

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

In the matter of:	:	
ELECTRONIC APPLICATION OF EAST	:	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.	:	2024-00129
FOR A CERTIFICATES OF PUBLIC CONVENIENCE	:	
AND NECESSITY AND SITE COMPATIBILITY	:	
CERTIFICATES FOR THE CONSTRUCTION OF	:	
A 96 MW (NOMINAL) SOLAR FACILITY IN	:	
MARION COUNTY, KENTUCKY AND A 40 MW	:	
(NOMINAL) SOLAR FACILITY IN FAYETTE	:	
COUNTY, KENTUCKY AND APPROVAL OF	:	
CERTAIN ASSUMPTIONS OF EVIDENCES OF	:	
INDEBTEDNESS RELATED TO THE SOLAR	:	
FACILITIES AND OTHER RELIEF	:	

**FAYETTE ALLIANCE’S SUPPLEMENTAL REQUEST OF INFORMATION TO
EAST KENTUCKY POWER COOPERATIVE, INC.**

Comes the Fayette Alliance, Inc., (“FA”), 169 N. Limestone Ave., Lexington, Kentucky 40507, by counsel and intervener in this action, and respectfully requests the applicant, East Kentucky Power Cooperative, Inc. (the “Company”), to respond to the Supplemental Request of Information in accordance with the Order of Procedure entered herein.

Additional Instructions

A. Each request for information shall be accorded a separate answer on a separate piece of paper, and each subpart thereof shall be accorded a separate answer. Each request or subpart thereof shall be specifically admitted or denied, and information inquiries or subparts thereof should not be combined for the purpose of supplying a common answer.

B. Restate the information inquiry immediately preceding each response.

C. Identify the name, title, and business address of each person(s) providing each response and provide the data on which the response was created.

D. In answering these requests, utilize all information and documents that are available to you, including information in the possession of any of your agents, employees or attorneys, or otherwise subject to your custody or control.

E. If you object to any part of a request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

F. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a request, please explain your claim with sufficient specificity to permit FA to make a full determination as to whether your claim is valid.

G. In each instance, the request shall be construed so as to require the most inclusive answer or production.

H. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Please label the written material with the number of the request to which it pertains.

Definitions

As used in these Requests for Information, the following terms have the meaning as set forth below:

1. "You" or "your" means the Company or the witness, as the context requires.
2. "List", "describe", "explain", "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which the Company or its officers, employees, agents or representatives, have knowledge which is relevant to the answer called for by the request.

3. The terms "document" or "documents" as used herein shall have the same meaning and scope as in Rule 34 of the Kentucky Rules of Civil Procedure and shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, work papers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- (a) are now or were formerly in your possession, custody or control; or
- (b) are known or believed to be responsive to these requests, regardless of who has or formerly had custody, possession or control.

4. The terms "identify" and "identity" when used with respect to an entity mean to state its full name and the address of its principal place of business.

5. The term to "state the basis" for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefore, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

6. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the request any information or documents that might otherwise be construed to be outside their scope; "all" and "any" mean both "each" and "every".

7. The terms "relates to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

8. The term "including" means "including, but not limited to."

SUPPLEMENTAL REQUEST FOR INFORMATION OF FA

Q. 2-1 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.

Q. 2-2 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?

Q. 2-3 The USDA Natural Resources Conservation Service provided the attached maps, showing that a majority of the soils covered by this proposal are prime¹ or of statewide

¹ The USDA defines "prime" soils as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable

significance. Did the Company factor this into their evaluation, if so, please address how the Company did so?

Q. 2-4 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?

Q. 2-5 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?

Q. 2-6 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?

Q. 2-7 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?

Q. 2-8. 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

farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

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>

Q. 2-9. 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.

Respectfully submitted,

/s/Matt Malone

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CERTIFICATE OF SERVICE

I hereby certify that FA's July 5, 2024 electronic filing is a true and accurate copy of FA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on July 5, 2024 (and previously emailed to counsel for EKPC on July 4, 2024); that an original and one copy of the filing will not be mailed to the Commission given the pandemic orders; that there are currently no parties excused from participation by electronic service; and that, on July 5, 2024, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

ATTORNEY FOR FAYETTE ALLIANCE, INC.