

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

In the Matter of:)	
)	
In the Matter of the Application of Summer Shade Solar, LLC for a Certificate of Construction for an approximately 106-Megawatt Merchant Electric Solar Generating Facility in Metcalfe County, Kentucky pursuant to KRS 278.700, et seq., and 807 KAR 5:110)	Case No. 2025-00064

**SUMMER SHADE SOLAR, LLC’S
RESPONSE TO CONSULTANT’S REPORT**

Summer Shade Solar, LLC (“Summer Shade”) appreciates the time and effort BBC has spent on reviewing information related to this project. In its Site Assessment Review filed with the Siting Board on August 14, 2025, BBC generally recommended “that the Siting Board approve the application for a certificate to construct based on the siting considerations addressed in this review.” Summer Shade generally agrees with the content of the report and finds the suggested mitigation measures to be manageable. It likewise recommends the Siting Board approve the certificate to construct the facility.

BBC also noted that the Siting Board must determine whether any of the areas within 2,000 feet of the project qualify as “residential neighborhoods” as defined by KRS 278.700. Summer Shade provided a detailed explanation of its position that none of the surrounding areas were “residential neighborhoods” in its Motion Regarding Setbacks filed on May 16, 2025, and provided additional information in responses to Items 21 and 23 of the first request for information and Items 38 and 39 of the second request for information. As requested in its Motion Regarding Setbacks, Summer Shade seeks an order from the Siting Board confirming

that the setback requirements of KRS 278.704(2) do not apply to the Summer Shade Project or,
in the alternative, to grant a deviation from the setback requirements of KRS 278.704(2)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Todd Osterloh", with a stylized, looped flourish at the end.

STURGILL, TURNER, BARKER & MOLONEY, PLLC

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