 278.214 governs the curtailment of service and establishes the progression of entities whose service may be interrupted or curtailed pursuant to an emergency or other event. Martin County Solar states that it will abide by the requirements of this provision to the extent that these requirements are applicable.

KRS 278.216 requires utilities under the jurisdiction of the Kentucky PSC to obtain a site compatibility certificate before beginning construction of an electric generating facility capable of generating more than 10 megawatts. An application for a site compatibility certificate should include the submission of a site assessment report as prescribed in the applicable Siting Board statutes. Martin County Solar states that it is not a utility under the jurisdiction of the Kentucky PSC. However, Martin County Solar states that it has nonetheless met the requirements of KRS 278.216 by complying with the requirements of KRS 278.700 *et seq.*, including the submission of an SAR.

KRS 278.218 provides that no transfer of utility assets having an original book value of \$1 million or more without prior approval of the Kentucky PSC if the assets are to be transferred by reasons other than obsolescence or the assets will continue to be used to provide the same or similar service to the utility or its customers. Martin County Solar states that it is not a utility as that term is defined in KRS 278.010(3). However, to the extent Siting Board approval may at some time be required for change of ownership or control of assets owned by Martin County Solar, Martin County Solar states that it will abide by the applicable rules and regulations that govern its operation.

KRS 278.700 *et seq.* governs the Siting Board's jurisdiction and process. Martin County Solar states that it has met the goals set forth in these provisions as evidenced by the application in its entirety. Martin County Solar further states that it has provided a comprehensive application with a detailed discussion of all of the criteria applicable to its proposed facility under KRS 278.700–278.716.

Having reviewed the record and being otherwise sufficiently advised, the Siting Board finds that Martin Solar has demonstrated the proposed facility as designed and as

located would meet the goals of the various statutes set forth in KRS 278.704(4) at a distance closer than the required 2,000 feet and is therefore permitted to a deviation from the 2,000-foot setback requirement to the distances requested and as noted below. The Siting Board notes that the mitigation requirements imposed in the Compatibility with Scenic Surroundings and Noise and Anticipated Noise Level sections will also provide some level of protection for persons occupying a property adjacent to the proposed solar facility with respect to noise, obstruction of views, and traffic. Based on the record in this matter, including the results of the noise and traffic study, Martin County Solar shall not place the BESS or solar panels closer than 590 feet from any residence, and shall not place inverters closer than 1,000 feet from any residence. This mitigation measure is outlined in Appendix A, item 24.

#### History of Environmental Compliance

Martin County Solar states that neither Martin County Solar, nor any entity with ownership interest in the Project, has violated any state or federal environmental laws or regulations. There are no pending actions, judicial or administrative, against Martin County Solar nor any entity with ownership interest in the Project.<sup>92</sup>

KRS 278.710(1)(i) directs the Siting Board to consider whether Martin County Solar has a good environmental compliance history. In light of Martin County Solar's verified statement and no evidence to the contrary, the Siting Board finds that Martin County Solar has satisfied the requirements of KRS 278.710(1)(i). Nevertheless, the Applicant shall seek approval for any change in control or ownership so the Siting Board can ensure ongoing compliance with the law that no entity with a proposed ownership

---

<sup>92</sup> Application at 11–12.

interest in the Project, has violated any state or federal environmental laws or regulations, and that there are no pending actions against any entity with a proposed ownership interest in the Project.

### Decommissioning

The proposed solar facility would have an expected useful life of approximately 20 to 30 years.<sup>93</sup> Martin County Solar states that decommissioning requirements exist in its land agreements with the surface landowners for the Project.<sup>94</sup> However, Martin County has not prepared a formal decommissioning plan. The Siting Board finds mitigation measures are necessary to ensure that all parties are protected from potential nonperformance of decommissioning obligations. The Siting Board will require Martin County Solar to implement mitigation measures that require Martin County Solar and its successors and assigns to meet all land restoration requirements in the surface landowner agreements, as well as mitigation measures that require a decommissioning plan specific to Martin County Solar's Project. These mitigation measures are outlined in Appendix A, in particular items 25–30.

### CONCLUSION

After carefully considering the criteria outlined in KRS Chapter 278, the Siting Board finds that Martin County Solar has presented sufficient evidence to support the issuance of a deviation from the setback requirements of KRS 278.704(2) and a Certificate to construct the proposed merchant solar facility. The Siting Board conditions its approval upon the full implementation of all mitigation measures described herein and

---

<sup>93</sup> *Id.* at 76.

<sup>94</sup> September 28, 2021 Hearing at 9:40:41.

listed in Appendix A to this Order. A map showing the location of the proposed solar generating facility is attached hereto as Appendix B.

IT IS THEREFORE ORDERED that:

1. Martin County Solar's Motion to Supplement Pending Motion for Deviation is granted.

2. Martin County Solar's application for a Certificate to Construct an approximately 200 MWac merchant solar electric generating facility in Martin County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and condition prescribed in Appendix A.

3. Martin County Solar's motion for deviation from the 2,000-foot setback requirement is granted in part, such that a 590 foot setback requirement shall apply to each of the two neighborhoods that lie within 2,000 feet of the Project site. In addition, a 1,000 foot setback shall apply to Inverters.

4. Martin County Solar shall fully comply with the mitigation measures and conditions prescribed in Appendix A.

5. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A, the measures in Appendix A shall control.

6. This case is closed and removed from the Commission's docket.



By the Kentucky State Board on Electric  
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink that reads "Linda G. Bridwell". The signature is written in a cursive style.

Executive Director  
Public Service Commission  
*on behalf of* the Kentucky State  
Board on Electric Generation  
and Transmission Siting

Case No. 2021-00029

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE NO. 2021-00029 DATED NOV 15 2021

#### MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Martin County Solar LLC (Martin County Solar) to ensure that the facilities proposed in this proceeding are constructed as ordered.

1. A final site layout plan shall be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layout provided in the Martin County Solar's responses to the Siting Board Staff's Post-Hearing Request for Information should be clearly indicated on the revised graphic. Those changes shall include, but are not limited to, location of solar panels, inverters, transformers, substation, operation and maintenance building or other Project facilities and infrastructure.

2. Any change in the Project boundaries from the information that formed this evaluation shall be submitted to the Siting Board for review.

3. The Siting Board will determine whether any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, the application will support the Siting Board's effort to revise its assessment of impact and mitigation requirements.

4. A final, Project specific, construction schedule, including revised estimates of on-site workers and commuter vehicle traffic, shall be submitted to the Siting Board. Deviations from the preliminary construction schedule provided in this matter should be clearly indicated.

5. The Siting Board will determine whether any deviation to the construction schedule or workforce estimates is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, Martin County Solar will support the Siting Board's effort to revise its assessment of impacts and mitigation requirements.

6. Martin County Solar or its contractor will control access to the site during construction and operation. All construction entrances will be gated and locked when not in use.

7. Martin County Solar's access control strategy shall also include appropriate signage to warn potential trespassers. Martin County Solar must ensure that all site entrances and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners.

8. According to National Electrical Safety Code regulations, the security fence must be installed prior to any electrical installation work. The substation will have its own separate security fence and locked access installed.

9. Martin County Solar should coordinate with the Kentucky Department of Fish and Wildlife Resources to notify hunters that access at the site will no longer be allowed. Martin County Solar should also incorporate this message into its signage at site entrances and boundaries.

10. Martin County Solar shall not remove any existing vegetation around the site's perimeter unless the existing vegetation needs to be removed, except to the extent it must remove such vegetation for the construction and operation of Project components.

11. While it is not expected, if any components of the facility are visible to neighboring homes after construction, Martin County Solar shall assess the feasibility of a screening plan, including consulting with neighbors to determine whether there are adverse impacts to their viewshed. If a screening plan is considered, regardless of whether it is ultimately implemented, notice of such consideration shall be filed with the Siting Board.

12. Martin County Solar shall fix or pay for damage resulting from any vehicle transport to the project site in accordance with all applicable transportation permits obtained from state and local road authorities. For damage resulting from vehicle transport in accordance with all permits, those permits will be controlling.

13. Martin County Solar shall comply with all laws and regulations regarding the use of roadways.

14. Martin County Solar shall implement ride-sharing between construction workers when feasible, use appropriate traffic controls or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.

15. Martin County Solar will consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

16. Martin County Solar will consult with the Martin County Road Department (MCRD) regarding truck and other construction traffic and obtain necessary permits from the MCRD.

17. Martin County Solar shall develop special plans and obtain necessary permits before bringing the very heavy loads, especially the substation transformer, onto state or county roads.

18. Martin County Solar shall comply with any road use agreement executed with MCRD. Such an agreement might consider special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

19. Martin County Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any noise concerns during the construction phase and develop measures that would address those noise concerns.

20. Martin County Solar shall properly maintain construction equipment and follow best management practices related to fugitive dust throughout the construction process. Dust impacts shall be kept at a minimal level. The Siting Board expects the Applicant's compliance with 401 KAR 63:010.

21. Martin County Solar is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 8 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

22. Martin County Solar shall notify residents and businesses within 2,400 feet of the project boundary about the construction plan, the noise potential and mitigation plans one month prior to the start of construction.

23. Martin County Solar shall implement a Customer Resolution Program to address any complaints from surrounding landowners. Martin County Solar shall also submit annually a status report associated with its Customer Resolution Program, regardless of whether any complaints are received in any given year. The annual status report should provide, among other things, any individual complaints, how Martin County Solar addressed those complaints, and the ultimate resolution of those complaints identifying whether or not the resolution was to the complainant's satisfaction.

24. Martin County Solar shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in Martin County Solar's noise and traffic study. Nevertheless, Martin County Solar shall not place solar panels closer than 590 feet from a residence, and shall not place an inverter or BESS closer than 1000 feet from a residence.

25. As applicable to individual landowner agreements, Martin County Solar, its successors, or assigns will abide by the specific land restoration commitments agreed to by individual property owners, as described in each landowner agreement.

26. Martin County Solar shall file a full and explicit decommissioning plan with the Siting Board. This plan shall commit Martin County Solar to removing all facility components, above-ground and below-ground, regardless of depth, from the project site and Martin County at the cessation of operations. If the facility components are properly disposed of at a permitted facility, they do not have to be physically removed from Martin County. Upon its completion, this plan shall be filed with the Siting Board or its successors. The decommissioning plan shall be completed at least one month prior to construction of the Project.

27. Martin County Solar shall be required to file a bond, equal to the amount necessary to effectuate the explicit decommissioning plan naming Martin County as a third-party (or secondary, in addition to individual landowners) beneficiary, in addition to the owners of the subject property insofar as the landowner agreements contain a decommissioning bonding requirement, so that Martin 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, Martin County shall be the primary beneficiary of the decommissioning bond for that portion of the project. The bond(s) shall be filed with the Martin County Treasurer or with a bank, title company or financial institution reasonably acceptable to the county. That acceptance can be evidenced by a letter from the Judge Executive, the fiscal court, or the County Attorney. The bond shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Martin County Solar's expense to determine and update the cost of removal amount. This review shall 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 shall be provided to the Siting Board or its successors and the Martin County Fiscal Court. Such certification shall be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.

28. If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Martin County Solar or its successors or assigns shall provide explicit notice to the Siting Board and the Martin County Fiscal Court.

29. Martin County Solar or its assigns must provide notice to the Siting Board if during any two-year period, it replaces more than twenty percent of its facilities. Martin County Solar shall commit to removing the debris and replaced facility components from the project site and Martin County upon replacement. If the replaced facility components are properly disposed of at a permitted facility, they do not have to be physically removed from Martin County. However, if the replaced facility components remain in Martin County, Martin County Solar must inform the Siting Board of where the replaced facility are being disposing of.

30. Any disposal or recycling of Project equipment, during operations or decommissioning of the Project, shall be done in accordance with applicable laws and requirements.

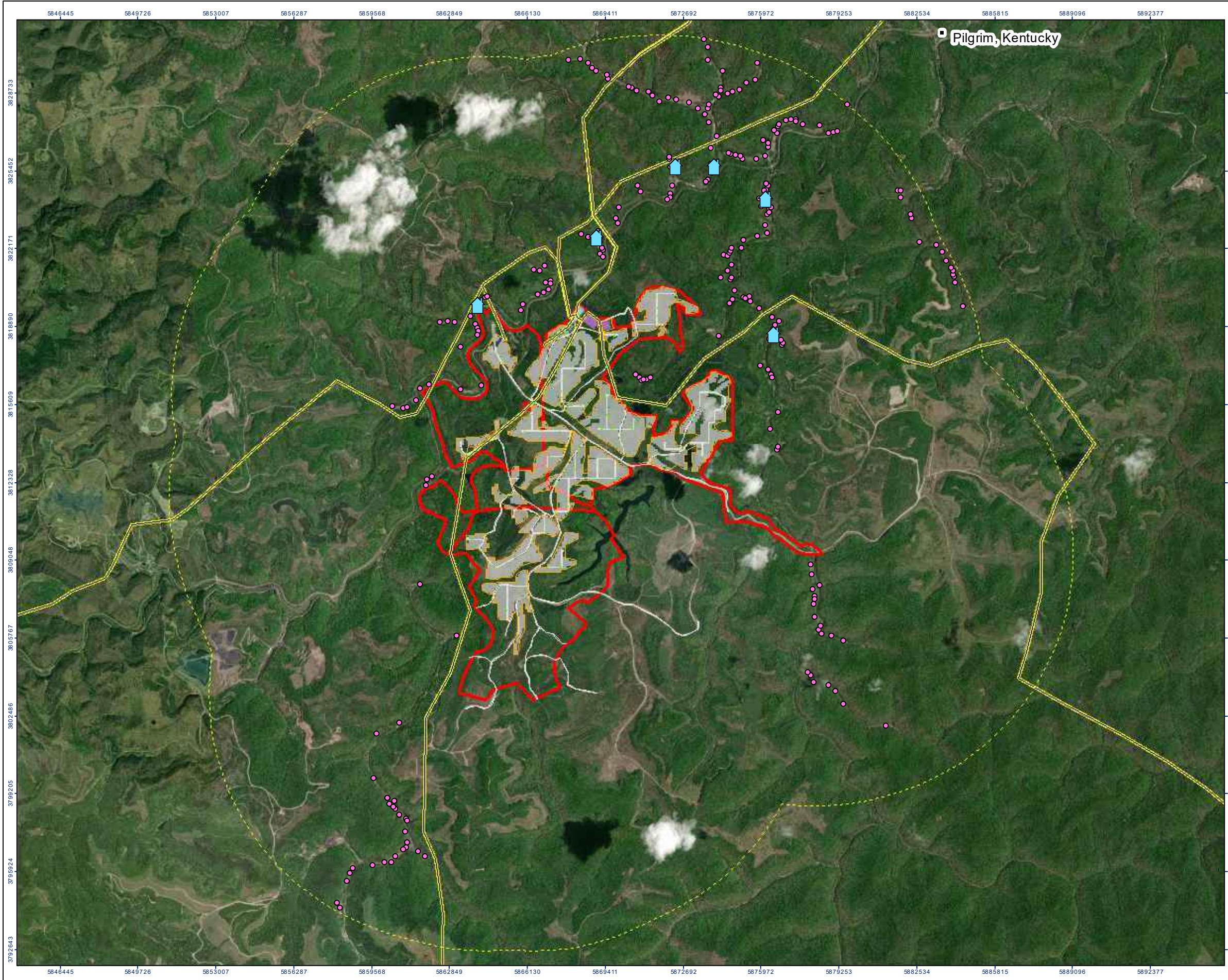


APPENDIX B

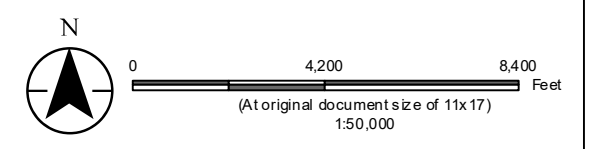
APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON  
ELECTRIC GENERATION AND TRANSMISSION SITING IN  
CASE NO. 2021-00029 DATED NOV 15 2021

Martin County Solar, LLC Site Map

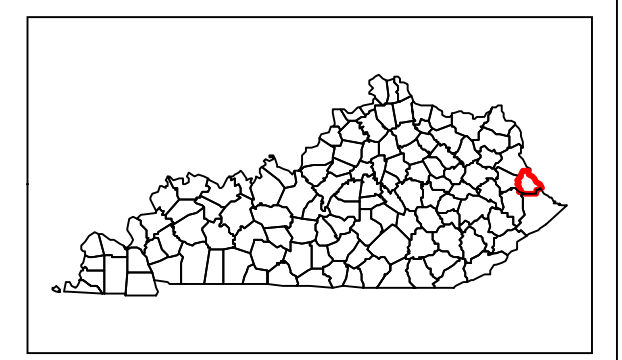
ONE PAGE TO FOLLOW



- Legend**
- Project Site
  - 2-Mile Buffer
  - BESS Sites
  - Substation
  - Electrical Transmission Line
  - Fenceline
  - Inverters
  - Racks
  - Access Roads
  - House Locations
  - 🏠 Neighborhood



- Notes**
1. Coordinate System: NAD 1983 StatePlane Kentucky FIPS 1600 Feet
  2. Data Sources: Imagery Date (5/8/2018)
  3. Background: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Project Location**      Prepared by SPK on 2021-04-16  
 Wolf Creek Road (CR-1439)      TR by LC on 2021-04-16  
 hez (Threeforks), Martin County, Kentucky      R Review by JJA on 2020-04-16

**Client/Project**      172658261 REVA  
 Martin County Solar Project, LLC  
 Siting Board Application

**Title**  
**Exhibit A Project Site**

C:\Users\skelley\OneDrive - Stantec\Desktop\172658261 - Martin County Solar\img\sliding\_board\_map\Figure\_3\_Sliding\_Board\_Map.mxd    Revised: 2021-05-12 By: skelley

**EXHIBIT B**

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF MARTIN	)	
COUNTY SOLAR PROJECT LLC TO TRANSFER	)	CASE NO.
A CERTIFICATE OF CONSTRUCTION	)	2022-00362
PURSUANT TO KRS 278.710(3) AND 807 KAR	)	
5:110	)	

ORDER

On November 28, 2022, Martin County Solar Project, LLC (Martin County Solar) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) to transfer a portion of the Certificate of Construction that was conditionally granted in Case No. 2021-00029<sup>1</sup> to Martin County II Solar Project, LLC (Martin County Solar II).

There are no intervenors in this matter. The Siting Board established a procedural schedule for the orderly processing of the case.<sup>2</sup> Martin County Solar responded to one discovery request from Siting Board Staff.<sup>3</sup> The matter is now ready for a decision.

BACKGROUND

---

<sup>1</sup> Case No. 2021-00029, *Electronic Application of Martin County Solar Project, LLC for a Certificate of Construction for an Approximately 200-Megawatt Merchant Electric Solar Generating Facility in Martin County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, (Ky. PSC Nov. 15, 2021).

<sup>2</sup> Procedural Schedule (Ky. PSC Dec. 20, 2022).

<sup>3</sup> Martin County Solar Project's Responses to Siting Board Staff's First Request for Information (filed Feb. 20, 2023) (Martin County Solar's Response to Staff's First Request).

In Case No. 2021-00029, Martin County Solar filed an application to construct an approximately 200 megawatt (MW) solar generating facility on a 4,122 acre site in Martin County, Kentucky.<sup>4</sup> During the pendency of the case, Martin County Solar responded to three rounds of discovery,<sup>5</sup> a site visit was conducted, the Siting Board's consultant issued a report about the project,<sup>6</sup> and a hearing was held.<sup>7</sup> The Siting Board evaluated the entire record before it issued the November 15, 2021 final Order that granted a Certificate of Construction conditioned upon full compliance with the mitigation measures contained in the Order.<sup>8</sup>

On November 28, 2022, Martin County Solar filed an application with the Siting Board to bifurcate the construction certificate it was granted in the November 15, 2021 final Order. Martin County Solar proposed to divide the construction certificate into two projects. Martin County Solar would retain 111 MW. Martin County Solar II would develop an 89 MW project.<sup>9</sup> Martin County Solar indicated that it, and the newly created Martin County Solar II, would be wholly owned subsidiaries of Savion, LLC (Savion). Savion is a wholly owned subsidiary of Shell USA.<sup>10</sup>

---

<sup>4</sup> Case No. 2021-00029, Martin County Solar Project Application and Exhibits (filed May 19, 2021).

<sup>5</sup> Case No. 2021-00029, Martin County Solar Response to Siting Board Staff's First Request for Information (filed July 19, 2021); Martin County Solar Response to Siting Board Staff's Second Request for Information (filed Aug. 16, 2021); Martin County Solar Response to Siting Board Staff's Post-Hearing Request for Information (filed Oct. 12, 2021).

<sup>6</sup> Case No. 2021-00029, Letter Filing Report into the Record (filed Aug. 30, 2021).

<sup>7</sup> Hearing Video Testimony of the September 21, 2021 Hearing.

<sup>8</sup> Case No. 2021-00029, November 15, 2021 final Order at 33.

<sup>9</sup> Application unnumbered at 1.

<sup>10</sup> Martin County Solar's Response to Staff's First Request, Item 2.

Martin County Solar stated the division of the project into two is necessary because the development and construction phases will take several years because of the necessary permitting.<sup>11</sup> Separating the certificate of construction into two projects allows one project to start construction while the permitting process is undertaken for the other portion.<sup>12</sup> Martin County Solar would be constructed first and as it comes into service Martin County Solar II would begin construction.<sup>13</sup> Martin County Solar stated the division will also create an opportunity to sell the Renewable Energy Credits (RECs) to different parties.<sup>14</sup> Martin County Solar further stated the division of the project will allow each project's boundaries to reflect the individual landowners property boundaries.<sup>15</sup>

#### LEGAL STANDARD

KRS 278.710(3)(a) states that a company who has received a construction certificate for a merchant generating solar facility shall not transfer rights or obligations of the certificate without a determination by the Siting Board that the acquirer has a good environmental compliance history.<sup>16</sup> KRS 278.710(3)(b) requires a determination by the Siting Board that the acquirer has the financial, technical, and managerial capacity to meet the requirements imposed by the Siting Board.<sup>17</sup>

#### DISCUSSION AND FINDINGS

---

<sup>11</sup> Martin County Solar's Response to Staff's First Request, Item 4.

<sup>12</sup> Martin County Solar's Response to Staff's First Request, Item 4.

<sup>13</sup> Martin County Solar's Response to Staff's First Request, Item 6.

<sup>14</sup> Martin County Solar's Response to Staff's First Request, Item 4.

<sup>15</sup> Martin County Solar's Response to Staff's First Request, Item 4.

<sup>16</sup> KRS 278.710(3)(a).

<sup>17</sup> KRS 278.710(3)(b).

Martin County Solar argued the transfer of approximately half of the construction certificate to Martin County Solar II meets the requirements of KRS 278.710(3)(a) because the parent company of both projects, Savion, has a good environmental compliance history. Martin County Solar stated that Savion provided its verified statement of environmental compliance in Case No. 2021-00029, and nothing has changed since the construction certificate was granted.<sup>18</sup> The Siting Board finds Martin County Solar II and its parent company Savion have demonstrated a good environmental compliance history as required for the transfer of a construction certificate pursuant to KRS 278.710(3).

Martin County Solar argued that Martin County Solar II, and its parent company Savion, have the financial, technical, and managerial capacity to meet the obligations imposed by the Siting Board in the November 15, 2021 final Order as required in KRS 278.710(3)(b).<sup>19</sup> Martin County Solar argued that Martin County Solar II will have the financial capacity to ensure compliance with the Siting Board's orders because Savion will retain control of the project and Savion was the entity in control of Martin County Solar when the project was granted a construction certificate.<sup>20</sup> Martin County Solar stated that the Industrial Revenue Bond (IRB) and Payment in Lieu of Taxes (PILOT) agreement reached with Martin County and the financial agreement with the Kentucky Economic Development Finance Authority will be divided in the same manner as the construction certificate to ensure financing for the projects.<sup>21</sup>

---

<sup>18</sup> Application at 4.

<sup>19</sup> Application at 4.

<sup>20</sup> Application at 5.

<sup>21</sup> Application at 5 and Martin County Solar's Response to Staff's First Request, Item 8 and Item 9.

Martin County Solar argued that Martin County Solar II will have the technical capacity to comply with Siting Board orders because the project will continue to be developed by Savion.<sup>22</sup> Martin County Solar stated that, because the Siting Board determined that Savion had the technical capacity to develop Martin County Solar, it continues to have the technical capacity to develop Martin County Solar II.<sup>23</sup>

Martin County Solar argued that Martin County Solar II will have the managerial capacity to develop the project because Savion is one of the largest utility scale solar developers in the United States.<sup>24</sup> Martin County Solar further stated the Siting Board previously determined Savion possessed the managerial capacity to comply with all of its orders.<sup>25</sup>

The Siting Board finds Martin County Solar II and its parent company Savion have the requisite financial, technical, and managerial capacity to comply with all of the mitigation measures in the November 15, 2021 final Order in Case No. 2021-00029 as required. During the pendency of Case No. 2021-00029, the Siting Board conducted a complete review of project which included the ability of Martin County Solar, and, by extension, its parents company Savion, to fully comply with any mitigation measures imposed. Martin County Solar has confirmed that its parent company, Savion, will remain the parent company of Martin County Solar II.<sup>26</sup> The Siting Board finds this satisfies the requirements of KRS 278.710(3)(b). Martin County Solar II, and Savion, should comply

---

<sup>22</sup> Application at 6.

<sup>23</sup> Application at 6.

<sup>24</sup> Application at 6.

<sup>25</sup> Application at 6.

<sup>26</sup> Martin County Solar's Response to Staff's First Request, Item 1.



with the Mitigation Measures contained in Appendix A to this Order. A map of the two projects is attached hereto as Appendix B.

When a Certificate to Construct a solar facility is sought, the project and the developers are thoroughly evaluated to ensure that the project will comply with all statutory and regulatory requirements. After the review, the Construction Certificate is conditionally granted on the condition of full compliance with all mitigation measures, some of which continue into the operation of the project. The Siting Board not only reviews the history and abilities of the Person<sup>27</sup> seeking the Certificate, but also the entities that have an ownership interest in the applicant. Here, as in all cases filed with the Siting Board since 2020, Martin County Solar and the newly created Martin County Solar II have no resources or employees, and instead depends on the resources and employees of Savion. Without Savion, Martin County Solar and Martin County Solar II would not have the managerial, technical, or financial capability necessary to construct or operate the projects, nor to comply with the conditions required herein. As such, the Siting Board will require Martin County Solar and Martin County Solar II, and by extension Savion, to receive Siting Board approval of the transfer of ownership or control of Persons holding a Construction Certificate. Without knowledge of who is providing the resources and employees to Martin County Solar and Martin County Solar II there is no way to ensure the mitigation measures are adhered to throughout the life of the Project. This condition will apply to any transfer of ownership or control of the Person holding the Certificate to Construct, either Martin County Solar or Martin County Solar II.

IT IS THEREFORE ORDERED that:

---

<sup>27</sup> KRS 278.700(3) defines a person as any individual, corporation, public corporation, political subdivision, governmental agency, municipality, partnership, cooperative association, trust, estate, two (2) or more persons having a joint or common interest, or any other entity.

1. Martin County Solar's motion to bifurcate the construction certificate granted in Case No. 2021-00029, *Electronic Application of Martin County Solar Project, LLC for a Certificate of Construction for an Approximately 200-Megawatt Merchant Electric Solar Generating Facility in Martin County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* is granted.

2. Martin County Solar II shall be responsible for all of the mitigation measures imposed upon Martin County Solar in the Siting Board's November 15, 2021 final Order and attached to this Order in Appendix A.

3. If any Person as defined by KRS 278.700(3) shall acquire or transfer ownership of, or control, or the right to control Martin County Solar or Martin County Solar II, by sale of assets, transfer of stock, or otherwise, or abandon the same, Martin County Solar and Martin County Solar II, or its successors or assigns shall request explicit approval from the Siting Board with notice of the request provided to the Martin County Fiscal Court. In any application requesting such abandonment, sale, or change of control, Martin County Solar, Martin County Solar II, and any proposed entity with an ownership interest in either project shall certify its compliance with KRS 278.710(1)(i).

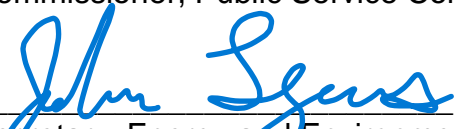
4. This case is closed and removed from the Siting Board's docket.

KENTUCKY STATE BOARD ON ELECTRIC  
GENERATION AND TRANSMISSION SITING

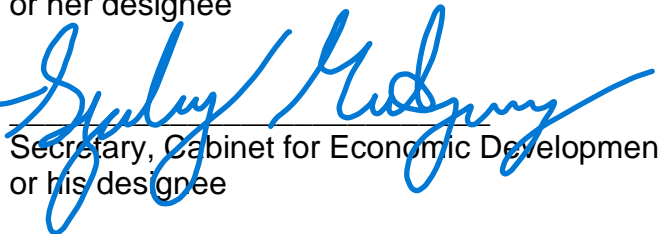
  
Chairman, Public Service Commission

  
Vice Chairman, Public Service Commission

  
Commissioner, Public Service Commission


  
Secretary, Energy and Environment Cabinet,  
or her designee

by KAC  
w/permission

  
Secretary, Cabinet for Economic Development,  
or his designee



ATTEST:

  
Executive Director  
Public Service Commission  
*on behalf of the Kentucky State  
Board on Electric Generation  
and Transmission Siting*

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON  
ELECTRIC GENERATION AND TRANSMISSION SITING IN  
CASE NO. 2022-00362 DATED APR 12 2023

SEVEN PAGES TO FOLLOW

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE NO. 2021-00029 DATED NOV 15 2021

#### MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Martin County Solar LLC (Martin County Solar) to ensure that the facilities proposed in this proceeding are constructed as ordered.

1. A final site layout plan shall be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layout provided in the Martin County Solar's responses to the Siting Board Staff's Post-Hearing Request for Information should be clearly indicated on the revised graphic. Those changes shall include, but are not limited to, location of solar panels, inverters, transformers, substation, operation and maintenance building or other Project facilities and infrastructure.

2. Any change in the Project boundaries from the information that formed this evaluation shall be submitted to the Siting Board for review.

3. The Siting Board will determine whether any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, the application will support the Siting Board's effort to revise its assessment of impact and mitigation requirements.

4. A final, Project specific, construction schedule, including revised estimates of on-site workers and commuter vehicle traffic, shall be submitted to the Siting Board. Deviations from the preliminary construction schedule provided in this matter should be clearly indicated.

5. The Siting Board will determine whether any deviation to the construction schedule or workforce estimates is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, Martin County Solar will support the Siting Board's effort to revise its assessment of impacts and mitigation requirements.

6. Martin County Solar or its contractor will control access to the site during construction and operation. All construction entrances will be gated and locked when not in use.

7. Martin County Solar's access control strategy shall also include appropriate signage to warn potential trespassers. Martin County Solar must ensure that all site entrances and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners.

8. According to National Electrical Safety Code regulations, the security fence must be installed prior to any electrical installation work. The substation will have its own separate security fence and locked access installed.

9. Martin County Solar should coordinate with the Kentucky Department of Fish and Wildlife Resources to notify hunters that access at the site will no longer be allowed. Martin County Solar should also incorporate this message into its signage at site entrances and boundaries.

10. Martin County Solar shall not remove any existing vegetation around the site's perimeter unless the existing vegetation needs to be removed, except to the extent it must remove such vegetation for the construction and operation of Project components.

11. While it is not expected, if any components of the facility are visible to neighboring homes after construction, Martin County Solar shall assess the feasibility of a screening plan, including consulting with neighbors to determine whether there are adverse impacts to their viewshed. If a screening plan is considered, regardless of whether it is ultimately implemented, notice of such consideration shall be filed with the Siting Board.

12. Martin County Solar shall fix or pay for damage resulting from any vehicle transport to the project site in accordance with all applicable transportation permits obtained from state and local road authorities. For damage resulting from vehicle transport in accordance with all permits, those permits will be controlling.

13. Martin County Solar shall comply with all laws and regulations regarding the use of roadways.

14. Martin County Solar shall implement ride-sharing between construction workers when feasible, use appropriate traffic controls or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.

15. Martin County Solar will consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

16. Martin County Solar will consult with the Martin County Road Department (MCRD) regarding truck and other construction traffic and obtain necessary permits from the MCRD.

17. Martin County Solar shall develop special plans and obtain necessary permits before bringing the very heavy loads, especially the substation transformer, onto state or county roads.

18. Martin County Solar shall comply with any road use agreement executed with MCRD. Such an agreement might consider special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

19. Martin County Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any noise concerns during the construction phase and develop measures that would address those noise concerns.

20. Martin County Solar shall properly maintain construction equipment and follow best management practices related to fugitive dust throughout the construction process. Dust impacts shall be kept at a minimal level. The Siting Board expects the Applicant's compliance with 401 KAR 63:010.

21. Martin County Solar is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 8 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

22. Martin County Solar shall notify residents and businesses within 2,400 feet of the project boundary about the construction plan, the noise potential and mitigation plans one month prior to the start of construction.



23. Martin County Solar shall implement a Customer Resolution Program to address any complaints from surrounding landowners. Martin County Solar shall also submit annually a status report associated with its Customer Resolution Program, regardless of whether any complaints are received in any given year. The annual status report should provide, among other things, any individual complaints, how Martin County Solar addressed those complaints, and the ultimate resolution of those complaints identifying whether or not the resolution was to the complainant's satisfaction.

24. Martin County Solar shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in Martin County Solar's noise and traffic study. Nevertheless, Martin County Solar shall not place solar panels closer than 590 feet from a residence, and shall not place an inverter or BESS closer than 1000 feet from a residence.

25. As applicable to individual landowner agreements, Martin County Solar, its successors, or assigns will abide by the specific land restoration commitments agreed to by individual property owners, as described in each landowner agreement.

26. Martin County Solar shall file a full and explicit decommissioning plan with the Siting Board. This plan shall commit Martin County Solar to removing all facility components, above-ground and below-ground, regardless of depth, from the project site and Martin County at the cessation of operations. If the facility components are properly disposed of at a permitted facility, they do not have to be physically removed from Martin County. Upon its completion, this plan shall be filed with the Siting Board or its successors. The decommissioning plan shall be completed at least one month prior to construction of the Project.

27. Martin County Solar shall be required to file a bond, equal to the amount necessary to effectuate the explicit decommissioning plan naming Martin County as a third-party (or secondary, in addition to individual landowners) beneficiary, in addition to the owners of the subject property insofar as the landowner agreements contain a decommissioning bonding requirement, so that Martin 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, Martin County shall be the primary beneficiary of the decommissioning bond for that portion of the project. The bond(s) shall be filed with the Martin County Treasurer or with a bank, title company or financial institution reasonably acceptable to the county. That acceptance can be evidenced by a letter from the Judge Executive, the fiscal court, or the County Attorney. The bond shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Martin County Solar's expense to determine and update the cost of removal amount. This review shall 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 shall be provided to the Siting Board or its successors and the Martin County Fiscal Court. Such certification shall be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.

28. If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Martin County Solar or its successors or assigns shall provide explicit notice to the Siting Board and the Martin County Fiscal Court.

29. Martin County Solar or its assigns must provide notice to the Siting Board if during any two-year period, it replaces more than twenty percent of its facilities. Martin County Solar shall commit to removing the debris and replaced facility components from the project site and Martin County upon replacement. If the replaced facility components are properly disposed of at a permitted facility, they do not have to be physically removed from Martin County. However, if the replaced facility components remain in Martin County, Martin County Solar must inform the Siting Board of where the replaced facility are being disposing of.

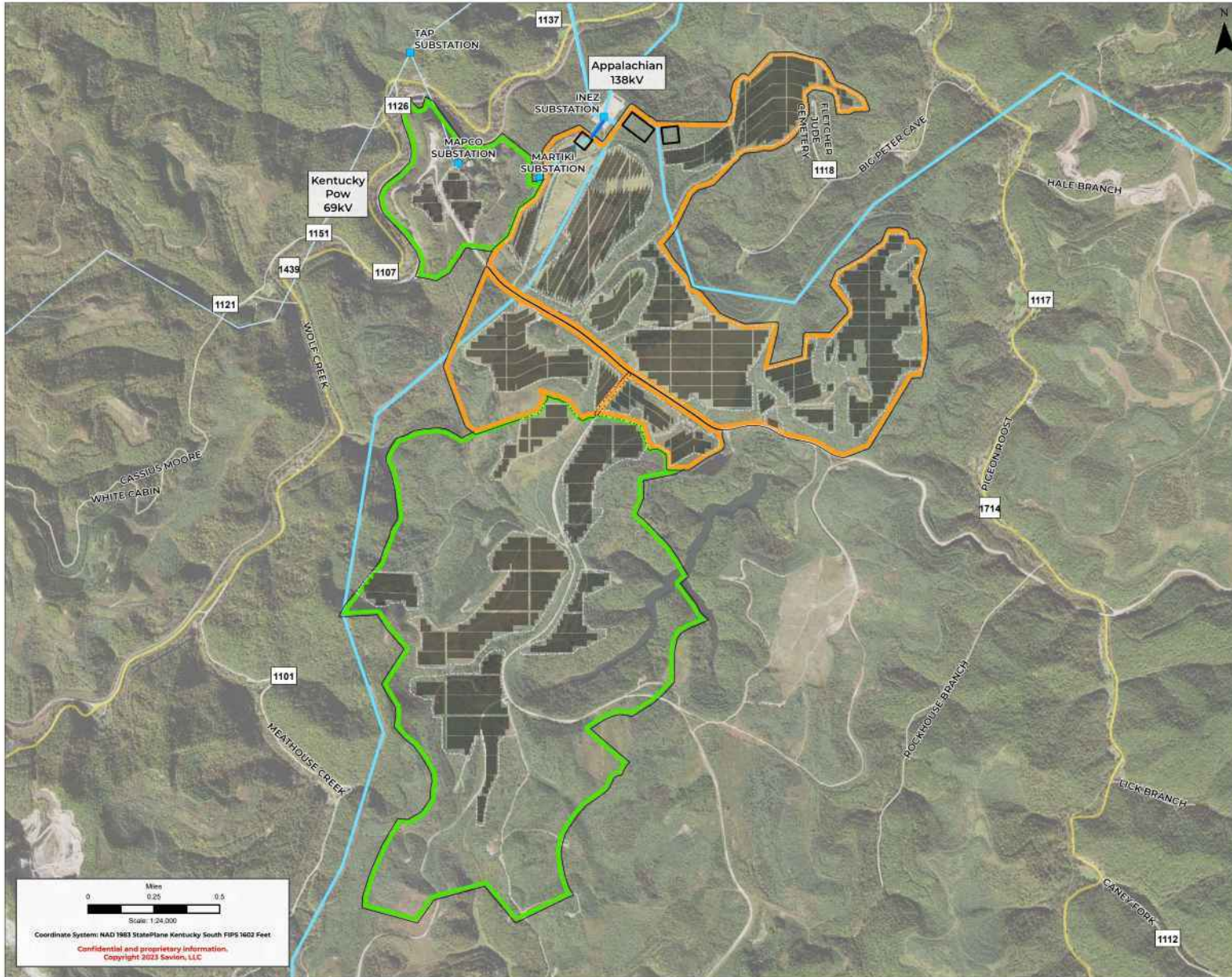
30. Any disposal or recycling of Project equipment, during operations or decommissioning of the Project, shall be done in accordance with applicable laws and requirements.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON  
ELECTRIC GENERATION AND TRANSMISSION SITING IN  
CASE NO. 2022-00362 DATED APR 12 2023

ONE PAGE TO FOLLOW

# MARTIN COUNTY



- Martin County Solar Project, LLC
- Martin County II Solar Project, LLC

### Transmission Lines

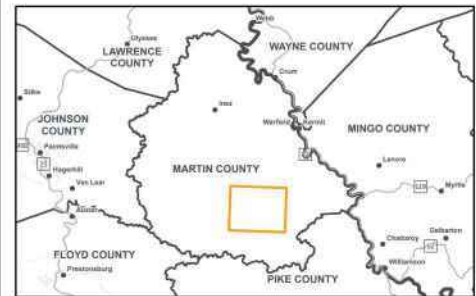
- 69
- 138
- Substations

### Solar Array

- Panel
- Facilities
- Fence

### Electrical

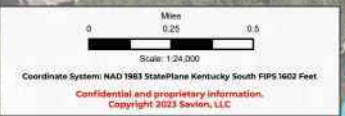
- Project Gen-Tie



PRELIMINARY DESIGN – NOT FOR CONSTRUCTION

<b>PROJECT</b>	
<b>MARTIN COUNTY</b>	
DEVELOPER:	ENGINEER:
SAVION, LLC	JOSHUA CRUMPLER
DATE:	SCALE:
2/20/2023	1 INCH : 2,000 FEET
NOTES:	

SHEET:  
**LAYOUT**

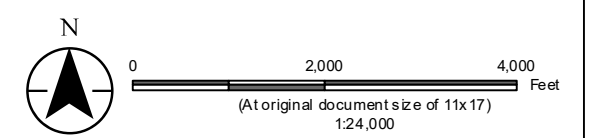


The following companies and organizations provided data that contributed to the production of this map - CoreLogic, Inc., Environmental Systems Research Institute [ESRI], ReGrid, Lowland Technologies, U.S. Department of Agriculture [USDA], U.S. Federal Aviation Administration (FAA), U.S. Geological Survey [USGS], WhiteStar Corporation, Venty, Inc., An ABB Company, Imagery © 2022 Hexagon and data partners.

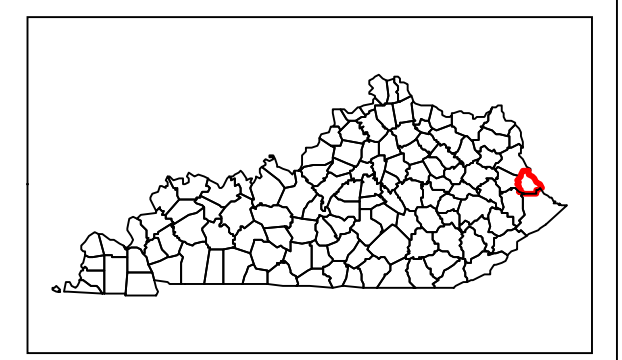
**EXHIBIT C**



- Legend**
- Project Site
  - Racks
  - Inverters
  - BESS Sites
  - Substation
  - Electrical Transmission Line
  - Fenceline
  - Access Roads



- Notes**
1. Coordinate System: NAD 1983 StatePlane Kentucky FIPS 1600 Feet
  2. Data Sources: Imagery Date (5/8/2018)
  3. Background: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Project Location**  
 Wolf Creek Road (CR-1439)  
 hez (Threeforks), Martin County, Kentucky

Prepared by SPK on 2021-04-14  
 TR by LC on 2021-04-15  
 R Review by JJA on 2020-04-15

**Client/Project**  
 Martin County Solar Project, LLC  
 Martin County Solar Project I & II  
 Siting Board Application

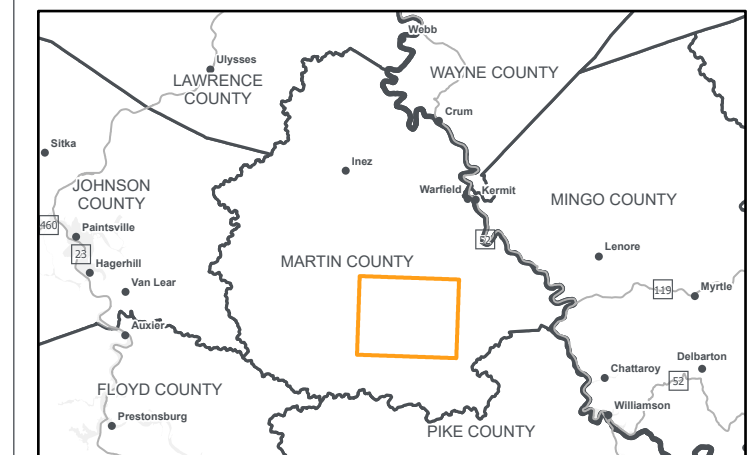
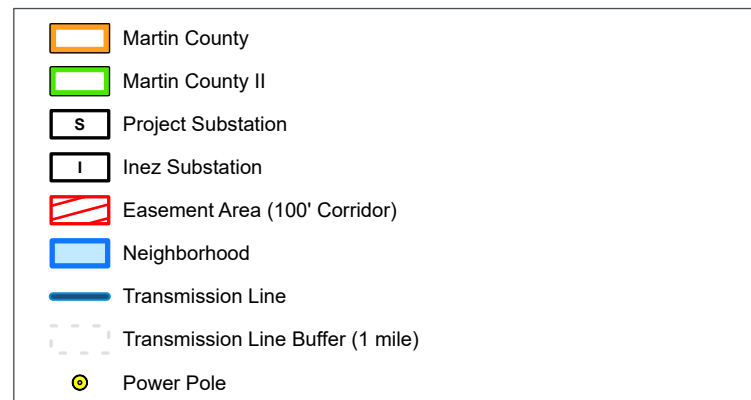
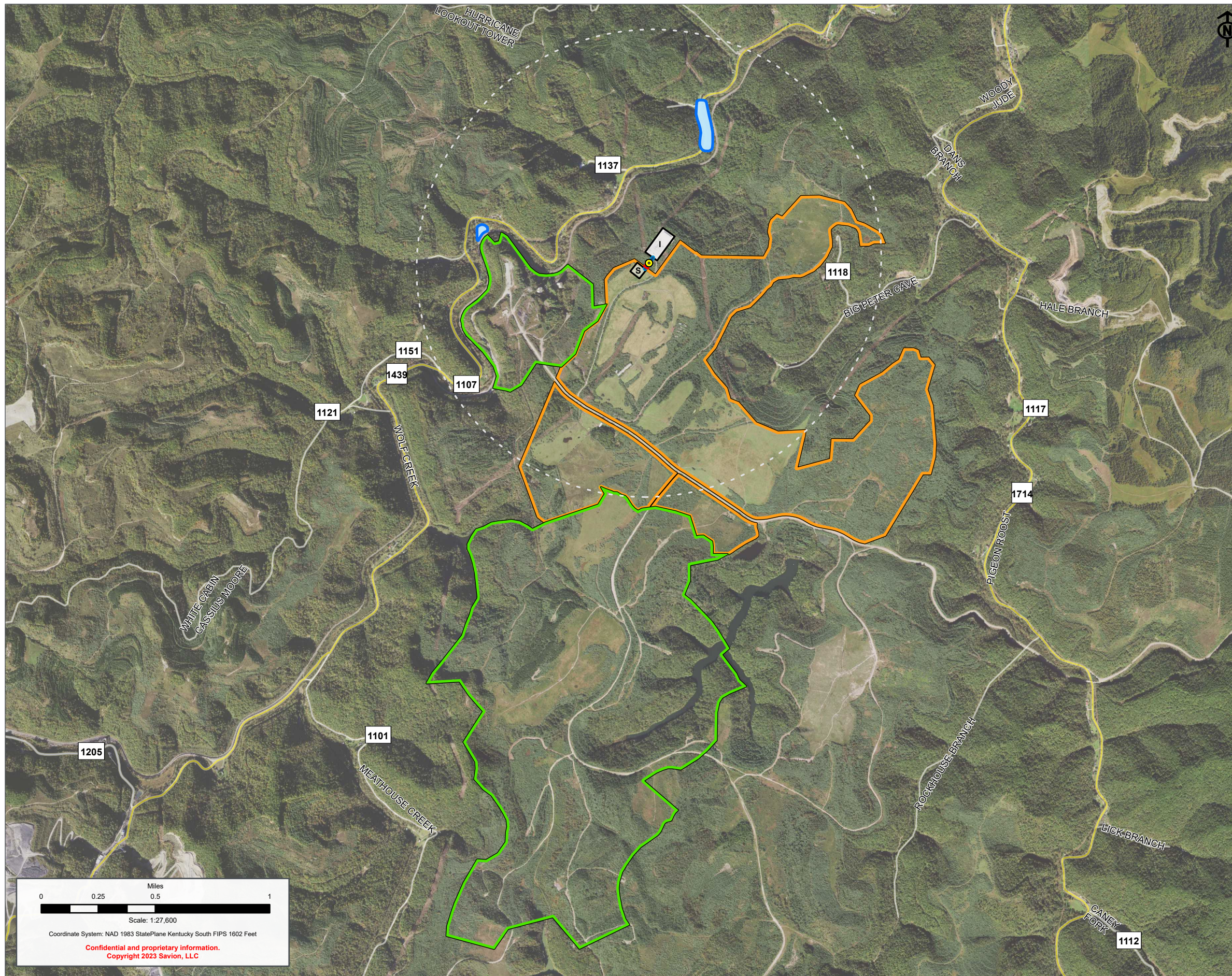
172658261 REVA

**Figure No.**  
**1**

**Title**  
**Site Layout Map**

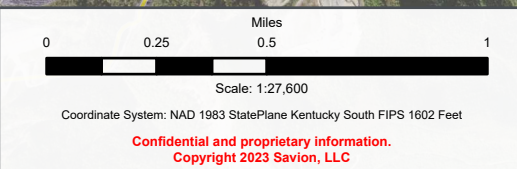
C:\Users\skelley\OneDrive - Stantec\Desktop\172658261 - Martin County Solar\img\msl\sl\sling\_board\_map\map\Figure\_1\_Siting\_Board\_Map.mxd Revised: 2021-04-16 By: skelley

# MARTIN COUNTY SOLAR - INTERCONNECTION



PRELIMINARY DESIGN – NOT FOR CONSTRUCTION

PROJECT: <b>MARTIN COUNTY SOLAR</b>	
DEVELOPER: <b>SAVION, LLC</b>	ENGINEER:
DATE: <b>5/2/2023</b>	SCALE: <b>1 INCH : 2,300 FEET</b>
NOTES:	
SHEET: <b>11X17 PROJECT (LLC)</b>	



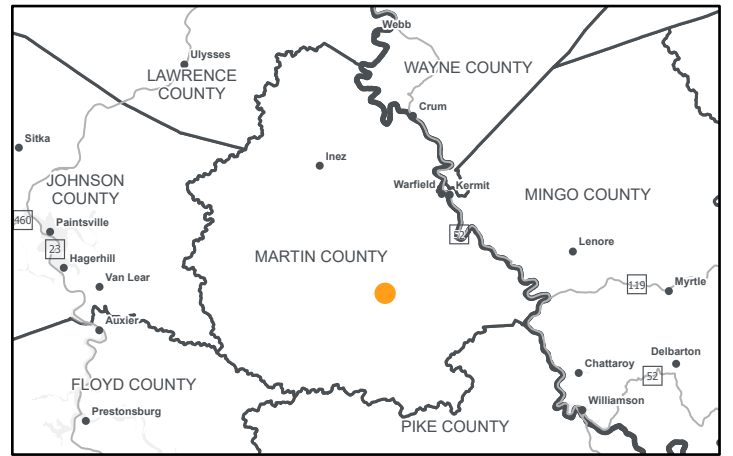


**EXHIBIT D**

# MARTIN COUNTY SOLAR - INTERCONNECTION

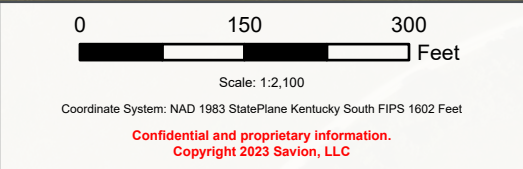


- Property Line
- Martin County Solar Project
- Project Substation
- Inez Substation
- Right-of-Way Corridor (100')
- Transmission Line
- Power Pole



PRELIMINARY DESIGN – NOT FOR CONSTRUCTION

PROJECT: <b>MARTIN COUNTY SOLAR</b>	
DEVELOPER: <b>SAVION, LLC</b>	ENGINEER:
DATE: <b>5/18/2023</b>	SCALE: <b>1 INCH : 175 FEET</b>
NOTES:	
SHEET: <b>11X17 PROJECT (LLC)</b>	



**EXHIBIT E**



**Generation Interconnection  
System Impact Study Report**

**for**

**Queue Project AF1-130**

**INEZ 138 KV**

**133.9 MW Capacity / 200 MW Energy**

August, 2020

# Table of Contents

- 1 Introduction..... 4
- 2 Preface..... 4
- 3 General..... 5
- 4 Point of Interconnection..... 6
- 5 Cost Summary ..... 6
- 6 Transmission Owner Scope of Work..... 8
  - 6.1 Attachment Facilities..... 8
  - 6.2 Direct Connection Cost Estimate..... 8
  - 6.3 Non-Direct Connection Cost Estimate..... 8
- 7 Incremental Capacity Transfer Rights (ICTRs) ..... 9
- 8 Schedule..... 9
- 9 Interconnection Customer Requirements..... 9
- 10 Revenue Metering and SCADA Requirements .....10
  - 10.1 PJM Requirements.....10
  - 10.2 Meteorological Data Reporting Requirements.....10
  - 10.3 Interconnected Transmission Owner Requirements.....10
- 11 Summer Peak Analysis .....11
  - 11.1 Generation Deliverability .....11
  - 11.2 Multiple Facility Contingency .....11
  - 11.3 Contribution to Previously Identified Overloads.....11
  - 11.4 Steady-State Voltage Requirements.....11
  - 11.5 Potential Congestion due to Local Energy Deliverability.....11
  - 11.6 System Reinforcements.....12
- 12 Light Load Analysis .....13
- 13 Short Circuit Analysis.....13
- 14 Stability and Reactive Power Requirements for Low Voltage Ride Through .....13
- 15 Affected Systems .....13
  - 15.1 TVA.....13
  - 15.2 Duke Energy Progress.....13
  - 15.3 MISO .....13
  - 15.4 LG&E.....13

16 Attachment 1: One-Line Diagram and Point of Interconnection Map.....14

## 1 Introduction

This System Impact Study has been prepared in accordance with the PJM Open Access Transmission Tariff, 205, as well as the System Impact Study Agreement between the Interconnection Customer (IC), and PJM Interconnection, LLC (PJM), Transmission Provider (TP). The Interconnected Transmission Owner (ITO) is AEP.

## 2 Preface

The intent of the System Impact Study is to determine a plan, with approximate cost and construction time estimates, to connect the subject generation interconnection project to the PJM network at a location specified by the Interconnection Customer. As a requirement for interconnection, the Interconnection Customer may be responsible for the cost of constructing: Network Upgrades, which are facility additions, or upgrades to existing facilities, that are needed to maintain the reliability of the PJM system. All facilities required for interconnection of a generation interconnection project must be designed to meet the technical specifications (on PJM web site) for the appropriate transmission owner.

In some instances an Interconnection Customer may not be responsible for 100% of the identified network upgrade cost because other transmission network uses, e.g. another generation interconnection or merchant transmission upgrade, may also contribute to the need for the same network reinforcement. The possibility of sharing the reinforcement costs with other projects may be identified in the Feasibility Study, but the actual allocation will be deferred until the System Impact Study is performed.

The System Impact Study estimates do not include the feasibility, cost, or time required to obtain property rights and permits for construction of the required facilities. The project developer is responsible for the right of way, real estate, and construction permit issues. For properties currently owned by Transmission Owners, the costs may be included in the study.

The Interconnection Customer seeking to interconnect a wind or solar generation facility shall maintain meteorological data facilities as well as provide that meteorological data which is required per Schedule H to the Interconnection Service Agreement and Section 8 of Manual 14D.

An Interconnection Customer with a proposed new Customer Facility that has a Maximum Facility Output equal to or greater than 100 MW shall install and maintain, at its expense, phasor measurement units (PMUs). See Section 8.5.3 of Appendix 2 to the Interconnection Service Agreement as well as section 4.3 of PJM Manual 14D for additional information.

### 3 General

The Interconnection Customer (IC), has proposed a Solar generating facility located in Martin County, Kentucky. The installed facilities will have a total capability of 200 MW with 133.9 MW of this output being recognized by PJM as Capacity. The Point of Interconnection will be a direct connection to AEP's Inez 138 kV substation.

The proposed in-service date for this project is December 01, 2023. This study does not imply a TO commitment to this in-service date.

The objective of this System Impact Study is to determine budgetary cost estimates and approximate construction timelines for identified transmission facilities required to connect the proposed generating facilities to the ITO transmission system. These reinforcements include the Attachment Facilities, Local Upgrades, and Network Upgrades required for maintaining the reliability of the ITO transmission system.

<b>Queue Number</b>	<b>AF1-130</b>
<b>Project Name</b>	INEZ 138 KV
<b>State</b>	Kentucky
<b>County</b>	Martin
<b>Transmission Owner</b>	AEP
<b>MFO</b>	200
<b>MWE</b>	200
<b>MWC</b>	133.9
<b>Fuel</b>	Solar
<b>Basecase Study Year</b>	2023

Any new service customers who can feasibly be commercially operable prior to June 1st of the basecase study year are required to request interim deliverability analysis.



## 4 Point of Interconnection

AF1-130 will interconnect with the AEP transmission system via a direct connection to the Inez 138 kV station.

To accommodate the interconnection at the Inez 138 kV substation, the substation will have to be expanded, requiring addition of a new string and installation of two (2) 138 kV circuit breakers (see Attachment 1). Installation of associated protection and control equipment, 138 kV line risers, SCADA, and 138 kV revenue metering will also be required. AEP reserves the right to specify the final acceptable configuration considering design practices, future expansion, and compliance requirements.

Installation of the generator lead first span exiting the POI station, including the first structure outside the AEP fence, will also be included in AEP's scope. In the case where the generator lead is a single span, the structure in the customer station will be the customer's responsibility.

## 5 Cost Summary

The AF1-130 project will be responsible for the following costs:

Description	Total Cost
Attachment Facilities	\$ 788,000
Direct Connection Network Upgrade	\$ 1,530,000
Non Direct Connection Network Upgrades	\$90,000
Allocation for New Network Upgrades*	\$0
Contribution to Previously Identified Upgrades*	\$0
<b>Total Costs</b>	<b>\$ 2,408,000</b>

\*As your project progresses through the study process and other projects modify their request or withdraw, then your cost allocation could change.

The estimates provided in this report are preliminary in nature, as they were determined without the benefit of detailed engineering studies. Final estimates will require an on-site review and coordination to determine final construction requirements. In addition, Stability analysis will be completed during the Facilities Study stage. It is possible that a need for additional upgrades could be identified by these studies.

This cost excludes a Federal Income Tax Gross Up charges. This tax may or may not be charged based on whether this project meets the eligibility requirements of IRS Notice 88-129. If at a future date it is determined that the Federal Income Tax Gross charge is required, the Transmission Owner shall be reimbursed by the Interconnection Customer for such taxes.

Note 1: PJM Open Access Transmission Tariff (OATT) section 217.3A outline cost allocation rules. The rules are further clarified in PJM Manual 14A Attachment B. The allocation of costs for a network upgrade will start with the first Queue project to cause the need for the upgrade. Later queue projects will receive cost allocation contingent on their contribution to the violation and are allocated to the queues that have not

closed less than 5 years following the execution of the first Interconnection Service Agreement which identifies the need for this upgrade.

Note 2: For customers with System Reinforcements listed: If your present cost allocation to a System Reinforcement indicates \$0, then please be aware that as changes to the interconnection process occur, such as prior queued projects withdrawing from the queue, reducing in size, etc, the cost responsibilities can change and a cost allocation may be assigned to your project. In addition, although your present cost allocation to a System Reinforcement is presently \$0, your project may need this system reinforcement completed to be deliverable to the PJM system. If your project comes into service prior to completion of the system reinforcement, an interim deliverability study for your project will be required

## 6 Transmission Owner Scope of Work

### 6.1 Attachment Facilities

The total preliminary cost estimate for the Attachment work is given in the table below. These costs do not include CIAC Tax Gross-up.

Description	Total Cost
138kV Revenue Metering	\$ 250,000
Generator lead first span exiting the POI station, including the first structure outside the fence.	\$400,000
<b>Total Attachment Facility Costs</b>	<b>\$ 788,000</b>

### 6.2 Direct Connection Cost Estimate

The total preliminary cost estimate for the Direct Connection work is given in the table below. These costs do not include CIAC Tax Gross-up.

Description	Total Cost
Expand the 138 kV bus at Inez and adding a new string and install two (2) additional 138 kV circuit breakers. Installation of associated protection and control equipment. 138 kV line risers and SCADA will also be required.*	\$ 1,530,000
<b>Total Direct Connection Facility Costs</b>	<b>\$ 1,530,000</b>

\*An AEP supplemental project is under evaluation which adds a new string to the existing Inez station configuration. PJM has not assigned the S number yet. Information about this supplemental project is available at the following link:

<https://www.pjm.com/~media/committees-groups/committees/srrtep-w/2020/20200619/20200619-aep-supplemental.ashx>

### 6.3 Non-Direct Connection Cost Estimate

The total preliminary cost estimate for the Non-Direct Connection work is given in the table below. These costs do not include CIAC Tax Gross-up.

Description	Total Cost
Review and Revise the P&C Relay Settings at Inez 138 kV station.	\$ 90,000
<b>Total Non-Direct Connection Facility Costs</b>	<b>\$ 90,000</b>

## 7 Incremental Capacity Transfer Rights (ICTRs)

None

## 8 Schedule

It is anticipated that the time between receipt of executed Agreements and Commercial Operation may range from 12 to 18 months if no line work is required. If line work is required, construction time would generally be between 24 to 36 months after Agreement execution.

## 9 Interconnection Customer Requirements

It is understood that the Interconnection Customer is responsible for all costs associated with this interconnection. The costs above are reimbursable to the Interconnected Transmission Owner. The cost of the Interconnection Customer's generating plant and the costs for the line connecting the generating plant to the Interconnected Transmission Owner's Transmission circuit are not included in this report; these are assumed to be the Interconnection Customer's responsibility.

The Generation Interconnection Agreement does not in or by itself establish a requirement for the Interconnected Transmission Owner to provide power for consumption at the developer's facilities. A separate agreement may be reached with the local utility that provides service in the area to ensure that infrastructure is in place to meet this demand and proper metering equipment is installed. It is the responsibility of the developer to contact the local service provider to determine if a local service agreement is required.

Requirement from the PJM Open Access Transmission Tariff:

1. An Interconnection Customer entering the New Services Queue on or after October 1, 2012 with a proposed new Customer Facility that has a Maximum Facility Output equal to or greater than 100 MW shall install and maintain, at its expense, phasor measurement units (PMUs). See Section 8.5.3 of Appendix 2 to the Interconnection Service Agreement as well as section 4.3 of PJM Manual 14D for additional information.
2. The Interconnection Customer may be required to install and/or pay for metering as necessary to properly track real time output of the facility as well as installing metering which shall be used for billing purposes. See Section 8 of Appendix 2 to the Interconnection Service Agreement as well as Section 4 of PJM Manual 14D for additional information.

## 10 Revenue Metering and SCADA Requirements

### 10.1 PJM Requirements

The Interconnection Customer will be required to install equipment necessary to provide Revenue Metering (KWH, KVARH) and real time data (KW, KVAR) for IC's generating Resource. See PJM Manuals M-01 and M-14D, and PJM Tariff Section 8 of Attachment O.

### 10.2 Meteorological Data Reporting Requirements

The solar generation facility shall provide the Transmission Provider with site-specific meteorological data including:

- Back Panel temperature (Fahrenheit)
- Irradiance (Watts/meter<sup>2</sup>)
- Ambient air temperature (Fahrenheit) – (Accepted, not required)
- Wind speed (meters/second) – (Accepted, not required)
- Wind direction (decimal degrees from true north) – (Accepted, not required)

### 10.3 Interconnected Transmission Owner Requirements

The IC will be required to comply with all Interconnected Transmission Owner's revenue metering requirements for generation interconnection customers located at the following link:

<http://www.pjm.com/planning/design-engineering/to-tech-standards/>

## 11 Summer Peak Analysis

The Queue Project AF1-130 was evaluated as a 200.0 MW (Capacity 133.9 MW) injection at the Inez 138kV substation in the AEP area. Project AF1-130 was evaluated for compliance with applicable reliability planning criteria (PJM, NERC, NERC Regional Reliability Councils, and Transmission Owners). Project AF1-130 was studied with a commercial probability of 100.0 %. Potential network impacts were as follows:

### 11.1 Generation Deliverability

(Single or N-1 contingencies for the Capacity portion only of the interconnection)

None

### 11.2 Multiple Facility Contingency

(Double Circuit Tower Line, Fault with a Stuck Breaker, and Bus Fault contingencies for the full energy output)

None

### 11.3 Contribution to Previously Identified Overloads

(This project contributes to the following contingency overloads, i.e. "Network Impacts", identified for earlier generation or transmission interconnection projects in the PJM Queue)

None

### 11.4 Steady-State Voltage Requirements

None

### 11.5 Potential Congestion due to Local Energy Deliverability

PJM also studied the delivery of the energy portion of this interconnection request. Any problems identified below are likely to result in operational restrictions to the project under study. The developer can proceed with network upgrades to eliminate the operational restriction at their discretion by submitting a Merchant Transmission Interconnection request.

Note: Only the most severely overloaded conditions are listed below. There is no guarantee of full delivery of energy for this project by fixing only the conditions listed in this section. With a Transmission Interconnection Request, a subsequent analysis will be performed which shall study all overload conditions associated with the overloaded element(s) identified.

None

## 11.6 System Reinforcements

None

## 12 Light Load Analysis

Not Required

## 13 Short Circuit Analysis

The following Breakers are overdutied

None

## 14 Stability and Reactive Power Requirements for Low Voltage Ride Through

*(Summary of the VAR requirements based upon the results of the dynamic studies)*

To be evaluated during the Facilities Study Phase

## 15 Affected Systems

### 15.1 TVA

TVA Impacts to be determined during later study phases (as applicable).

### 15.2 Duke Energy Progress

Duke Energy Progress Impacts to be determined during later study phases (as applicable).

### 15.3 MISO

MISO Impacts to be determined during later study phases (as applicable).

### 15.4 LG&E

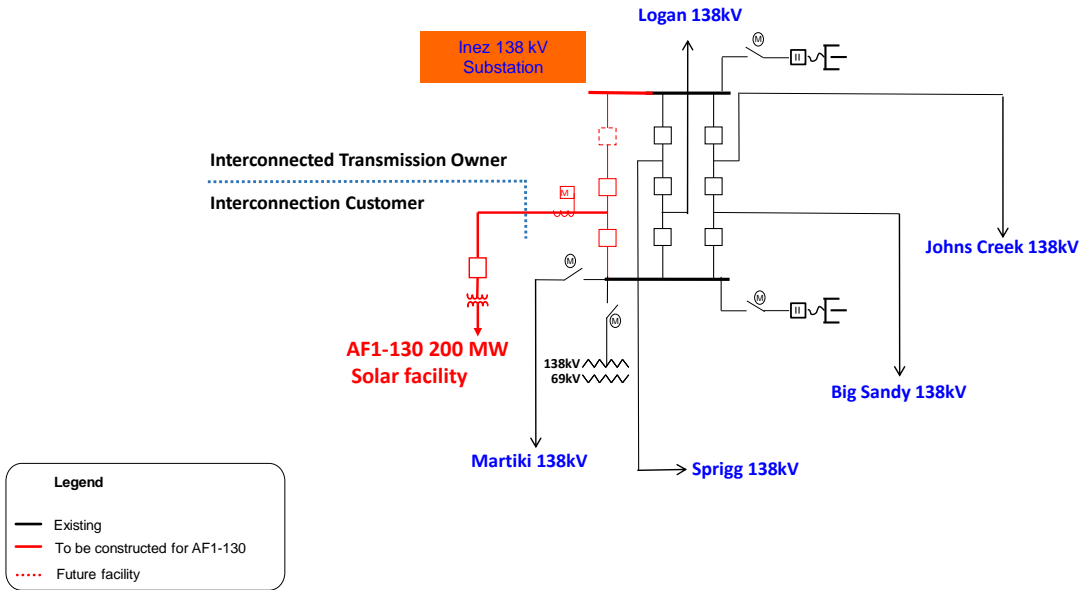
LG&E Impacts to be determined during later study phases (as applicable).

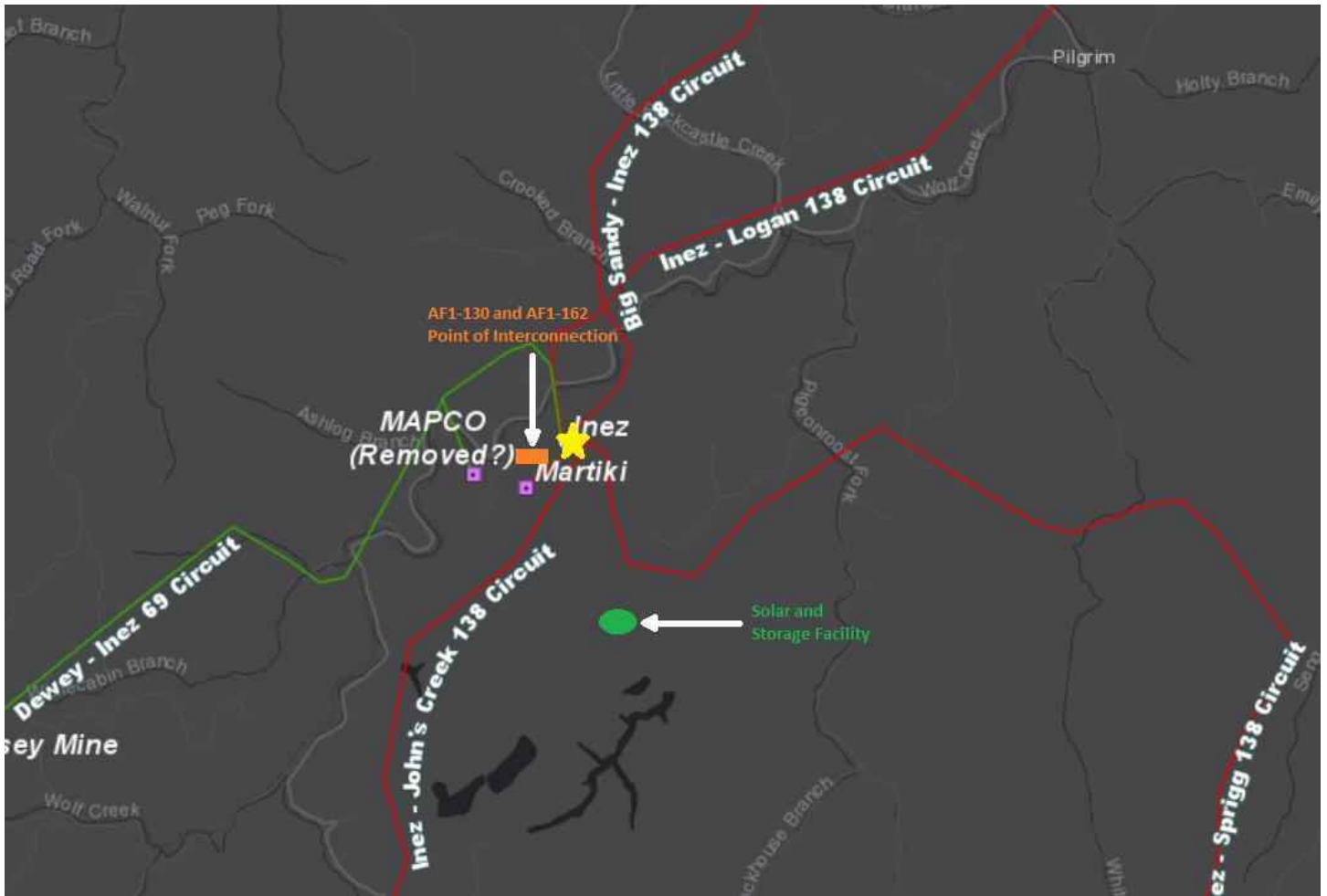


# 16 Attachment 1: One-Line Diagram and Point of Interconnection Map

## AF1-130 Point of Interconnection Inez 138kV Substation

\*Remote Stations not completely shown





**EXHIBIT F**

(606) 298-7570

# CLASSIFIED

(606) 298-7570

**INEZ APARTMENTS**  
 1 Bedroom 1 Bath  
 Units Available  
 Free Laundry  
 Room  
 Rent Ranges from  
 \$100 and Up  
 Based on Income  
 Senior Citizens  
 62 and Older  
**606-298-7645**

FOR SOME, FEELING  
**LEFT OUT**  
 LASTS MORE THAN A MOMENT.

**WE CAN CHANGE THAT.**

We've all had moments where we've felt we don't belong. But for people who exist in this county, that feeling lasts more than a moment. Together, we can make a better community. Learn how at [beingapartofinez.com](http://beingapartofinez.com)

**Help Needed:**

Someone needed to stay 2-3 days a week with elderly woman to bath and cook for. If interested please call (606) 395-0143

19-22b

**McCoy's Tree Service**  
 P. O. Box 988  
 Inez, Kentucky 41224  
**(606) 395-0473**

**JAMES MCCOY**  
 Owner • Fully Insured  
 Over 40 years experience

Complete Tree Service  
 Topping • Trimming • Removal  
 Stump Removal

**Sign Me Up!**

**The Mountain Citizen**

Take advantage of our low rates of only  
**\$20 In-County**  
**\$27 Out-of-County**  
**for One Full Year!!**

**COUPON**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 STATE: \_\_\_\_\_  
 ZIP: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

IN COUNTY: \_\_\_\_\_  
 OUT-COUNTY: \_\_\_\_\_

Clip Out & Mail Payment To:  
 P.O. Box 1029 Inez, KY 41224 or  
 stop by our office Main Street

**COUPON**

# LEGAL

**NOTICE OF INTENTION OF MINE**

Pursuant to Application No. 880-0249, Renewal

In accordance with KRS 350.055, notice is hereby given that Wayland Land Company, Inc., P.O. Box 2725, Pikeville, Kentucky 41502, has applied for renewal of a permit for surface coal mining and reclamation operation affecting 226.35 surface acres and 6.16 auger acres, totaling 232.51 acres located 2.44 miles southeast of Debord in Martin County.

The proposed operation is approximately 0.30 miles north from KY Route 908's junction with Muller Branch County Road and located along Messer of Coldwater Creek.

The proposed operation is located on the Inez U.S.G.S. 7.5 minute quadrangle map. The surface area to be disturbed is owned by MBM Production, LLC, Connie and Joe Staton, Mitchell and Brenda Moore, James Ward, Wayland Land Company, Inc., Helen Ruth Preece Adkins, James David Sheppard, Timothy R. Benjamin, Sandra Sue Adkins, Toni Ann Markis, Michael Sheppard, Terry Sheppard, Aaron Lee Gauze, Jr. and Wendy D. Gauze, Jigsaw Enterprises, LLC, and Larry Ray Young.

The application has been filed for public inspection at the Division of Mine Reclamation and Enforcement, Pikeville Regional Office, 121 Mays Branch, Pikeville, Kentucky 41501. Written comments, objections, or requests for a permit conference must be filed with the Director, Division of Mine Permits, 300 Sower Blvd., Frankfort, KY 40601, 17,18,19ch,20b

**PUBLIC NOTICE**

Any claims against the following estates must be made within six months from the date of the appointment.

Larry Sprague, 133 Grassy School Rd, Inez, KY 41224 has been appointed administrator of the Estate of Blake David Anthony Tackett, late resident of Inez KY on 02-13-23 by the Hon. John T. Chafin.

Cody Michael Kirk, P.O. Box 591 Inez, KY 41224 has been appointed executor of the Estate of Armada Johnson, late resident of Inez, KY on 02-13-23 by the Hon. John T. Chafin.

Tiffany Ann Scott, 205 Devon Road, Laplace, LA 70068 has been appointed Administratrix of the Estate of Burl Monroe Scott, late resident of Inez, KY on 03-13-23 by the Hon. John T. Chafin.

Phyllis Goble, 145 Ralph Moore Lane, Inez, KY 41224 has been appointed Executrix of the Estate of Gary J. Dials, late resident of Inez, KY on 03-13-23 by the Hon. John T. Chafin.

Dovie Crum, 58 Oakley Lane, Tomahawk, KY 41262 has been appointed administratrix in the Estate of Earnestine Ward, late resident of Tomahawk, KY on 03-27-23 by the Hon. John T. Chafin.

Mari Lou Fraley, 379 Halls Branch Rd, Tomahawk, KY 41262 has been appointed administratrix in the Estate of Brenda Lou Fraley, late resident of Tomahawk, KY on 03-27-23 by the Hon. John T. Chafin.

James Richard Pinson, 301 Castle Branch, Inez, KY 41224 has been appointed executor in the Estate of Sherman Dallas Justice, late resident of Tomahawk, KY on 03-27-23 by Hon. John T. Chafin.

John Taylor, 40 Taylor's Lane, Bel-fry, KY 41514 has been appointed executor in the Estate of Mildred Taylor, late resident of Bel-fry, KY on 03-27-23 by the Hon. John T. Chafin.

John Taylor, 40 Taylor's Lane, Bel-fry, KY 41514 has been appointed executor in the Estate of Ray W. Taylor, late resident of Bel-fry, KY on 03-27-23 by the Hon. John T. Chafin.

Joseph Chad Spence, 176 Collier Road, Debord, KY 41214, has been appointed administrator in the Estate of Marianne Fletcher Spence, late resident of Debord, KY on 04-10-23 by Hon. John T. Chafin.

Paul Chaffins, 342 Frog Pond Road, Inez, KY 41224, has been appointed Executor in the Estate of Brenda Chaffins, late resident of Inez, KY on 04-24-23 by Hon. John T. Chafin.

Maxwell Moore and/or Dottie Sue Moore, 3418 Riverfront Road, have been appointed Co-Administrators in the Estate of Arthur E. Moore, late resident of Lovely, KY on 04-24-23 by Hon. John T. Chafin.

19pd

**PUBLIC NOTICE**

The following cases will come on for hearing May 22nd @ 9:30 am in the Martin District Courtroom, Court-house Annex, Inez, KY before Hon. John T. Chafin, Martin District Judge. Any objections should be filed before that date.

Hanna Ferguson, administratrix of the Estate of John Louis Ferguson Jr. has filed a final settlement to be heard on the above date.

Amy Begley, Executrix of the Estate of Willis Cook, has filed a final settlement to be heard on the above date.

William Henry Jarrell, Executor of the Estate of Georgiann York Jarrell, late resident of Lovely, KY has filed a final settlement to be heard on the above date.

Deborah Lynn Osborne, administratrix of the Estate of Elbert J. Osborne, late resident of Inez, KY, has filed a final settlement to be heard on the above date.

Curtis Marcum, administrator of the Estate of JoAnn Marcum, late resident of Inez, KY, has filed a final settlement to be heard on the above date.

Debra Carter, administrator of the Estate of JoAnn Marcum, late resident of Lovely, KY, has filed a final settlement to be heard on the above date.

19pd

**PUBLIC NOTICE**

Martin County Solar Project, LLC is proposing to construct a nonregulated electric transmission line located in unincorporated Martin County, at 1441 Old Martiki Road, Pilgrimage, Kentucky. Martin County Solar Project, LLC, is required to file an application for a certificate of construction for the proposed nonregulated electric transmission line. This application is subject to the approval of the Kentucky State Board on Electric Generation and Transmission Siting, which can be reached at P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615 or via telephone at (502) 564-3940.

19pd

**PUBLIC NOTICE**

The Martin County Fiscal Court has been petitioned to add/remove these roads into the County Road Plan:

**Roads Petitioned for Addition**

- Doc Lane
- Marcum Lane
- Stacy Drive
- Fletcher Mountain
- Bowen Cemetery Road
- Flora Johnson Road
- Wade Mollette Road
- Locust Lane
- Collins Creek Road
- Howell Road
- Harris Street
- Floyd Street
- Groundhog Hollow
- Firehouse Lane
- Paul Johnson Lane
- Triple Road
- Mann Drive
- Sammons Lane
- Parsley Road
- Tom Evans Road
- Jacobs Lane

**Roads Petitioned for Removal**

- LC Jude Road
- Hammond Loop

If anyone has any questions or concerns, please attend the Martin County Fiscal Court Meeting on: MAY 24, 2023 at 4:00PM

19b

**NEWSPAPERS**  
**We're Still The One...**

ITS LIFESTYLES ENTERTAINMENT HEAL-  
 LESS TRAVEL SUDOKU OPINION CLASS  
 SHOPPING HOME & GARDEN STYLE C  
 S COMICS POLITICS WEATHER CROSSV  
 NIES JOBS OBITUARIES PETS REAL ESTE  
 RENTALS GARAGE SALES MUSIC DINING  
 RENTS WORLD FAMILY NEW BOOKS CO  
 E MONEY NIGHTLIFE LOCAL BUSINES  
 SS FAMILY SERVICES TERTY SERVICES  
 MM'S LIFESTYL  
 SS TRA  
 OPE  
 TIC  
 ARIES  
 MUSIC  
 BOOKS COL  
 PERSON  
 HTLIFE LOCAL  
 FAMILY NAT  
 RY SERVICES US  
 COMMERCIAL PRO  
 TS LIFESTYLES ENTERTAINMENT HEAL  
 LESS TRAVEL SUDOKU OPINION CLASS  
 SHOPPING HOME & GARDEN STYLE C  
 S COMICS POLITICS WEATHER CROSSV  
 IES JOBS OBITUARIES PETS REAL ESTE  
 LAS GARAGE SALES MUSIC DINING T

**Mountain Citizen**