

Fron BN, LLC (Frontier Solar)
Responses to Siting Board Staff's Second Request for Information
Case No. 2023-00360

Request No. 1:

Refer to the Application, Exhibit A, Project Site Maps. Provide an updated site plan.

Response No. 1:

Please refer to the site plan submitted as part of FRON bn, LLC ("Frontier Solar" or "Project")'s Application, Exhibit A.

Responding Witness: Joseph Albrecht

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Request No. 2:

Refer to the Application, Exhibit A, Project Site Maps. Provide a one-page map that identifies any cemeteries within the project boundaries. If any cemeteries are within the boundaries, provide the mitigation measures that will be utilized to protect the cemetery during construction and provide access to the public during operations.

Response No. 2:

No cemeteries were identified within Project boundaries. The closest known cemetery is approximately 2.5 miles north of the Project boundary.

Responding Witness: Michael Tincher

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Request No. 3:

Explain whether Frontier Solar intends to hire as many local workers for the construction and operation phases of the project as possible, all other qualifications for the positions being equal. If so, include how Frontier Solar intends to accomplish that.

Response No. 3:

Frontier Solar will partner with a specialized solar EPC contractor during construction who will be responsible for selecting qualified subcontractors and laborers. Labor is included in the EPC contractor's scope of work; however, Bright Night's standard vetting and selection process includes working with its EPC partners on a framework to source and train local labor. This typically would include the EPC hosting local job fairs for individual laborers, and vetting processes for local subcontractors. Frontier Solar and its EPC contractor will hire and train as much local labor as is available and qualified.

Responding Witness: Joseph Albrecht

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Request No. 4:

Provide the anticipated start date and end date of construction.

Response No. 4:

The Project anticipates commencing construction as early as May 1, 2025, and ending by December 31, 2026.

Responding Witness: Joseph Albrecht

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Request No. 5:

Provide the requested setbacks for the project. Explain the justification for requesting a deviation from the 2,000-foot setback requirement for residential neighborhoods.

Response No. 5:

Please see the Motion for Deviation from Statutory Setbacks filed on March 11, 2024.

Responding Witness: Joseph Albrecht

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Request No. 6:

Explain whether the solar panels and other structures could be reconfigured within the site boundaries to meet the 2,000-foot setback requirement. If not, explain what would be required to meet the 2,000-foot setback requirement.

Response No. 6:

Please refer to the Motion for Deviation from Statutory Setbacks filed on March 11, 2024. The Project could not be reconfigured within the existing site boundaries to meet the 2,000-foot setback requirements and maintain the generation capacity needed to make the Project economically viable. In order to meet the 2,000 foot setback requirement, Frontier Solar would need to secure significant additional property parcels contiguous to the existing Project boundary. In essence, the Project would need additional property around the border of the Project sufficient to create a 2,000-foot buffer.

Responding Witness: Joseph Albrecht

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Request No. 7:

Identify the time and location of any additional public meetings planned in Washington and Marion counties.

Response No. 7:

No additional public meetings are planned in Washington and Marion Counties at this time.

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Request No. 8:

Detail any communications with members of the public, including neighboring landowners, regarding construction noise.

Response No. 8:

Please refer the Project's public notice report and noise study submitted as Application Exhibit B and SAR Exhibit D, respectively, and Response No. 31 to Siting Board Staff's First Request for Information. No noise-related concerns were raised at the Project's public information meetings, so no further discussions have been held.

Responding Witness: Joseph Albrecht

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Request No. 9:

Explain any plans to coordinate with local landowners or others in case of complaints or other issues that might arise during the course of construction or operations.

Response No. 9:

The Project has established a complaint resolution plan to address complaints or issues that may arise during construction and operation. Please see attached.

Responding Witness: Joseph Albrecht



Complaint Resolution Plan for BrightNight Community Projects

1. Initial Contact Points

During development or construction, community members can call or email the project developer or the Vice President of Communications to alert BrightNight of any issues. These parties will then route the issue to the correct person at BrightNight based on whether the complaint is related to safety or standard operations.

- **Project Developer Contact:** Armand Anselmo, Vice President of Development
armand@brightnightpower.com, 760-697-2544
- **Vice President of Communications Contact:** Maribeth Sawchuk,
maribeth@brightnightpower.com, 703-626-1119

2. Project Webpage Contact Information

The project webpage will provide direct contact details for community members to use during development and construction. This information will be included in all community outreach materials.

- Project Webpage: <https://brightnightpower.com/frontier/>

3. Ongoing Project Operations

Once a project's construction is complete, complaint points of contact will be available on project entrance and fencing signage. Signage will provide contact details for community members to use in case of issues. The project webpage will also continue to host project-specific contact information for BrightNight team members qualified to respond.

4. Escalation Process

If an issue is not resolved satisfactorily at the initial contact point, community members can escalate the complaint to the Operations Team at BrightNight. Contact details for these individuals will be provided upon request.

- Operations Contact: Operations@brightnightpower.com

5. Resolution Timeline

BrightNight is committed to resolving complaints in a timely manner. Upon receipt of a complaint, a member of the BrightNight team will acknowledge receipt within 24 hours and provide an estimated timeline for resolution. Complex issues may require additional time for investigation and resolution, but regular updates will be provided to the community member until the issue is resolved.



6. Follow-Up and Feedback

After a complaint is resolved, BrightNight will follow up with the community member to ensure that the resolution was satisfactory. Feedback on the resolution process will be welcomed and used to improve our practices for future projects.

7. Conclusion

BrightNight values the input and feedback of the communities in which we operate. Our goal is to address any issues that arise during the development, construction, and operation of our projects in a transparent and efficient manner. We are committed to working collaboratively with community members to resolve complaints and improve our operations.

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Request No. 10:

Describe any specific measures to be taken to reduce noise impacts for nearby residents during construction.

Response No. 10:

Please refer to the Project's noise study submitted as SAR Exhibit D. The Project will mitigate potential noise from construction activities by implementing phased construction and limiting construction activities to permitted work hours, typically daylight hours. The Project is designed to locate noise-producing equipment as far as reasonably practicable from noise-sensitive areas and residences, and will implement a complaint resolution program to address any noise-related issues that may arise during construction and operation.

Responding Witness: Michael Tincher

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Request No. 11:

State the number of years it will take for planted trees and shrubs to reach mature height.

Response No. 11:

Planted trees will take approximately 10-12 years to reach mature height, and shrubs will take approximately 5-10 years to reach maturity.

Responding Witness: Michael Tincher

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Request No. 12:

Describe any other forms of visual barriers to be implemented between the time of vegetation planting and the time when trees and shrubs will reach mature height.

Response No. 12:

No additional visual barriers are planned between planting and maturity. The current planting plan includes the use of large enough tree stock (minimum of 4' tall) at a spacing sufficient to provide a screening benefit at the time of planting.

Responding Witness: Michael Tincher

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Request No. 13:

State whether the Project panels will be coated with an antireflective coating.

Response No. 13:

The panels used on this Project will be anti-reflective.

Responding Witness: Joseph Albrecht

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Request No. 14:

State the operational life of the Project.

Response No. 14:

The approximate operational life of the Project will be between 30-40 years, depending on the useful life of Project equipment and economic circumstances.

Responding Witness: Joseph Albrecht

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Request No. 15:

Refer to the Application, Exhibit E, Economic Impact Assessment. The report states that the present Application and its Economic Impact Report are solely for Phase I of a two-Phase solar-generating project. The subject Phase properties being contiguous, provide the following:

- a. Pertinent information concerning intentions to share human assets during overlapping Operation Phases.
- b. Detailed assets, including those for repair, maintenance, fire or natural disaster; building and other real property; transmission lines and hookups; electrical generation, voltage and DC-to-AC conversion; vehicles; and other machinery and equipment.
- c. Pertinent information on intentions to have shared access from public roads from both Project sites.

Response No. 15:

Frontier Solar originally intended to site a larger 190 megawatt (MW) project, which required the facility to be developed in two phases. The Project was reduced to 120 MW and a single development phase. Phase 2 is not planned at this time. The Project's economic analysis was limited to the Phase 1 portion of development, and thus provides accurate economic figures resulting from construction and operation of the Project, as designed and submitted to the Siting Board in this application. If Frontier Solar intends to construct the remaining 70 MW as originally contemplated, then it will submit a separate application to the Siting Board to secure a construction certificate for that portion of the project.

Responding Witness: Joseph Albrecht

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Request No. 16:

Provide pertinent information if decommissioning will result in any significant economic impact benefiting state and local governments, the community, and its residents.

Response No. 16:

Decommissioning is likely to benefit the state and local economies given the scope of work and the Project's intent to incorporate local labor whenever possible, and likely hire a local decommissioning and salvage contractor. These economic impacts have not been quantified.

Responding Witness: Joseph Albrecht

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Request No. 17:

Explain when the stormwater permit application and other water related permit applications will be completed and submitted to the appropriate regulatory entity. Provide the timeframe for approval and identify to whom the permit applications will be submitted.

Response No. 17:

Given the Project's anticipated construction schedule, Frontier Solar anticipates filing an application with the Kentucky Division of Water in Q4 2025, with approval anticipated within 180 days thereafter.

Responding Witness: Michael Tincher

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Request No. 18:

Provide pertinent information on whether neighbors will be affected by noise levels during piling.

Response No. 18:

Please refer to the Project's noise study submitted as SAR Exhibit D. The noise study provides maximum noise levels produced by construction equipment, including pile driving, in Table 6, and noise levels produced by piling activities for each of the Project's noise sensitive areas (NSAs) in Table 7. Noise impacts from piling will be intermittent and no one NSA will experience the same or a constant noise level due to construction occurring over a large area. As piles are quickly installed, noise levels will decrease as piles are installed at greater distances away from an NSA.

Responding Witness: Michael Tincher

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Request No. 19:

Provide information on whether there will be an erosion and sedimentation control plan for the project.

Response No. 19:

The Project will submit an erosion and sedimentation control plan as part of its application for a Kentucky KYR100000 Construction General Permit for Discharges from Construction Activities.

Responding Witness: Michael Tincher

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Request No. 20:

Refer to the responses to Siting Board Staff's First Request for Information. Applicant states in several responses that the plans for protecting groundwater, air, and other environmental impacts are proposed to be put off until after the application is approved.

- a. Provide pertinent information on the anticipated impact that the project will have on air, groundwater, surface water, endangered species, historic resources, and archeological resources.
- b. Identify the timeline for development of the plans.

Response No. 20:

- a. Please refer to the Cumulative Environmental Assessment filed on March 11, 2024.
- b. All necessary permits are anticipated to be secured at least 30 days prior to commencing construction.

Responding Witness: Joseph Albrecht

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Request No. 21:

Provide pertinent information on whether any wetland delineations for the project site have been completed.

Response No. 21:

Please refer to Response No. 10 to Siting Board Staff's First Request for Information. The Project has submitted delineation data of federally jurisdictional streams and wetlands, visualized as a map attached to Response No. 10 to Siting Board Staff's First Request for Information.

Responding Witness: Michael Tincher

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Request No. 22:

Provide information on whether any endangered species sampling, including endangered bats, been completed for the project.

Response No. 22:

The Project has completed a desktop habitat assessment for threatened and endangered species that may occupy the site. The results of that assessment conclude that impacts to federal threatened and endangered species are not anticipated. The Project plans to submit a habitat assessment report and associated mitigation plan to the U.S. Fish and Wildlife Service (USFWS) for review prior to any tree clearing. Consultation with USFWS will begin in approximately Q3 2024.

Responding Witness: Michael Tincher

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Request No. 23:

Confirm that Frontier Solar has been in contract with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife regarding wetland delineations or threatened or engendered species. If there has not been contract, provide when that contact will occur.

Response No. 23:

The U.S. Army Corps of Engineers (USACE) and USFWS will be consulted in approximately Q3 2024, and any required permitting with those agencies will begin at that time.

Responding Witness: Michael Tincher

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Request No. 24:

Explain any commitments regarding infrastructure removal or land restoration during decommissioning, including in the landowner lease agreements.

Response No. 24:

Please refer to Frontier Solar's Decommissioning Plan, Application Exhibit G, and Response No. 1 to Siting Board Staff's First Request for Information. In addition to commitments in its Decommissioning Plan, the Project has included specific land restoration commitments in its leases with participating landowners, unredacted copies of which were sent to the Siting Board and redacted versions filed publicly in response to Request No. 1 of Siting Board Staff's First Request for Information. These commitments include removing the generation facility and its assets, along with all underground foundations, cables, conduits or similar equipment installed by the Project for its generation facility. The leases further commit Frontier Solar to restoring the land to the same condition as it was at the commencement of the lease, excluding normal wear and tear.

Responding Witness: Joseph Albrecht

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Request No. 25:

Provide information on the anticipated impact that fugitive dust will have on the project.

Response No. 25:

Fugitive dust will be addressed in a dust control plan to be developed by Frontier Solar's EPC contractor at least 30 days prior to commencing construction and the Project will comply with fugitive dust requirements under 401 KAR 63:010.

Responding Witness: Michael Tincher

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Request No. 26:

Provide the name of the company that will employ the individuals that are or will be responsible for ensuring compliance with the statements in the Application, as well as any conditions imposed by the Siting Board during construction and operation of the project.

Response No. 26:

BrightNight Management Co., LLC will be the entity employing the individuals responsible for ensuring compliance with statements in the Application and conditions imposed by the Siting Board during the Project's construction phase. Louisville Gas & Electric/Kentucky Utilities (LG&E/KU) will be the responsible entity during the Project's operations phase.

Responding Witness: Joseph Albrecht

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Request No. 27:

Verify whether a power purchase agreement has been made. If not, provide a timeline for developing a power purchase agreement.

Response No. 27:

Frontier Solar is not seeking a power purchase agreement for the Project. Rather, Frontier Solar is currently negotiating a Build Transfer Agreement (BTA) with LG&E/KU, under which Frontier Solar develops and constructs the Project, then LG&E/KU will purchase and thereafter operate the Project. Frontier Solar hopes to finalize the BTA with LG&E/KU by early Q2 2024. LG&E/KU has already received approval of the certificate of convenience and public necessity in KY. P.S.C. Case No. 2022-00402 to purchase the Project once constructed.

Responding Witness: Joseph Albrecht