

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY AND LOUISVILLE GAS</b>	)	
<b>AND ELECTRIC COMPANY FOR A SITE</b>	)	<b>CASE NO. 2023-00361</b>
<b>COMPATIBILITY CERTIFICATE FOR THE</b>	)	
<b>CONSTRUCTION OF A SOLAR FACILITY IN</b>	)	
<b>MERCER COUNTY, KENTUCKY</b>	)	

**RESPONSE OF**  
**KENTUCKY UTILITIES COMPANY**  
**AND**  
**LOUISVILLE GAS AND ELECTRIC COMPANY**  
**TO**  
**THE COMMISSION STAFF'S INITIAL REQUEST FOR INFORMATION**  
**DATED JANUARY 3, 2024**

**FILED: JANUARY 19, 2024**







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

**Response to Commission Staff's Initial Request for Information  
Dated January 3, 2024**

**Case No. 2023-00361**

**Question No. 1**

**Responding Witness: David L. Tummonds**

- Q-1. Provide a schedule for the project, starting from the Commission's approval to the completion of the project, including the length of each construction phase. Include in the response when LG&E/KU believes peak construction will occur within the timeline.
- A-1. See attachment being provided in a separate file. The Companies believe that peak onsite construction activities will occur between late third quarter 2025 and mid first quarter 2026.

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**Question No. 2**

**Responding Witness: David L. Tummonds**

- Q-2. Explain if an Engineering, Procurement, and Construction (EPC) firm has been selected for the project. Provide the request for proposal (RFP) for the EPC contractor.
- A-2. The Companies have not selected an EPC contractor and are currently developing the RFP package. The Companies anticipate issuing the RFP late first quarter of 2024.

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**Question No. 3**

**Responding Witness: David L. Tummonds**

- Q-3. Provide a one-page map showing the project and a 2-mile radius around the project. Include on the map any residential and nonresidential structures.
- A-3. See attachment being provided in a separate file.

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**Question No. 4**

**Responding Witness: David L. Tummonds**

- Q-4. Provide a preliminary site layout. Include:
- a. Security fencing.
  - b. Access Roads.
  - c. Construction entrances.
  - d. Panels.
  - e. Inverters.
  - f. Substation.
  - g. Battery Energy Storage System (BESS).
  - h. Transmission line.
- A-4. See attachment being provided in a separate file. The final site layout will be the responsibility of the EPC contractor.
- a. Security fencing will be installed around the perimeter of the project site.
  - b. Access roads have not been identified at this time and will be the responsibility of the EPC contractor, as approved by the Companies, to minimize impacts to existing transportation infrastructure.
  - c. Construction entrances have not been identified at this time and will be the responsibility of the EPC contractor, as approved by the Companies, to minimize impacts to existing transportation infrastructure.
  - d. Preliminary locations of the panels are shown by the North to South lines shown on the attached general arrangement drawing. The EPC contractor is responsible for designing the number and location of the panels.



- e. Preliminary locations of the inverters are indicated by “ISA-XX” on the attached general arrangement drawing. The EPC contractor is responsible for designing the number and location of the inverters.
- f. Preliminary location of the substation is identified as “Interconnecting Switchyard” on the attached general arrangement drawing. The EPC contractor is responsible for the final design and layout of the substation.
- g. Not applicable. The Companies are not installing a BESS as part of the Mercer Solar project.
- h. The 138kV transmission line is located directly north of the Interconnecting Switchyard on the attached general arrangement drawing. The transmission line runs East to West and is designed by the “OE” line type.

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**Question No. 5**

**Responding Witness: David L. Tummonds**

- Q-5. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:
- a. The distance to the boundary line.
  - b. The distance to the closest solar panel.
  - c. The distance to the nearest inverter.
  - d. The distance to the substation.
- A-5. The Companies note that, pursuant to KRS 100.324(1), the proposed Mercer County Solar Facility is exempt from local planning and zoning ordinances (including setback requirements), as also recognized in KRS 278.216(5) regarding site compatibility proceedings. Having said that, the Companies provide the requested information below.
- a. See attachment being provided in a separate file. The distances were measured utilizing a GIS and aerial imagery dated April 2010. Actual distances may be +/- based upon detailed survey boundaries and surveyed locations of structures.
  - b. Distance to the closest solar panel is unknown at this time as the EPC contractor will design the location of the solar panels.
  - c. Distance to the nearest inverter is unknown at this time as the EPC contractor will design the location of the inverters.
  - d. See the response to part (a).

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**Question No. 6**

**Responding Witness: David L. Tummonds**

- Q-6. Provide a detailed table listing all non-residential structures located within 2,000 feet of the Project boundary line. For each structure provide:
- a. The distance to the boundary line.
  - b. The distance to the closest solar panel.
  - c. The distance to the nearest inverter.
  - d. The distance to the substation.
- A-6. The Companies note that, pursuant to KRS 100.324(1), the proposed Mercer County Solar Facility is exempt from local planning and zoning ordinances (including setback requirements), as also recognized in KRS 278.216(5) regarding site compatibility proceedings. Having said that, the Companies provide the requested information below.
- a. See attachment being provided in a separate file. The distances were measured utilizing a GIS and aerial imagery dated April 2010. Actual distances may be +/- based upon detailed survey boundaries and surveyed locations of structures.
  - b. Distance to the closest solar panel is unknown at this time as the EPC contractor will design the location of the solar panels.
  - c. Distance to the nearest inverter is unknown at this time as the EPC contractor will design the location of the inverters.
  - d. See the response to part (a).

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**Question No. 7**

**Responding Witness: David L. Tummonds**

- Q-7. Provide the Mercer County zoning and setback requirements for the project.
- A-7. Pursuant to KRS 100.324(1), the proposed Mercer County Solar Facility is exempt from local planning and zoning ordinances (including setback requirements), as also recognized in KRS 278.216(5) regarding site compatibility proceedings. Thus, there are no zoning and setback requirements for this project.

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**Question No. 8**

**Responding Witness: David L. Tummonds**

Q-8. Refer to the Application, Exhibit 1, Site Assessment Report (SAR) at 3-25. Explain if additional vegetative screening is planned for the project. If no additional vegetative screening is planned, explain how the fencing will minimize impacts on the scenery.

A-8. See attachment being provided in a separate file. Per the following excerpt from Article I, Section 1.1. of the August 14, 2023 Stipulation and Recommendation agreement between Mercer County and the Companies, the Companies will comply with the following:

“[T]he Mercer County Solar Facility shall be maintained with appropriate plantings and ground maintenance consistent with the that provide a reasonable perimeter screening to reduce the effects to the viewscape of Mercer County Solar Facility from occupied residences. Utilities may satisfy the screening requirements by incorporating one or a combination of the following:

1. Where practical, any existing natural tree growth and landforms along the applicable boundary of the site shall be preserved and may create a sufficient buffer.
2. A vegetative buffer which shall incorporate a double row of evergreens a minimum of 8’ in height at planting with a minimum height of 15’ at full growth planted no more than 20ft from exterior of security fence. Trees are to be replaced upon dying within 30 days.
3. In lieu of vegetative buffers, an opaque fence may be used, provided, that the fencing material or veneer is, or has the appearance, of wood, stone, or other natural materials and is constructed so that it is at least eight (8) feet high when measured at grade.

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**Question No. 9**

**Responding Witness: Philip A. Imber**

- Q-9. Provide any communication with United States Fish and Wildlife regarding threatened and endangered species on the Project site.
- A-9. There are no such communications. Direct communication or consultation with United States Fish and Wildlife regarding threatened and endangered (T&E) species was not necessary. Desktop and field habitat surveys were performed. The project is developed to avoid T&E species or address them through the Companies' existing agreements or plans with United States Fish and Wildlife.

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**Question No. 10**

**Responding Witness: David L. Tummonds**

- Q-10. Explain if a single-axis, tracking-style racking system or fixed-tilt racking system will be used for the solar array.
- A-10. The Mercer Solar project will utilize a single axis tracking rack system.

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**Question No. 11**

**Responding Witness: David L. Tummonds**

- Q-11. Provide any plans to coordinate with local landowners in case of complaints or other issues that might arise during construction or operation of the project.
- A-11. The Companies will work with the local landowners prior to and during construction and as well as during operation of the project to minimize the impact of each. While this plan is not completed, the Companies plan to leverage well established communication channels which a) have yielded positive results during previously executed projects of similar or greater scope and b) benefit from familiarity throughout the affected community. These channels include the current E.W. Brown Neighbor to Neighbor newsletter with expanded distribution to include landowners in the vicinity of the Mercer Solar site as well as a regularly monitored phone and email channel established to communicate landowner concerns.



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**Question No. 12**

**Responding Witness: David L. Tummonds**

- Q-12. Provide any communication with the Mercer County Road Department relating to traffic plans and mitigation measures. If no communication has been initiated, explain when that contact will occur.
- A-12. The Companies have not communicated with the Mercer County Road Department as the Mercer Solar project will have negligible impact on the existing transportation infrastructure as indicated in Section 3.4 of the Site Assessment Report. If required, the EPC contractor will engage the Mercer County Road Department to present their construction plan and potential mitigation measures.

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**Question No. 13**

**Responding Witness: David L. Tummonds**

- Q-13. Explain any specific restrictions that are proposed to be placed on the time of day or days of the week during which pile driving or other loud construction activities may take place. Include in the response the estimated length of time pile driving will occur during construction.
- A-13. Typical workdays can range between 8-12 hours per day 4-7 days per week during daylight hours. The Companies do not anticipate the need for non-daylight work hours, however non-daylight workhours will be utilized if required to maintain the project schedule. Pile driving or other loud construction activities will be limited to daylight hours only. The Companies anticipate pile driving activities may require 6 to 8 months to be completed.

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**Question No. 14**

**Responding Witness: David L. Tummonds**

- Q-14. Describe any communication with landowners within 1,500 feet of the construction site boundaries.
- A-14. The Companies have not yet communicated with landowners within 1,500 feet of the Mercer Solar site. See the response to Question No. 11.

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**Question No. 15**

**Responding Witness: David L. Tummonds**

- Q-15. Provide a table of noise receptors within 1,500 feet of the construction site boundaries with expected noise levels during construction and operation.
- A-15. The following table details all identified residential locations (receptors) that occur within 1,500 feet of the project boundary in areas proposed for active solar installation and operations. The selection of receptors was based on review of aerial photography of the project area and the determination of which structures included residential uses. The table below includes the normal operational noise level in A-weighted decibels at each location. Additionally, the table includes the worst-case maximum construction noise level in A-weighted decibels at each location. The construction noise levels were calculated assuming active construction in the project area immediately adjacent to the identified residence. These conditions would only occur for a short period of time during the construction process and represent the worst-case short-term construction noise impacts. The noise levels predicted for operation are consistent with rural background noise levels. The noise levels predicted for worst case construction are consistent with noise levels that would be generated by active roadway traffic.

<b>Location ID</b>	<b>Receptor Description</b>	<b>Sound Level Impact Leq Normal Operations (dBA)</b>	<b>Sound Level Impact Leq Max Construction Impact (dBA)</b>
R01	Resident - 762 Jackson Pike Rd	29	64
R02	Resident - 58 Jackson Pike Rd	35	76
R03	Resident - 586 Talmage Mayo Rd	32	69
R04	Resident - 202 Hudson Rd	37	75
R05	Resident - 202 Hudson Rd	32	68
R06	Resident - 155 Hudson Rd	31	74
R07	Resident - 201 Hudson Rd	30	70
R08	Resident - 2406 Louisville Rd	32	70
R09	Resident - 2350 Louisville Rd	32	69
R10	Resident - 2226 Louisville Rd, also representing Residents East of Louisville Rd	32	67
R11	Resident - 397 Jackson Pike Road	36	62
R12	Resident - 303 Jackson Pike Road	36	65
R13	Resident - 265 Jackson Pike Road	37	72
R14	Resident - 130 Jackson Pike Road	40	74
R15	Resident - 2140 Louisville Rd	35	71
R16	Resident - 2139 Louisville Rd	34	65
R17	Resident - 1896 Louisville Rd	34	69
R18	Resident - 1828 Louisville Rd	31	66
R19	Resident - 1845 Louisville Rd	31	66

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**Question No. 16**

**Responding Witness: Philip A. Imber**

- Q-16. Provide a list of permits from other local, state, or federal agencies that have been or will be obtained prior to construction or operations.
- A-16. The project is being designed around water features identified in the jurisdictional determination. If a water is impacted, the Companies will obtain:
- Clean Water Act Section 404 Individual Construction and/or Nationwide Permit 12 (Utilities Line Activity) and 51 (Land-based Renewable Energy Generation Facilities from the U.S. Army Corps of Engineers
  - Water Quality Certification – Section 401 of the Clean Water Act from KY Division of Water (DOW)
  - Stream Construction Permit for Construction In Or Along a Stream (i.e., Floodplain Permit from Mercer County Floodplain Manager and KY DOW, Floodplain Management Section

The Companies may also need: (1) a Kentucky Pollutant Discharge Elimination System (KPDES) & Stormwater Pollution Prevention Plan (SWPP) from KDOW; (2) a Grading Permit from Mercer County; (3) a Roadway Encroachment Permit from the Kentucky Transportation Cabinet; (4) a Building Information Sheet from Mercer County Property Valuation Administrator (PVA); and (5) a Building Permit from the Office of the Mercer County Building Inspector.

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**Question No. 17**

**Responding Witness: David L. Tummonds**

- Q-17. Provide any geotechnical surveys done on the project area. If no geotechnical survey has been done, explain why not.
- A-17. See attachment being provided in a separate file. The geotechnical survey was commissioned by Savion, LCC as part of their initial site investigation and evaluation.

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**Question No. 18**

**Responding Witness: Philip A. Imber / David L. Tummonds**

- Q-18. Provide the proposed setbacks for known or suspected karst formations within the project site.
- A-18. The EPC contractor will be responsible for identifying and establishing setback requirements for known and suspected karst formations. The setback requirements will be incorporated into the final design and layout of the Mercer Solar project.



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**Question No. 19**

**Responding Witness: Philip A. Imber / David L. Tummonds**

- Q-19. Refer to the Application at page 41. Explain if the zoning change from agricultural to industrial has been completed. If not completed, provide when that process will be finished.
- A-19. The Companies' response assumes the reference to the Application at page 41 is referring to Joint Application Exhibit 1 – Site Assessment Report, pdf page 41, page marked 3-27 of that Exhibit. The language regarding a zoning change at that page was inadvertently included in the Site Assessment Report and is incorrect. The Companies are not pursuing a zoning change. Pursuant to KRS 100.324(1), the proposed Mercer County Solar Facility is exempt from local planning and zoning ordinances.

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**Question No. 20**

**Responding Witness: David L. Tummonds**

Q-20. Provide the planned setbacks for the project.

A-20. Setbacks included in the preliminary design are provided below.

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

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**Question No. 21**

**Responding Witness: Stuart A. Wilson**

- Q-21. Provide the cost benefit study for the project.
- A-21. In Case No. 2022-00402, the Commission issued a Certificate of Public Convenience and Necessity ("CPCN") for the Mercer County Solar Facility that is the subject of this site compatibility case. Please see pages 89-91 of the Commission's November 6, 2023 Order in Case No. 2022-00402 where the Commission stated, "Thus, the Commission finds that the Mercer Solar Facility and the Marion Solar Facility are needed to reduce costs and mitigate fuel price and regulatory risk and will not result in wasteful duplication, and therefore, finds that CPCNs should be granted for those facilities."

The Companies filed a cost benefit study called a "Resource Assessment" in Case No. 2022-00402 that covered all of the projects proposed in that case, including the Mercer County Solar Facility. Specifically, see the "2022 Resource Assessment" provided in response to JI 2-60a.