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

In the Matter of:

ELECTRONIC APPLICATION OF WOOD)	
DUCK SOLAR LLC FOR A CERTIFICATE OF)	
OF CONSTRUCTION FOR AN APPROXIMATELY)	
100 MEGAWATT MERCHANT ELECTRIC)	
SOLAR GENERATING FACILITY AND)	Case No. 2024-00337
NONREGULATED ELECTRIC TRANSMISSION)	
LINE IN BARREN COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700 AND 807 KAR)	
5:110.)	

Application for Certificate of Construction

Wood Duck Solar LLC (the "Applicant" or "Wood Duck") files this application seeking from the Kentucky State Board on Electric Generation and Transmission Siting (the "Siting Board" or "Board") a certificate of construction for an approximately 100-megawatt (MW) merchant electric solar generating facility and nonregulated electric transmission line pursuant to KRS 287.704 and 278.714 (the "Application"). The generating facility and nonregulated transmission line for which the certificates are sought will be located in Barren County, Kentucky.

In support of the Application, the Applicant submits herewith Exhibits A-J. To assist the Board and interested persons in locating information required by various statues and regulations, the Applicant also submits herewith the Table of Contents required by 807 KAR 5:110 § 3(2)(b) and attaches hereto Indexes of Regulation Requirements, listing the requirements for a generation application and nonregulated transmission lines application and the principal place(s) each requirement is addressed in these Application materials. The facts on which the Application is based are contained in the concurrently filed exhibits, reports, and the statements further made by the Applicant as follows:

I. Applicant Information

1. Pursuant to KRS 278.706(2)(a) and 278.714(2)(a), the name, address, and telephone number of the person proposing to construct and own the merchant electric generating facility and nonregulated transmission line is as follows: Wood Duck Solar LLC; 1000 NC Music Factory Blvd., Suite C3, Charlotte, NC 28206. The Applicant's phone number is (980) 237-7926; and its email address is: woodduck@geenexsolar.com.

2. Wood Duck is a wholly-owned subsidiary of Geenex Solar LLC ("Geenex"), a leading national developer of utility-scale solar projects in the United States. Geenex's pipeline of more than 10 gigawatts (GW) of PJM-interconnected solar and storage projects range in size from 20 MW to 700 MW.

3. Pursuant to 807 KAR 5:100, Section 1, the necessary filing fee of \$110,000.00 was transmitted via USPS Certified Mail to the Siting Board on May 13, 2025, with an anticipated delivery date of May 17, 2025. This consists of \$100,000.00 for the generation application and \$10,000.00 for the nonregulated transmission line application.

II. Description of Proposed Site

4. The proposed Wood Duck Solar Project (the "Project") is a 100 MW solar facility capable of providing enough clean, renewable electricity to power approximately 20,000 Kentucky homes. Photovoltaic (PV) solar modules are used to convert sunlight into direct current (DC) electricity which is then converted to alternating current (AC) electricity through inverters. Transformers step up AC electricity to a higher voltage so that it can connect to the regional transmission grid.

5. Pursuant to KRS 278.706(2)(b), the Project is located on approximately 2,259 acres near Glasgow, Kentucky, in Barren County. The Project footprint, generally the area within the fence line where the Project infrastructure will be located, includes approximately 1,245 acres within the

larger Project site after site constraints and proposed setbacks. The site consists of 28 parcels secured from 15 landowners pursuant to real estate agreements with each landowner. Exhibit A contains the Project site plan, parcel map, and a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility. The current uses for the Project parcels are mostly agricultural and residential including row crop, harvested hay, and pastureland.

6. Pursuant to KRS 278.714(2)(b) and KRS 278.714(2)(c), the Project includes a single nonregulated electric transmission line. The proposed transmission line will start at approximate coordinates 37.024679°, -86.052131° and run east from the Project substation then south and east into the Bon Ayr substation owned and operated by East Kentucky Power Cooperative (EKPC) at approximate coordinates 37.023522°, -86.051393°. The total length of the transmission line is approximately 500 feet. The design voltage of the electric transmission line is 69 kilovolt (kV) and maintained within a proposed 50-foot right of way. The Project's substation parcel adjoins EKPC's Bon Ayr substation parcel, enabling the short length of this new transmission line. The proposed right of way will be within two parcels, Parcel 33-7A, owned by Savers Storage, and the adjacent EKPC substation parcel. The transmission line will be approximately 315 feet from the nearest participating residential structure and approximately 350 feet from the nearest nonparticipating residential structure. No schools or private parks exist within one mile of the proposed facility as shown in Exhibit A. Exhibit A shows the distance of the proposed transmission line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities. Exhibit A also shows the existing property lines and the names of persons who own the property where the proposed facilities will be built.

7. Pursuant to KRS 278.714(2)(d), the transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electrical Safety Code.

8. Approximately 99,714 linear feet of private access roads will be utilized within the facility and will be constructed of compacted aggregate (gravel). Roads will not exceed 16 feet (4.9 meters) in width, except for turning radii, which will not exceed 50 feet (15.2 meters) in radius. All entrances and driveways will comply with applicable design requirements for safe access and egress. The Project solar arrays will be secured with approximately 159,740 linear feet of perimeter fence, which will consist of a six-foot game style fence. Fixed lighting at the perimeter will be limited to gates and the substation area and will be motion-activated to minimize light spillage. The Project will utilize construction methods that minimize large-scale grading and removal of native soil. Clearing and grubbing will occur where necessary. Minimal grading may be required to level rough or undulating areas of the site and to prepare soils for concrete foundations for substation equipment and inverters. Access roads will also be grubbed, graded, and compacted. The site cut and fill will be appropriately balanced, with no anticipation of import/export necessary.

9. Project components will include a PV solar field consisting of PV solar panel modules mounted on metal structures and anchored to the ground with pilings. Panels will move to track the sun over the course of the day. Other components of the PV system include: an onsite substation, a DC collection system of underground and overhead cabling and combiner boxes, and power conversion stations with inverters, transformers, and emergency backup power to convert DC to AC. An underground and/or overhead collection system will be used to convey electricity from the solar array field to the substation. The Project will include an onsite transmission line,

fiber optic cable for communications underground or on overhead lines, and access ways. In addition, the Project will include, as necessary: an operation and maintenance ("O&M") building, parking area, and other associated facilities such as above-ground water storage tanks, security gate, and signage. During construction, the Project will include a temporary construction mobilization and laydown area for construction trailers, construction workforce parking, aboveground water and fuel tanks, materials receiving and materials storage.

10. The PV solar modules will be supported by steel piles driven into the soil. Piles are spaced approximately 10 to 20 feet apart, and the maximum height of the PV modules will be 15 feet. Modules will be oriented in rows running from north to south utilizing a single-axis tracking system. The modules will be connected using DC cables that can either be buried in a trench or attached to the racking system. The DC cables gather at the end of racking systems to combiner boxes which are connected to cables routing to an inverter. The racking system will be supported by approximately 28,512 steel posts installed with a combination of pile-driving machines and augers. The center height of the racking structures will be approximately 4 feet (1.2 meters) to 6.8 feet (2.1 meters) above the ground. The spacing between array rows is estimated to be approximately 10 to 18 feet.

11. Approximately 35 inverters will be installed throughout the Project to convert the DC power from the 1,500 volt DC collection system to AC power, which will be stepped up to 34.5 kV by transformers and then transmitted to the Project substation via the 34.5 kV AC collection system. The AC collection system will include underground and overhead segments. Underground segments of the AC collection system will be buried a minimum of 3 feet (0.9 meters) below grade; and overhead portions will not exceed a maximum height of 45 feet (13.7 meters) above grade. The AC collection system will be comprised of medium voltage (MV) cable that will transfer

electricity to the Project substation. Approximately 59,141 linear feet of collection system cables would be installed throughout the Project. Collection cables are congregated into common trenches and run adjacent to one another. All electrical inverters and the transformer will be placed on concrete foundations or steel skids.

12. The Project will require one substation that will include one 110-mega volt ampere (MVA) transformer and control building foundation. Concrete pads will be constructed as foundations for substation equipment, and the remaining area will be graveled. Concrete for foundations will be brought on-site from an external batching plant. The substation area will serve as the general parking area for permanent employees and contain all necessary equipment to step up incoming MV electricity to the high voltage electricity necessary to interconnect into the existing Bon Ayr substation owned and operated by EKPC transmission system. The proposed transmission line will be located entirely within the Project and existing substation properties, and will be constructed by the Applicant. EKPC will be responsible for any additional transmission equipment located within the EKPC substation for the Project. It is anticipated that the gen-tie poles and substation components will not exceed 85 feet (25.9 meters) above grade.

III. Public Notice Evidence

13. Pursuant to KRS 278.706(2)(c) and KRS 278.714(2)(e), notices were transmitted to adjoining landowners via U.S. certified mail on April 24, 2025, to provide notice of the pending application. A copy of the adjacent landowner form letter and a list of addresses and names of those landowners who were provided notice are contained in Exhibit B. Notice of the pending application was also published in the <u>Barren County Progress</u> on April 23, 2025. Scanned copies of the notice of application that were published in the <u>Barren County Progress</u> are contained in Exhibit B.

IV. Compliance with Local Ordinance and Regulations

14. Pursuant to KRS 278.706(2)(d), the Project is in Barren County, Kentucky. Section 503.1.5 of the Subdivision Regulations of Barren County, Kentucky, requires that Solar Production Farm structures adhere to 50 foot front yard, 10 foot side yard, and 20 foot rear yard setback requirements. The Applicant certifies that the Project will comply with all local ordinances and regulations concerning noise control and with any applicable local planning and zoning ordinances. A statement certifying these facts is enclosed as Exhibit C.

V. Setback Requirements

15. Pursuant to KRS 278.706(2)(e), the Project is not located on the site of a former coal processing plant, will not use any onsite waste coal as a fuel source, and will not include any exhaust stacks or wind turbines as part of the facility. Barren County has established setback requirements for this location, per the information provided above in Section IV. The proposed site is designed to be compatible with locally-established setback requirements.

16. There are eight residential neighborhoods (as defined by KRS 278.700(6)) within two thousand (2,000) feet of the Project's facilities.

VI. Public Notice Report

17. Pursuant to KRS 278.706(2)(f), the Applicant has made a substantial effort to engage the public in numerous ways regarding the Project. The Applicant created a Project website to publish information about the Project, answer common questions, and to provide an email (<u>https://www.woodducksolar.com</u>) and telephone number for feedback. In all communications, Wood Duck has endeavored to be transparent regarding the specifics of the proposed Project.

18. As part of the Applicant's proactive preapplication process, an open house meeting on the Project was held on August 22, 2024, at the Cave City Convention Center. The open house

invitation flyer and attendance sheet are enclosed as Exhibit B. On August 7, 2024, packets containing information about the Project were mailed to adjacent property owners (Exhibit B).

19. On January 15, 2025, the Applicant mailed packets containing information about the Project and upcoming public information meeting to adjacent property owners and published a public notice in the <u>Barren County Progress</u> (Exhibit B). The Applicant held its public information meeting for the Project on February 4, 2025, at the Cave City Convention Center.

20. During the public information meeting, attendees were shown enlarged satellite images showing the exact location of the proposed solar array and the proposed Project layout. Information boards with technical experts were also available for viewing and discussion on other topics including environmental health and safety of PV, landscape and screening plans, and the impact of solar projects on property values and community economics. Presentation materials are enclosed as Exhibit B. Experts who were present at the public meeting and available to answer questions from attendees included: Kelley Pope, Director of Development, Geenex; Aron Caudill, Land Development & Regenerative Agriculture Director, Geenex; and Chad Martin, Senior Principal - Environmental Permitting and Planning, Stantec.

21. Table 1 below provides a brief description of other public involvement activities, in addition to the public meeting and various outreach activities/meetings with local stakeholders, undertaken prior to the submission of this Application. Wood Duck Solar will continue these efforts and will participate in any public notice, comment, and hearings which may be initiated as part of ongoing permitting activities.

DATE	ORGANIZATION	ACTIVITY/INVOLVEMENT
June 2019	Center for Energy Education	Sponsorship, "Train the Trainer for Teachers"
Sept. 2020	Center for Energy Education	Sponsorship, "Landowner meeting held at the Rescue Squad
Summer 2020	Center for Energy Education	Sponsorship, "Renewable Energy Summer Camp"

Table 1. Public Involvement Activities

Summer 2021	Center for Energy Education	Sponsorship, "Train the Trainer for Teachers"
Summer 2021	Center for Energy Education	Sponsorship, "Renewable Energy Summer Camp"
Nov. 2021	Center for Energy Education	Sponsorship, "Solar 101 Education Workshop"
May 2022	Barren County Chamber of Commerce	Joined Chamber and have renewed annually.
June 2022	Boys & Girls Club	Sponsorship, Charity Golf Scramble
June 2022	Center for Energy Education	Sponsorship, "Solar 101 Education Workshop"
Sept. 2022	Center for Energy Education	Sponsorship and host, "Public Officials Workshop"
Sept. 2022	Land & Liberty Coalition	Sponsorship, Community Dinner
Dec. 2022	Barren County	Sponsorship, Christmas Parade
Jan. 2023	Barren County Chamber of Commerce	Attendee, Coffee and Commerce event
Feb. 2023	Barren County Chamber of Commerce	Annual dinner, Silver Package Donor
June 2023	Geenex	Quarter Mile - Door Knocking Campaign to adjacent property owners
June 2023	Geenex	Wood Duck Solar Project website launched.
Oct. 2023	Beautify Barren County	Donor
Oct. 2023	BC Engineering	Donation to BC Engineering for Leah's Alarm system for Barren County High School
Summer 2024	Barren County Chamber of Commerce	Sponsorship, "Biz Bash" event
Aug. 2024	Geenex	Public meeting
Nov. 2024	Helping the Hardworking	Donor
Feb. 2025	Geenex	Public Information Meeting

VII. Efforts to Locate Near Existing Electric Generation

22. Consistent with KRS 278.706(2)(g), Wood Duck has made efforts to locate the Project on adjoining, or in proximity to the location of existing electric generating facilities. For solar projects like Wood Duck Solar, key factors for site selection are favorable geography, willing landowner participation, and access to transmission lines. The land needed to site Wood Duck Solar was not available on or adjoining to an existing electric generation facility. However, Wood Duck selected a location in proximity to an existing transmission line. The Project's point of interconnection at the proposed Bon Ayr substation, located within the Project boundary, allows the Project to interconnect at the preferred voltage of 69 kV and utilize an existing transmission line owned and operated by the EKPC. Information on EKPC's studies of the interconnection cost and

infrastructure are included in the Feasibility Study and System Impact Study, enclosed as Exhibit E.

VIII. Proof of Service to County and Municipality Officials

23. Pursuant to KRS 278.706(2)(h) and KRS 278.714(2)(f), a copy of the Siting Board application for Wood Duck Solar was hand delivered, and electronically transmitted, to the Judge-Executive of Barren County, Jamie Bewley Byrd, and Kevin Myatt, Planning Director of the Joint City-County Planning Commission of Barren County ("Planning Commission") on May 19, 2025. Proof of service is enclosed as Exhibit D.

IX. Effect on Kentucky Electricity Generation System

24. Pursuant to KRS 278.706(2)(i), an analysis of the proposed solar generating facility's projected effect on the electricity transmission system is provided in Exhibit E.

X. Effect on Local and Regional Economies

25. Pursuant to KRS 278.706(2)(j), an Economic Impact Study was completed for the Project by Paul A. Coomes, Ph.D., and is included in Exhibit F. As the report demonstrates, utility-scale solar energy projects have numerous economic benefits. Solar installations create job opportunities in the local area during both the short-term construction phase and the long-term operational phase. In addition to the workers directly involved in the construction and maintenance of the solar energy project, numerous other jobs are supported through indirect supply chain purchases and the higher spending that is induced by these workers. Solar projects strengthen the local tax base and help improve county services and local infrastructure such as public roads.

26. Operation of the Project would provide a net economic contribution to Barren County of \$2.4 million over the Project's 40-year lifespan. During the construction period, the Project is

estimated to support (direct and spinoff) 323 jobs and \$20.2 million in new labor compensation. During the operational phase of the Project, 3.2 direct jobs are anticipated to be created.

27. The Applicant retained Kirkland Appraisals, LLC, to prepare a Property Value Impact Study to assess potential effects of the Project on nearby property values, and it is enclosed as Exhibit G. The matched pair analysis shows no impact on home values due to abutting or adjoining a solar farm as well as no impact to abutting or adjacent vacant residential or agricultural land where the solar farm is properly screened and buffered.

XI. Record of Environmental Violations

28. Pursuant to KRS 278.706(2)(k), neither the Applicant, nor any entity with ownership interest in the Project, has violated any state or federal environmental laws or regulations. There are no pending actions, judicial or administrative, against the Applicant nor any entity with ownership interest in the Project.

XII. Site Assessment Report

29. Pursuant to KRS 278.706(2)(l), the site assessment report is being contemporaneously filed herewith; please see the separate document titled "Wood Duck Solar, Kentucky State Board on Electric Generation and Transmission Siting Application, Site Assessment Report, Case No. 2024-00337", and enclosed as Exhibit H.

XIII. Decommissioning Plan

30. Pursuant to KRS 278.706(2)(m), the decommissioning plan is being contemporaneously filed herewith; please see the separate document titled "Decommissioning Plan Wood Duck Solar Project, Barren County, Kentucky", and enclosed as Exhibit I.

31. Per KRS 278.704(3), decommissioning requirements established by a planning and zoning commission for a facility in an area over which it has jurisdiction shall have primacy over statutory

decommissioning requirements, and such requirements are not subject to modification by the Board.

32. Article 511 of the Subdivision Regulations of Barren County, Kentucky ("Regulations"), contains decommissioning requirements for a solar energy system (SES) to include a declaration of the party (or parties) responsible for decommissioning to remove of all components and accessories, not to exceed 12 months in length for removal, and restoration of all cleared areas within the proposed SES to a condition reasonably similar to its condition prior to SES development, including replacement of top soil removed or eroded.

33. As noted in the Planning Commission's December 18, 2023, meeting minutes, attached here as Exhibit J, the Applicant's decommissioning plan submittal meets the requirements of Article 511 of the Regulations.

Dated this 19th day of May 2025.

Respectfully submitted,

Gregory T. Dutton Kathryn A. Eckert Pierce T. Stevenson **FROST BROWN TODD LLP** 400 W. Market Street, 32nd Floor Louisville, KY 40202 (502) 589-5400 (502) 581-1087 (fax) gdutton@fbtlaw.com keckert@fbtlaw.com pstevenson@fbtlaw.com Counsel for Wood Duck Solar LLC

Statutory/Regulation Requirements Merchant Electric Generation Facility Certificate

KRS 278.	Description	Filing
<u>278.706(2)(a)</u>	The name, address, and telephone number of the person proposing to construct and own the merchant generating facility.	Application ¶ 1-3
<u>(2)(b)</u>	A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility	Application ¶¶ 4-12, Exh. A
<u>(2)(c)</u>	Evidence of public notice that shall include the location of the proposed site and a general description of the project, state that the proposed line is subject to approval by the board, and provide the telephone number and address of the Public Service Commission. Public notice shall be given within thirty (30) days immediately preceding the application filing to: Landowners whose property borders the proposed site; and The general public in a newspaper of general circulation in the county or municipality in which the facility is proposed to be located.	Application ¶ 13, Exh. B
<u>(2)(d)</u>	A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances. The statement shall also disclose set back requirements established by the planning and zoning Commission as provided under KRS 278.704(3).	Application ¶ 14, Exh. C
<u>(2)(e) [1st]</u>	If the facility is not proposed to be located on a site in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement thatall proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility	Application ¶¶ 15-16
<u>(2)(e) [2nd]</u>	If the facility is proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5).	Application ¶¶ 15-16

<u>(2)(e) [3rd]</u>	If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is in compliance with those established setback requirements.	Application ¶¶ 15-16, Exh. J
<u>(2)(f)(1)</u>	A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including: The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it.	Application ¶¶ 17-21, Exh. B
<u>(2)(f)(2)</u>	Evidence that notice of the time, subject, and location of the meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting.	Application ¶¶ 18-19, Exh. B
<u>(2)(f)(3)</u>	Any use of media coverage, direct mailing, fliers, newsletters, additional public meetings, establishment of a community advisory group, and any other efforts to obtain local involvement in the siting process.	Application ¶¶ 20-21, Exh. B
<u>(2)(g)</u>	A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located.	Application ¶ 22
<u>(2)(h)</u>	Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed line is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the general area in which the line is proposed to be located.	Application ¶ 23, Exh. D
<u>(2)(i)</u>	An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky.	Application ¶ 24, Exh. E
<u>(2)(j)</u>	An analysis of the proposed facility's economic impact on the affected region and the state.	Application ¶¶ 25-27, Exh. F
<u>(2)(k)</u>	A detailed listing of all violations by it, or any person with an ownership interest, of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, where violations have resulted in criminal convictions or civil or administrative fines exceeding five thousand dollars (\$5,000). The status of any pending action, whether judicial or administrative, shall also be submitted.	Application ¶ 28

<u>(2)(l)</u>	A site assessment report as specified in KRS 278.708.	Application ¶ 29, Exh. H
<u>278.706(2)(m)</u>	A decommissioning plan as specified in KRS $278.706(2)(m)(1) - (7)$.	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(1)</u>	Unless otherwise requested by the landowner, remove all above-ground facilities;	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(2)</u>	Unless otherwise requested by the landowner, remove any underground components and foundations of above-ground facilities. Facilities removed under this subparagraph shall be removed to a depth of three (3) feet below the surface grade of the land in or on which the component was installed, unless the landowner and the applicant otherwise agree to a different depth;	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(3)</u>	Return the land to a substantially similar state as it was prior to the commencement of construction;	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(4)</u>	Unless otherwise requested by the landowner, leave any interconnection or other facilities in place for future use at the completion of the decommissioning process;	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(5)</u>	Secure a bond or other similar security for the project to assure financial performance of the decommissioning obligation, provided that:	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(5)(a)</u>	The amount of the proposed bond or similar security shall be determined by an independent, licensed engineer who is experienced in the decommissioning of solar electric generating facilities and has no financial interest in either the merchant electric generating facility or any parcel of land upon which the merchant electric generating facility is located. The proposed amount of the bond or similar security shall be either:	
	The net present value of the total estimated cost of completing the decommissioning plan, less the current net salvage value of the merchant electric generating facility's components; or	Application ¶¶ 30-33; Exh. I, J
	The bond amount required by a county or municipal government that has established a decommissioning bond requirement or similar security obligation in the county or municipality where the merchant electric generating facility will be located. If the facility will be located in more than one (1) county or municipality that has established a decommissioning bond or similar security	

	obligation, then the higher amount shall be required for the	
	facility;	
<u>(2)(m)(5)(b)</u>	The bond or other similar security names:	
	For property that is leased by the applicant, each landowner from whom the applicant leases land and the Energy and Environment Cabinet as the primary co- beneficiaries; or For property that is owned by the applicant, the Energy and Environment Cabinet as the primary beneficiary:	Application ¶¶ 30-33; Exh. I, J
(2)(m)(5)(c)	If the merchant electric generating facility is to be located	
<u>(2)(III)(3)(C)</u>	in a county or municipality that has not established a decommissioning bond or other similar security obligation, the bond or other similar security shall name the county or municipality as a secondary beneficiary with the county's or municipality's consent;	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(5)(d)</u>	The bond or other similar security shall be provided by an insurance company or surety that shall at all times maintain at least an "Excellent" rating as measured by the AM Best rating agency or an investment grade credit rating by any national credit rating agency and, if available, shall be noncancelable by the provider or the customer until completion of the decommissioning plan or until a replacement bond is secured; and	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(5)(e)</u>	The bond or other similar security shall provide that at least thirty (30) days prior to its cancellation or lapse, the surety shall notify the applicant, its successor or assign, each landowner, the Energy and Environment Cabinet, and the county or city in which the facility is located of the impending cancellation or lapse. The notice shall specify the reason for the cancellation or lapse and provide any of the parties, either jointly or separately, the opportunity to cure the cancellation or lapse prior to it becoming effective. The applicant, its successor, or its assign, shall be responsible for all costs incurred by all parties to cure the cancellation or lapse of the bond. Each landowner, or the Energy and Environment Cabinet with the prior approval of each landowner, may make a demand on the bond and initiate and complete the decommissioning plan.	Application ¶¶ 30-33; Exh. I, J
<u>(2)(m)(6)</u>	Communicate with each affected landowner at the end of the merchant electric generating facility's useful life so that any requests of the landowner that are in addition to the minimum requirements set forth in this paragraph and in addition to any other requirements specified in the lease with the landowner may, in the sole discretion of the	Application ¶¶ 30-33; Exh. I, J

	applicant or its successor or assign, be accommodated; and	
<u>(2)(m)(7)</u>	Incorporate the requirements of paragraphs (m)1. to 6. of this subsection into the applicant's leases with landowners	Application ¶¶ 30-33; Exh. I, J
<u>278.704(2)</u>	Except as provided [by locally-established setback requirements or through a deviation granted pursuant to KRS 278.704(4)] all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility.	Application ¶¶ 30-33; Exh. C, J
<u>.704(3)</u>	If the merchant electric generating facility is proposed to be located in a county or a municipality with planning and zoning, then setback requirements from a property boundary, residential neighborhood, school, hospital, or nursing home facility may be established by the planning and zoning commission.	Application ¶ 15-16, Exh. J
<u>278.708(1)</u>	A site assessment report as required under KRS 278.706(2)(1)	Exh. H
<u>(2)</u>	A site assessment report prepared by the applicant or its designee.	Exh. H
<u>.708(3)(a)</u>	A description of the proposed facility that shall include a proposed site development plan that describes:	SAR ¶¶ 1-15; Att. A, B, C
<u>(3)(a)(1)</u>	Surrounding land uses for residential, commercial, agricultural, and recreational purposes;	SAR¶7, Att. B
<u>(3)(a)(2)</u>	The legal boundaries of the proposed site;	SAR ¶ 8, Att. C
<u>(3)(a)(3)</u>	Proposed access control to the site;	SAR ¶¶ 9-11, Att. A
<u>(3)(a)(4)</u>	The location of facility buildings, transmission lines, and other structures;	SAR ¶¶ 9-10, Att. A
<u>(3)(a)(5)</u>	Location and use of access ways, internal roads, and railways;	SAR ¶¶ 10-11, Att. A
<u>(3)(a)(6)</u>	Existing or proposed utilities to service the facility;	SAR ¶ 12, Att. A
<u>(3)(a)(7)</u>	Compliance with applicable setback requirements as provided under KRS 278.704(2), (3), (4), or (5); and	SAR¶13
<u>(3)(a)(8)</u>	Evaluation of the noise levels expected to be produced by the facility.	SAR ¶¶ 14-15, Att. D
<u>(3)(b)</u>	An evaluation of the compatibility of the facility with scenic surroundings;	SAR ¶¶ 16-17; Att. B, E, F, G

<u>(3)(c)</u>	The potential changes in property values and land use resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the facility;	SAR ¶ 18, Att. B
<u>(3)(d)</u>	Evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; and	SAR ¶¶ 19-30, Att. D
<u>(3)(e)</u>	The impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility.	SAR ¶¶ 31-33, Att. H
<u>(4)</u>	The site assessment report shall also suggest any mitigating measures to be implemented by the applicant to minimize or avoid adverse effects identified in the site assessment report.	SAR ¶¶ 34-45; Att. A, E, F, G

Statutory/Regulation Requirements Nonregulated Electric Transmission Line Certificate

KRS 278.714	Description	Filing
<u>(2)(a)</u>	The name, address, and telephone number of the person proposing construction of the nonregulated electric transmission line or the carbon dioxide transmission pipeline.	Application ¶ 1-3
<u>(2)(b)</u>	 A full description of the proposed route of the electric transmission line or the carbon dioxide transmission pipeline and its appurtenances. The description shall include a map or maps showing: The location of the proposed line or pipeline and all proposed structures that will support it; The proposed right-of-way limits; Existing property lines and the names of persons who own the property over which the line or pipeline will cross; and The distance of the proposed electric transmission line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities. 	Application ¶ 6, Exh. A
<u>(2)(c)</u>	 With respect to electric transmission lines, a full description of the proposed line and appurtenances, including the following: Initial and design voltages and capacities; Length of line; Terminal points; and Substation connections. 	Application ¶ 6, Exh. A
<u>(2)(d)</u>	A statement that the proposed electric transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code.	Application ¶ 7
<u>(2)(e)</u>	Evidence that public notice has been given by publication in a newspaper of general circulation in the general area concerned. Public notice shall include the location of the proposed electric transmission line or carbon dioxide pipeline, shall state that the proposed line or pipeline is subject to approval by the board, and shall provide the telephone number and address of the Public Service Commission.	Application ¶ 13, Exh. B
<u>(2)(f)</u>	Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed electric transmission line or carbon dioxide transmission pipeline is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the general area in which the line or pipeline is proposed to be located.	Application ¶ 23, Exh. D