

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

In the Matter of:

ELECTRONIC APPLICATION OF EXIE SOLAR, LLC)
FOR A CERTIFICATE OF CONSTRUCTION FOR)
AN APPROXIMATELY 110 MEGAWATT MERCHANT)
ELECTRIC SOLAR GENERATING FACILITY AND) Case No. 2025-00151
NONREGULATED ELECTRIC TRANSMISSION LINE)
IN GREEN COUNTY, KENTUCKY)

RESPONSE TO CONSULTANT’S REPORT

Exie Solar, LLC (“Applicant” or “Exie”) provides the following response to the Review and Evaluation of Exie Solar, LLC Site Assessment Report Case Number: 2025-00151 by BBC Research & Consulting (“BBC Report” or “Report”). Exie appreciates the thorough review and analysis of its proposed generation facility and transmission line (“Project”). Exie generally agrees with the Report recommendations, with Applicant’s comments and own recommended clarifications as follows.

I. Comments and Clarifications

Exie wants to provide certain comments and clarifications to the BBC Report’s description of the Application, its supporting documents, and other filings contained in the instant matter.

A. Residential Neighborhoods and Setbacks.

The Report discusses the identification of KRS 278.700 Residential Neighborhoods (“Residential Neighborhoods”) in Applicant’s pending Motion for Deviation (“Motion”). Page 2, Section B; see also Section C, Page 13. The Report states that Exie clarified in its Motion that the areas along Liletown Road are not Residential Neighborhoods as the nearest residence is located more than 2,000 feet from generating equipment and because the clusters cannot reasonably be connected into a contiguous populated area of at least 5 acres. This mischaracterizes both the

information in the Motion and Exie’s responses to data requests. As discussed in Response No. 38 to Siting Board Staff’s Second Request for Information, the two Residential Neighborhoods initially identified the Application and Motion still both meet statutory criteria under KRS 278.700. However, the identified “Liletown Road Neighborhood” is well northwest of the Project boundary. The Motion clarified that a deviation from the KRS 278.704(2) setback was only needed for the SR 218 Neighborhood because, upon additional review, the identified Liletown Road Neighborhood was more than 2,000 feet from the nearest panel or other generating equipment and thus did not require a deviation. This Liletown Road Neighborhood is demonstrated on the map contained in App. Exhibit A. Any other residential clusters along Liletown Road in nearer proximity to the Project did not meet statutory criteria for Residential Neighborhoods after scrutinizing these for required size and density requirements. See Exie Response to Request No. 38 of Staff’s Second Request for Information.

B. Sound Levels for Pile Driving.

The Report compared projected construction noise level with previous estimates for other Kentucky projects reviewed by BBC on behalf of the Siting Board. See Page 46, Section C. The Report commented that the Exie numbers for rock drilling and pile driving are generally on the low side and provided numbers for the other projects in Figure C-30 to demonstrate this observation. Table 1 of Exie’s Noise Assessment Report has maximum sound levels for a solar post pile driver of 92 dBA at 50 feet and a maximum sound level for a rock drill of 95 dBA at 50 feet. The Siting Board has approved multiple projects that contained maximum sound levels even lower than those in in the Exie report—as low as at 84 dBA at 50 feet.¹ The sound levels for pile driving contained within the Exie report fall well within the range deemed acceptable by the Board.

¹ See, *Golden Solar, LLC* (Caldwell County), Case No. 2020-00243 Application Exhibit H (SAR), Attachment D, at 27; see also, *Caldwell Solar, LLC* (Caldwell County), Case No. 2020-00244 Response to

C. Local Impact for Green County.

The Report cites Application Exhibit H (Socioeconomic Report) for its statement that anticipated payments in lieu of taxes (PILOT) would total approximately \$4.2 million to Green County over a 30-year project lifetime. This should instead be \$4.3 million. See Socioeconomic Report, Section 6.2, page 17.

II. Response to Mitigation Measures

Exie provides the following responses to certain mitigation measures proposed in the BBC Report (Section B, Pages 7-10).

Mitigation Measure 6: “Exie should closely follow the vegetation plan provided in Attachment G of the SAR (Conceptual Visual Mitigation Report). Any changes to the planting module composition or locations should be submitted to the Siting Board prior to construction.”

Response: To the extent this mitigation measure is redundant of the Board’s requirement to submit a final site plan which includes screening prior to commencing construction, Exie requests that this recommendation not be adopted. The vegetation plan was also updated in its Response to Request No. 29 of Siting Board Staff’s Second Request for Information to include additional screening.

1 ESB 61; *Meade County Solar LLC* (Meade County), Case No. 2020-00390 Application Exhibit 12, Attachment 12.5 at 8; *Henderson County Solar LLC* (Henderson County), Case No. 2020-00391 Application Exhibit 12, Attachment 12.5 at 8; *McCracken County Solar LLC* (McCracken County), Case No. 2020-00392 Application Exhibit 12, Attachment 12.5 at 9; *Blue Moon Energy LLC* (Harrison County), Case No. 2021-00414 Application Exhibit F (SAR), SAR Exhibit D Construction Noise Assessment at 2-3; *Thoroughbred Solar, LLC* (Hart County), Case No. 2022-00115 Exhibit 12, Attachment G at 11; *Bright Mountain Solar, LLC* (Perry County), Case No. 2022-00274 Tab 12 (SAR), Exhibit G at 3; *Mantle Rock Solar, LLC* (Livingston County), Case No. 2024-00050 SAR Appx. G at 10-11; *Lost City Renewables LLC* (Muhlenberg County), Case No. 2024-00406 SAR Appx. D at 11.

Mitigation Measure 8: “Exie should use panels with anti-reflective coating to reduce glare and corresponding visual impacts.”

Response: Solar panels are already designed to absorb sunlight and minimize glare. Exie has also provided plans for vegetative screening to assist with visual impacts from panels. Also, in addition to implementing vegetative screening, the Applicant will establish a complaint resolution program prior to commencing construction to address and resolve any glare complaints related to the Project. Exie therefore recommends the Board decline to adopt this measure.

Mitigation Measure 9: “Exie should be open to communication with adjacent landowners regarding viewshed impacts and the implementation of additional strategic vegetative screening or other mitigation as needed.”

Response: Applicant agrees with this recommendation to the extent it does not require affirmative communications with landowners, who may not wish to meet with Applicant, but recommends the Board decline to adopt this measure to the extent it requires any deviation from the approved screening plan or site layout. Exie will remain open to communication with adjacent landowners throughout the life of the Project and is open to addressing any concerns to the extent these are reasonable and possible. However, the inclusion of “other mitigation as needed” is vague and subjective and may open the door to unreasonable burdens upon the Project. Thus, Exie recommends the Board not adopt this mitigation measure to the extent that it requires the Project to affirmatively contact adjacent landowners or deviate from its approved screening strategy, site layout, or other specific conditions in the construction certificate.

Mitigation Measure 12: “Exie should install vegetative screening according to the vegetation plan shown in Attachment G of the SAR. Any changes to the screening plan should be submitted to the Siting Board for review prior to commencement of project construction.”

Response: See Response to BBC's Mitigation Measure 6 above.

Mitigation Measure 13: "Exie should be open to communication with adjacent landowners regarding viewshed impacts and the implementation of additional strategic vegetative screening, if needed."

Response: See the Response to BBC's Mitigation Measure 9 above. Exie recommends the Board not adopt this mitigation measure to the extent that it requires the Project to affirmatively contact adjacent landowners or deviate from its approved screening strategy.

Mitigation Measure 14: "Exie should limit noise-generating construction activities, and particularly rock drilling and pile driving, to the hours between 8 AM and 6 PM, Monday through Saturday."

Response: Exie recommends limiting construction hours to those requested in Response No. 89 to Siting Board Staff's First Request for Information, where construction activities will be limited to the hours between 6:00 a.m. through 7:00 p.m. local time, Monday through Saturday, with construction only occurring on Sunday as necessary to make up for delays such as those caused by weather.

Mitigation Measure 19: "Exie should submit a final construction schedule, including updated estimates of on-site workers and commuter vehicle traffic, to the Siting Board prior to commencement of construction."

Response: Exie agrees to submit an updated construction schedule prior to commencing construction, but requests that the Board not require estimates of onsite workers and commuter vehicle traffic as that information is likely to change on a nearly day-to-day basis.

Mitigation Measure 20: "Exie should develop and implement a robust traffic management plan for the construction phase of the project to minimize impacts on traffic flow and keep traffic

safe. As part of this plan, Exie should implement ridesharing between construction workers; use appropriate traffic controls; or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.”

Response: Exie can encourage ride sharing amongst the construction workers but cannot require that workers ride share. Additionally, the nature of construction work will in almost all situations prevent implementation of flexible work hours for the construction workers. Therefore Exie recommends the Board decline to adopt these parts of the measure.

Mitigation Measure 26: “Exie should commit to prioritizing local hiring and seek to hire Green County residents to fill the projected direct construction jobs.”

Response: Exie agrees with the spirit of this recommendation and will prioritize local hiring to the extent practicable and dependent upon availability of qualified workers, in conjunction with its EPC which will make hiring decisions for the construction phase of the project. Exie recommends the Board decline to adopt this measure as a commitment requiring local hiring for the reasons discussed above.

Mitigation Measure 28: “Exie should furnish the County with a net decommissioning cost summary each year of the operational lifetime of the project, updating the estimated salvage revenue using current market values for salvaged components.”

Response: This proposed mitigation measure is redundant of the Project’s obligations to update its decommissioning plan and financial security pursuant to KRS 278.710(8) and related regulations for review by the Energy and Environment Cabinet. Green County has not established a local decommissioning bond requirement applicable to the Project and does not possess oversight authority with respect to the bond. The Project will commit to complying with

updates required by the Cabinet and will provide notice of the same to the county upon request, but respectfully requests the Board to decline to adopt this mitigation measure.

Mitigation Measure 29: “Exie should work with the County to address any concerns that arise at any point regarding its proposed decommissioning plan.”

Response: See Response to BBC’s Mitigation Measure 28. Exie agrees with the spirit of this recommendation. However, Green County has not established a decommissioning requirement applicable to the Project and this is instead overseen by the Cabinet. Exie will remain open to communication with the County to address its concerns, but to the extent that this measure gives the County authority in excess of that of the Cabinet for review of the decommissioning plan, Exie requests that the Siting Board reject same. As such, Exie recommends that the Board not adopt this proposed mitigation measure.

In addition to the mitigation measures discussed above, Exie recommends that the Siting Board not adopt the Report’s recommended mitigation in Section C, Page 49, which recommends, in part, that “Exie should clarify precisely where pile driving will occur”. The Board’s prior practice includes conditioning a construction certificate on submission of a final site layout. As such, requiring the Project to identify precisely where piles will be driven is redundant to the Board’s anticipated requirement for Exie to submit its final site plan.

III. Conclusion

Exie appreciates the opportunity to comment on the Report to the Siting Board and requests that the Siting Board take into consideration its comments and clarifications as discussed above.

Respectfully submitted,

/s/ Kathryn A. Eckert
Kathryn A. Eckert

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