

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

In the Matter of:

ELECTRONIC APPLICATION OF FRON BN, LLC)	
(FRONTIER SOLAR) FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 120)	
MEGAWATT MERCHANT SOLAR ELECTRIC)	
GENERATING FACILITY AND NONREGULATED)	Case No. 2023-00360
ELECTRIC TRANSMISSION LINE IN MARION AND)	
WASHINGTON COUNTIES, KENTUCKY)	
PURSUANT TO KRS 278.700 AND 807 KAR)	
5:110)	

RESPONSE TO CONSULTANT’S REPORT

FRON bn, LLC (“Frontier Solar” or “Applicant”) provides the following response to the Wells Engineering (WE) Solar Generation Siting Final Report – Frontier Solar (“Wells Engineering Report” or “Report”). Frontier Solar appreciates the thorough review and analysis of its proposed generation facility and transmission line (“Project”). The Report’s findings and recommendations are generally agreed to with minor recommended clarifications as described below.

I. Report Findings

Finding 1: *Underground communication lines should be identified at the time of construction.*

Response: Agreed.

Finding 2: *At the time of construction and operation of the plant, besides providing fencing (as proposed by the applicant), all necessary signage, caution boards and safety requirements as per OSHA shall be installed.*

Response: Agreed.

Finding 3: Any new power line should be clear of the existing electric service line, power pole and guy wire. Planned 138kV Transmission lines passes under existing 345kV Transmission line for the substation interconnection. NERC and utility guidelines should be followed for the installation.

Response: Agreed.

Finding 4: The Substation will need oil containment for the Transformer to prevent any leakage of oil into nearby bodies of water.

Response: Agreed.

Finding 5: Avoid using Oversize trailers for material transport and limit the overall weight as per the bridges and culverts of the surrounding roads. Install new culverts if necessary.

Response: Frontier Solar agrees with this recommendation to the extent that it can avoid using oversized trailers and limit weight on bridges and culverts. Frontier Solar's EPC contractor will also provide an in-depth analysis on the preliminary determination of the haul route and necessary infrastructure improvements prior to commencing construction. The Project will consult with KYTC and local road authorities regarding truck and construction traffic, and obtain all necessary roadway permits. Frontier Solar will comply all laws and regulations involving use of roadways and any road agreements executed with state and local road authorities. However, some larger equipment used in the substation will likely require an oversized trailer.

Additionally, the delivery route for oversized trailers is typically assigned by the Kentucky Transportation Cabinet (KYTC) on the day the delivery is to occur.

Finding 6: *Weight limits of the surrounding roads should be considered when delivering heavy material loads for the project.*

Response: See Response to Finding 5.

II. Recommended Mitigation Measures

Recommendation 1: *The applicant should submit in writing the specific plan to control fugitive dust and PM 10 during the construction process ten days prior to commencing construction and ensure that plan is shared with contractors who will build the solar farm.*

Response: Agreed.

Recommendation 2: *The applicant should develop a plan regarding the protection of historic and archeologic resources and cemeteries if they are uncovered or disturbed during the construction process, no less than 30 days prior to the beginning of construction activities. It is suggested that a Historic and Archeologic Consultant be engaged to monitor the construction process.*

Response: Frontier Solar submitted a Critical Issues Assessment (CIA) on March 26, 2024, which inventoried the historical and archaeological sites identified in the vicinity of the Project. The CIA found that no known historical or archaeological sites were identified within the boundaries of the Project. In the event that a previously unidentified historical or archaeological site or related artifacts are discovered onsite during construction of the facility, the Project's EPC contractor will avoid or otherwise mitigate any impacts thereto in accordance with a plan for unintended discoveries of sites or artifacts of antiquity. The Project's EPC contractor will

produce an Unanticipated Discovery Plan outlining these avoidance and mitigation protocols prior to commencing construction.

Frontier Solar respectfully disagrees with the segment of this recommendation suggesting engagement with a historic or archaeologic consultant to monitor the construction process since no such sites have been identified within Project boundaries. However, should unanticipated historical or archaeological sites be discovered onsite, the Project will follow avoidance or mitigation protocols contained in its Unanticipated Discovery Plan.

Recommendation 3: *According to the applicant the Transmission Line associated with this project is not under the jurisdiction of the Siting Board. Has this been determined by the Siting Board?*

Response: Frontier Solar is uncertain where Wells Engineering acquired this understanding.

Frontier Solar respectfully disagrees with the Report's conclusion that the Project believes that its proposed transmission line is not within the Siting Board's jurisdiction. Frontier Solar's Application materials include a request for issuance of a Construction Certificate for the Frontier Solar Nonregulated Electric Transmission Line. Please refer to paragraphs 1, 4, 5, 6, 13, and 29 of Frontier Solar's Application, Exhibit A of the Application, and SAR Exhibit A. Frontier Solar's Application was determined to be administratively complete by the Siting Board on January 2, 2024. As such, the Project has taken the position that the Board possesses jurisdiction over its Transmission Line.

Recommendation 4: *Create an over-all plot plan indicating all water bodies, bridges, railroad crossings, culverts, access roads, power lines, residential and public structures, etc.*

Response: Agreed.

Recommendation 5: *For locating the Solar Modules and Other associated equipment of the plant maintain sufficient clearance from the existing power lines.*

Response: Agreed.

Recommendation 6: *Construct new bridges or culverts wherever necessary for equipment transportation.*

Response: See Response to Finding 5.

Recommendation 7: *Setbacks for solar equipment from roads and property lines, with increased setbacks for certain equipment. Security fencing, and vegetative buffer shall not be subject to setback restrictions.*

Response: Frontier Solar agrees with this recommendation to the extent that the setbacks discussed for particular Project components is consistent with the setbacks requested in the Frontier Solar Motion for Deviation. Frontier Solar submitted a Motion for Deviation from Statutory Setbacks on March 11, 2024, wherein the Project requested a minimum 271-foot setback for generation facility components from residential neighborhoods in the Project's vicinity. For projects similar to Frontier Solar, the Siting Board's precedent has been to address setbacks requested in a motion for deviation in its final order, while also imposing separate setback requirements for specific components as a mitigation measure for an approved project.¹

¹ *In the Matter of the Electronic Application of Thoroughbred Solar, LLC for a Certificate of Construction for an Approximately 200 Megawatt Merchant Electric Solar Generating Facility in Hart County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110, Case No. 2022-00115, Final Order Appx. A at 4-5; In the Matter of the Electronic Application of Sebree Solar II, LLC for a Certificate to Construct an Approximately 150 Megawatt Merchant Solar Electric Generating Facility in Henderson County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110, Case No. 2022-00131, Final Order Appx. A at 4-5; In the Matter of the Electronic Application of Pine Grove Solar, LLC for a Certificate of Construction for an Approximately 50 Megawatt Merchant Solar Electric Generating Facility in Madison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110, Case No. 2022-00262, Final Order Appx. A at 4; In the Matter of the Electronic Application of Hummingbird Energy, LLC for a Certificate of Construction for*

Recommendation 8: *Leaving existing vegetation between solar equipment and neighboring residences in place, to the extent practicable, to help screen the Project and reduce the visual impact.*

Response: Agreed.

Recommendation 9: *Notices to neighbors regarding potential construction and operation noises, as well as limits on working hours during the construction period, as described in the Application.*

Response: Agreed.

Recommendation 10: *Coarse (bigger) particles, called PM10, can irritate your eyes, nose, and throat. Dust from roads, farms, dry riverbeds, construction sites, and mines are types of PM10. The applicant will submit in writing the specific plan to control fugitive dust and PM 10 during the construction process ten days prior to commencing construction.*

Response:

See Response to Proposed Mitigation Measure 1.

an Approximately 200 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110, Case No. 2022-00272, Final Order Appx. A at 4-5; In the Matter of the Electronic Application of Bright Mountain Solar, LLC for a Certificate of Construction for an up to 80 Megawatt Merchant Electric Solar Generating Facility and Related Nonregulated Transmission Line of Approximately 4 Miles in Perry County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110, Case No. 2022-00274, Final Order Appx. A at 3-4.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory T. Dutton", written over a horizontal line.

Gregory T. Dutton

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