

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

**In the Matter of:**

**ELECTRONIC APPLICATION OF EAST )  
KENTUCKY POWER COOPERATIVE, INC. FOR )  
A CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY AND SITE COMPATIBILITY )  
CERTIFICATES FOR THE CONSTRUCTION OF )  
A 96MW (NOMINAL) SOLAR FACILITY IN )  
MARION COUNTY, KENTUCKY AND A 40MW )  
(NOMINAL) SOLAR FACILITY IN FAYETTE )  
COUNTY, KENTUCKY AND APPROVAL OF )  
CERTAIN ASSUMPTIONS OF EVIDENCE OF )  
INDEBTEDNESS RELATED TO THE SOLAR )  
FACILITIES AND OTHER RELIEF )**

**CASE NO.  
2024-00129**

**RESPONSES TO FAYETTE ALLIANCE’S SECOND INFORMATION REQUEST TO  
EAST KENTUCKY POWER COOPERATIVE, INC.**

**DATED JULY 5, 2024**



**EAST KENTUCKY POWER COOPERATIVE, INC.**  
**CASE NO. 2024-00129**  
**SECOND REQUEST FOR INFORMATION RESPONSE**

**FAYETTE ALLIANCE’S REQUEST DATED JULY 5, 2024**

**REQUEST 1**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 1.** Similar to the Company’s response to Commission Staff question no. 17, regarding the proposed Fayette County solar array, please identify the reasons why the Company has sought deviation from KRS 278.704(2) (the setback requirements of 1,000 and 2,000 feet) requesting a reduction of the setback to 450 feet.

**Response 1.** The project site is generally 3,000-feet in width. The requested deviation supports the generation capacity goal of 40MW, considering areas within the property limits that will be avoided; such as wetlands, streams, existing transmission lines, and a cemetery.

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**REQUEST 2**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 2.** In developing the solar array in Fayette County does the Company have projections for how much soil will be disturbed by the facility construction (e.g. cubic yards) and are there any plans for soil remediation when the site is decommissioned?

**Response 2.** At this time, EKPC has not issued the Engineering, Procurement, and Construction (EPC) contract. Once that contract is awarded, detailed design, which includes site grading and cut and fill quantities, will be developed. EKPC will minimize the amount of site grading, cut, and fill to keep construction costs low and limits of disturbances minimized.

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**REQUEST 3**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 3.** The USDA Natural Resources Conservation Service provided the attached maps, showing that a majority of the soils covered by this proposal are prime<sup>1</sup> or of statewide significance. Did the Company factor this into their evaluation, if so, please address how the Company did so?

**Response 3.** Objection to relevancy. This request for information is outside the criteria and requirements for this application. Without waiving said objection, EKPC considered and evaluated all siting based criteria as outlined in KRS 278.708 (3)-(4) for the Bluegrass Plains Solar project.

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**REQUEST 4**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 4.** In evaluating the site compatibility with scenic surroundings in the Bluegrass Plains SAR (Attachment PB-3), the Company says that solar panels are comparable to large greenhouses, which are accepted in the rural area (page 9 of SAR) in Lexington. Under LFUCG Zoning Ordinance for the Agricultural-Rural zone, Section 8-1, commercial greenhouses like those described are a conditional use, meaning they are not a by-right use of the land – requiring conditional use approval. Said greenhouses have to go through a rigorous approval process to evaluate if they are an appropriate land use in the location identified. Was the Company aware of the restrictions on commercial greenhouses when they made this analogy? Likewise, is the Company aware of any other commercial or utility owned solar arrays outside of Fayette County’s urban service boundary in an Agriculture Rural Zone within Fayette County?

**Response 4.** Objection to relevancy. This request is outside the criteria and requirements of this application. Without waiving said objection, the question misapplies the analogy in the Site Assessment Report to extrapolate a legal principle that plainly was not addressed by the SARs authors. The aforementioned reference to greenhouses was a direct quote from the Property Value

Impact Study, Appendix B of the Bluegrass Plains SAR. The reference appears to be a general reference related to property value impacts (comparing the impacts of solar farms to be comparable to greenhouses) and not specific to greenhouses constructed in Fayette County or land use regulations. EKPC does not employ experts in property appraisals. Consultants well versed in the field conducted the Property Value Impact Study and EKPC cannot speak to the knowledge of the consultant regarding local planning and zoning ordinances when it made the statement. EKPC does not have historic knowledge of commercial or utility owned solar arrays outside of the urban service boundary in an Agricultural Rural Zone.

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**REQUEST 5**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 5.** Does the Company believe that the proposed Fayette County solar array promotes agriculture and preserves the rural character of the agricultural service area? If so, how?

**Response 5.** Objection to relevancy. Without waiving said objection, consistent with the framework provided by KRS 100.324 and KRS 100.987, EKPC believes that the Bluegrass Plains Solar project complies with the site compatibility requirements outlined in KRS 278.708 and meets a clear demonstrated need while not being wasteful or duplicative.

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**REQUEST 6**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 6.** Does the Company have any plans or remediation plans in place to restore the land to agricultural use upon decommissioning of the solar array? Has the Company spoken to any soil experts about how this would be done? Have soil tests been done at the proposed site?

**Response 6.** Please refer to the response to LFUCG's first Data Request, Request 6 for decommissioning. Please refer to the response to Fayette Alliance's first Data Request, Request 11 for soil analysis.

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**REQUEST 7**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 7.** In developing the Fayette County solar array proposal does the Company believe that said proposal will not reduce real property values within a mile of the proposed site? If no, why not?

**Response 7.** Consultants well versed in the field of property evaluation conducted the Property Value Impact Study contained in Appendix B of the Site Assessment Report. That study asserts that the Bluegrass Plains Solar project will have no impact on the value of adjoining or abutting properties. Furthermore, the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) has found that utility scale solar projects do not have a negative impact on property values.<sup>[1]</sup>

<sup>[1]</sup> See, *Electronic Application of Horus Kentucky 1 LLC for a Certificate of Construction for an Approximately 125 Megawatt Merchant Electric Solar Generating Facility in Christian County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2023-00246, Order p. 12 (Ky. Siting Board March 8, 2024); *Electronic Application of Horus Kentucky 1 LLC for a Certificate of Construction for an Approximately 69.3 Megawatt Merchant Electric Solar Generating Facility in Simpson County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-

00417, Order (Ky. Siting Board Dec. 12, 2021); *Electronic Application of Turkey Creek Solar, LLC for a Construction Certificate to Construct an Approximately 50 Megawatt Merchant Solar Electric Generating Facility in Garrard County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-00040, Order (Ky. Siting Board Sept. 23, 2020); *Electronic Application of Glover Creek Solar, LLC for a Construction Certificate to Construct an Approximately 55 Megawatt Merchant Solar Electric Generating Facility in Metcalfe County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:100*, Case No. 2020-00043, Order, (Ky. Siting Board Sept. 23, 2020); *Electronic Application of Horseshoe Bend Solar, LLC for a Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Green County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-00190, Order, (Ky. Siting Board June 11, 2021); *Electronic Application of Mt Olive Cree Solar, LLC Certificate of Construction for an Approximately 60 Megawatt Merchant Electric Solar Generating Facility in Russell County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2020-00226, Order, (Ky. Siting Board Nov. 3, 2021); *Electronic Application of Unbridled Solar, LLC for a Certificate of Construction for an Approximately 160 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Transmission Line in Henderson and Webster Counties, Kentucky*, Case No. 2020-00242, Order, (Ky. Siting Board June 4, 2021); *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*, Case No. 2021-00029, Order, (Ky. Siting Board Nov. 15, 2021); *Electronic Application of Sebree Solar, LLC for a Certificate of Construction for an Approximately 250 Megawatt Merchant Electric Solar Generating Facility and Approximately 4.5 Mile Nonregulated Transmission Line in Henderson County and Webster County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2021-00072, Order, (Ky. Siting Board Feb. 9, 2022); *Electronic Application of Bluebird Solar, LLC for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility in Harrison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2021-00141, Order, (Ky. Siting Board Aug. 3, 2022); *Electronic Application of Blue Moon Energy, LLC for a Certificate of Construction for an Approximately 70 Megawatt Merchant Electric Solar Facility and Nonregulated Transmission Line in Harrison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Case No. 2021-00414, Order, (Ky. Siting Board Aug. 3, 2022).

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REQUEST 8

RESPONSIBLE PARTY: Patrick Bischoff

**Request 8.** Does the Company disagree with any of the following peer reviewed studies addressing the negative impact of solar arrays on property values, if so, why:

- (i) Leila Al-Hamoodah, *et. al.*, "An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations," LBJ School of Public Affairs, The University of Texas at Austin, May 2018, <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=468734>;
- (ii) Nino Bashidze, "Essays on Economic and Health Effects of Land Use Externalities," North Carolina State University Doctoral Dissertation, 2019, <https://repository.lib.ncsu.edu/server/api/core/bitstreams/a585c9e7-f45a-4989-8d86-87262d3c2c07/content> ;
- (iii) Vasundhara Gaur and Corey Long, "Property Value Impacts of Commercial-Scale Solar Energy in Massachusetts and Rhode Island," Department of Environmental and National Resource Economics, University of Rhode Island, September 29, 2020, <https://www.uri.edu/news/wp-content/uploads/news/sites/16/2020/09/PropertyValueImpactsOfSolar.pdf> ;

- (iv) Martijn E. Droes, Hans R.A. Koster, “Wind Turbines, Solar Farms, and House Prices,” May 23, 2021, <https://www.sciencedirect.com/science/article/pii/S0301421521001968> ;
- (v) Salma Elmallah, Ben Hoen, K. Sydney Fujita, Dana Robson, Eric Brunner, “Shedding Light on Large-scale Solar Impacts: An Analysis of Property Values and Proximity to Photovoltaics Across Six U.S. States, January 9, 2023, <https://www.sciencedirect.com/science/article/pii/S0301421523000101?via%3Dihub> ; and
- (vi) David Maddison, Reece Ogier, Allan Beltran, “The Disamenity Impact of Solar Farms: A Hedonic Analysis,” *Land Economic*, February 2023, 1-16. <https://research.birmingham.ac.uk/en/publications/the-disamenity-impact-of-solar-farms-a-hedonic-analysis>

**Response 8.** Objection. This request seeks a legal conclusion. Legal conclusions are reserved for arguments made in legal briefs, as opposed to the discovery process which is for fact gathering. Without waiving said objection, please see Response 7 of this data request and refer to the attached response letter titled, “*Response to KYSB Questions on Cooperative Solar Two.pdf*”.

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**REQUEST 9**

**RESPONSIBLE PARTY: Patrick Bischoff**

**Request 9.** In response to question 18 from the Commission Staff, the Company acknowledges that some neighboring landowners to the proposed solar array have expressed concern about the visual impact of the solar panels. The Company indicates that vegetative screening will mitigate this concern. Please provide detailed plans regarding the cost of the proposed vegetative screening, the proposed size, location and height of the vegetive screening, and the timing of the vegetative screening including how long it is anticipated for the vegetative screening to reach full height.

**Response 9.** Please refer to Exhibit 3, Attachment PB-3, Bluegrass Plains Site Assessment Report, page 13 of 193. The report states, “Wherever possible, the Project will retain tree cover to maintain compatibility with scenic surroundings, particularly at the site boundaries to mitigate viewshed impacts. A 15-ft vegetative buffer will be installed at property lines where existing tree or shrub cover is scant to provide screening of the project from nearby residential structures. A detailed Landscaping Plan will be developed as Project design progresses.”

Detailed design has not commenced on the project and further details for the vegetative screening will be prescribed in 2025 after the EPC contract has been awarded.