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

IN THE MATTER OF:

ELECTRONIC APPLICATION OF LOST CITY RENEWABLES LLC FOR A CERTIFICATE OF CONSTRUCTION FOR AN APPROXIMATELY 250 MEGAWATT MERCHANT ELECTRIC SOLAR GENERATING FACILITY IN MUHLENBERG COUNTY, KENTUCKY PURSUANT TO KRS 278.710 AND 807 KAR 5:110	)))))))	CASE NO. 2024-00406

REPLY TO LOST CITY RENEWABLE'S RESPONSE TO BRIEF OF INTERVENORS

The Intervenors, for their Reply Brief incorporate by reference the observations and arguments set forth in their initial Brief previously filed. The failures of applicant to address numerous mattes in their application important to the Siting Board reaching its ultimate conclusion are glaring. Those failures will be briefly addressed below.

I. STATUTORY SETBACKS

Applicant analyzed the statutory setbacks in a way, as it admits, does not require any setbacks whatsoever. As has been previously set forth, applicant's position, if it is accepted, totally ignores legislative pronouncements made in an effort to protect current residents of an area from the adverse consequences of the construction of an industrial scale solar farm.

Likewise, applicant gives a strained interpretation to the statutory definition of a residential neighborhood. The statutes requiring setbacks from residential neighborhoods say nothing about lot sizes. That statute merely refers to five (5) residences within an area of five

(5) acres. To accept applicant's definition, there would essentially never be a residential neighborhood in a rural area. The plain language of the statute should be followed.

After having been challenged on the setback requirements, applicant requests a deviation from the setback requirements for the first time in its brief/. The application filed on behalf of Lost City clearly states no deviation is needed.

Lastly, whether or not applications have been granted by the Siting Board in the past with lesser setbacks is irrelevant. As the members of the Siting Board are undoubtedly aware, very seldom are do neighboring property owners intervene to protect their way of life. More than likely, most lack the resources or have become so frustrated with the process and applicant's constant harangues that neighboring property owners believe that a project is a "done deal" or there is "nothing you can do about it."

II. IMPACT ON SURROUNDING AREAS

Applicant in its Brief alleges representatives have spoken to the public and neighboring landowners/residents and have adjusted their design to address these concerns. As had been set forth by the numerous comments, and as is demonstrated with the position taken by the intervenors in their cross-examination of applicant's witnesses, this is literally not true. Applicant's proposed setbacks to homes/residential neighborhoods are entirely too close. Applicant demonstrates no real plan to screen the panels on hillside from the view of their neighbors and the travelling public. When reviewed, applicant has provided little plan to deal with the noise.

Applicant contends that it is only clearing 0.39 percent of the forested land in the entire county for its project. Clearly, this is a significant amount of land for a solar project. As was pointed out, applicant did not consider other areas where less clearing was required. The

clearing of trees is not a slight impact. All are aware there can be no trees there for the 30–50 year life of the project, and then it will take minimally 30 years before any replanted trees are mature. Such a plan should not be approved.

As has been pointed out, applicant's buffer does not account for the topography of the site. Short shrubs will do nothing to shield the sight from the neighbors' view or reduce the glare the neighbors experience.

Applicant would have the Board believe the clearing of 609 acres of trees will minimally impact wildlife populations. While some focus has been given to the deer population, other wildlife—likely some of it endangered and unique to the area—will be adversely affected as well. It is the burden of the applicant to address those issues. Even after those issues have been identified for the applicant, they have still not been addressed.

The intervenors and their numerous neighbors who have commented, chose the location of their residences for various reasons. Some of those reasons as described in the comments, include generations of the same family living in the area. Others chose to move there for the same reasons generations of a family have stayed there: the trees, rolling hills, opportunity to view wildlife, and the serenity of the area. They chose to stay or move there long before a sea of solar panels was proposed, and as the comments have described and applicant's experts recognize, no one is there for solar panels in their backyard. Further, applicant's experts concede the best way to protect intervenors and others similarly situated is with setbacks.

As has been pointed out, the Kirkland report tries to compare true rural settings to areas where there are already negative impacts. In those areas, lesser proposed setbacks might work and have a less-adverse impact upon the surrounding residences. Here, in this rural setting, lesser setbacks do not work. People continue to live and continue to move into these rural

settings to enjoy the true rural nature of their homes, not to accept burdens on their property, including the view of a large solar farm. This project, if approved as applicant requests, eliminates the aesthetic intervenors and their neighbors have enjoyed for years.

III. TRAFFIC IMPACT

Clearly, applicant did not take into consideration the traffic impact of the tree removal, which is a major part of their project. In its post-hearing RFI, applicant estimated that there would be 9–14 pieces of equipment on site until removal of the 609 acres of timber is complete, 1,220 trucks leaving the site intermittently for six to nine months, estimated to be from **five to eight trucks <u>daily</u>**. Those are in addition to the existing traffic and the large trucks already utilizing the narrow county roads for agricultural and delivery purposes.

IV. IMPACT ON PROPERTY VALUES

Upon review, the report of Elliott Engineering affirming Kirkland's study makes various assumptions. The Elliott report assumes the data and information in the appraisal were factually accurate, and complete with no omissions of data which might affect the reviewer's conclusions. Kirkland's own testimony confirms those assumptions by Elliott are not correct. Kirkland omitted crucial facts that would alter the analysis. He clearly ignored information regarding Muhlenberg County and the surrounding areas. Kirkland's reliance on solar farms in industrial areas of Indiana and Virginia as being comparable do not account for the rural nature of Muhlenberg County.

V. NOISE

Applicant indicates construction activities and deliveries will be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. Clearly, 7:00 a.m. on a weekend morning is unacceptable. On the weekdays, 7:00 a.m. is also early as people are preparing for their day

and getting ready for work, just to still be bombarded by the construction noise until 7:00 p.m. when they return home. Those 12-hour days are truly no limitation and are meager efforts to recognize and mitigate the inconvenience which the neighbors will endure.

Then, once the solar farm is operational, neighbors will experience a constant hum, depriving them of one of the joys of the peace and quiet of rural living.

VI. TIMBER

Applicant's economist indicates his analysis does not account for the timber removal. No one has provided any reason for 609 acres of timber to be removed when all are aware portions of Muhlenberg County previously destroyed are available for development and would require no removal of timber; and as Dr. Coomes testified, creating more economic benefit to the state and the community. The meager analysis associated with the timber fails to provide economic data as support so that any conclusions can be made by the Board.

VII. MITIGATION MEASURES

As has been previously pointed out, Lost City's mitigation measures are woefully inadequate. That inadequacy has been addressed in detail. When a rural way of life is being replaced by an industrial facility which will destroy 609 acres of standing timber, little can be done to mitigate the adverse effects. It is clear, given the topography of the area, the numerous waterways, the flooding, the flooding hazards in various parts of the proposed site, and the necessity to construct 10.5 miles of transmission line, little can be done to mitigate the adverse effects on a large area of southern Muhlenberg and north Logan Counties

VIII. COMPLIANCE HISTORY

Lost City's statement regarding its compliance history is misleading. Lost City has no compliance history. In fact, as has been previously addressed, Lost City's principal has never

completed a project. Consequently, Lost City and its principal can demonstrate no compliance history whatsoever.

IX. RESPONSE TO MOTION TO STRIKE

Lost City moves to strike comments made by some of the intervenors after the date of intervention. Intervenors have been reminded comments using the public process should not be submitted. Nevertheless, the intervenors are passionate about their way of life and its proposed destruction. The comments of the intervenors made after the date of intervention do not prejudice the applicant. Striking any comments following the date of intervention is not necessary. The members of the Siting Board are aware of the applicable rules and can give appropriate weight to all comments, voluminous in nature, which have been made in opposition to this project.

X. CONCLUSION

For the reasons set forth above and previously, the application should be denied, or minimally the statutory setback requirements enforced. Further, any comment by an intervenor made after intervention was authorized should remain a part of the record.

Respectfully submitted this 3rd day of July, 2025.

/s/ Harold Mac Johns
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CERTIFICATE OF SERVICE

This is to certify that on July 3, 2025, a true and accurate copy of the foregoing document was electronically filed to the PSC site with a copy electronically mailed to the following:

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