

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

In the Matter of:

|                                       |   |                     |
|---------------------------------------|---|---------------------|
| ELECTRONIC APPLICATION OF MYSO, LLC   | ) |                     |
| (MAYFIELD) FOR A CERTIFICATE OF       | ) |                     |
| CONSTRUCTION FOR AN APPROXIMATELY     | ) |                     |
| 200 MEGAWATT MERCHANT SOLAR ELECTRIC  | ) | Case No. 2025-00395 |
| GENERATING FACILITY IN GRAVES COUNTY, | ) |                     |
| KENTUCKY PURSUANT TO KRS 278.700 AND  | ) |                     |
| 807 KAR 5:110                         | ) |                     |

**RESPONSE TO CONSULTANT’S REPORT**

MYSO, LLC (the “Applicant” or “Mayfield”) provides the following response to the Review and Evaluation of the MYSO, LLC Site Assessment Report by Harvey Economics (“Harvey Economics Report” or “Report”). Mayfield appreciates the thorough review and analysis of its proposed generation facility (“Project”). The Report’s recommendations are generally agreed to with minor recommended clarifications as described below. These address those mitigation recommendations included on Section 6 of the Report.

**General Statement Regarding Recommendations**

Mayfield respectfully wishes to provide certain comments and clarifications to the HE Report’s description of the Application, its supporting documents, and other filings contained in the instant matter.

**B. Compatibility with Scenic Surroundings**

**Recommendation:**

3. *The Applicant will implement vegetative screening as proposed in the submitted Landscape Map as a minimum, including vegetative screening along roadways and near the Project substation / BESS area.*

Response:

Applicant requests that this recommendation be amended to require Applicant to implement the vegetative screening plan as proposed and amended by the final site plan. Applicant requests this change to account for any changes to the final site plan that may result in changes to visibility and therefore reasonable changes to vegetative screening. For instance, such that a portion of panels are removed from the site plan, screening of that area would no longer be necessary.

Recommendation:

6. *Any changes to the infrastructure layout (i.e., panels, inverters, etc.) included in the Application materials will be submitted to the Siting Board for review. If the Siting Board deems those changes significant the Siting Board may require the Applicant to revise the submitted Landscape Map.*

Response:

This mitigation measure is redundant of the requirement to submit a final site plan with the Siting Board prior to construction. Applicant recommends the Board not adopt this recommendation.

Recommendation:

9. *The Applicant will use anti-glare panels and operate panels in such a way that glare from the panels is minimized or eliminated. The Applicant will work with affected local residents or Graves County representatives to address and resolve complaints related to glare via the Applicant's Complaint Resolution Program.*

Response:

Applicant has provided evidence that no glare impacts will occur from this project, as such this mitigation measure is not necessary and should not be adopted. Additionally, any additional

requirement to implementation of the Complaint Resolution Plan is potentially inconsistent with other similar mitigation measures.

#### **D. Anticipated Peak and Average Noise Levels**

##### Recommendation:

1. *The Applicant shall notify all residents and businesses within 2,400 feet of the Project boundary about the construction plan, noise potential, complaint resolution process, and mitigation plan at least one month prior to the start of construction.*

##### Response:

This mitigation measure requires notification to residents located in areas well beyond any discernable noise impacts, and is redundant of the Siting Board's typical requirement to devise and implement a Complaint Resolution Program prior to commencing construction. Additionally, this requires individual notice to residences and businesses that have not previously received individual notice, which is administratively burdensome to Applicant and potentially confusing to community members. Applicant recommends this recommendation not be adopted or limiting the notification to residents and businesses who were required to receive notice pursuant to KRS 278.706(2)(f)(2).

##### Recommendation:

2. *The Applicant shall respond to any complaints related to noise levels or noise causing activities occurring during construction or operations via a timely, formal and clearly developed complaint resolution program.*

##### Response:

This mitigation measure is redundant of the Siting Board's typical requirement to devise and implement a Complaint Resolution Program prior to commencing construction. Additionally, any additional requirement to implementation of the Complaint Resolution Plan is potentially

inconsistent with other similar mitigation measures. Applicant recommends this recommendation not be adopted.

Recommendation:

4. *The Applicant should limit the construction activity, process and deliveries to the hours of 8:00 am to 5:00 pm, Monday through Saturday. No construction work should be conducted on Sundays.*

Response:

This mitigation measure does not account for the area's existing characteristics particularly toward the center of the overall site near the substation, which is largely devoid of residential structures. As noted in the Applicant's Motion for Deviation from Setback Requirements, the closest standalone nonparticipating residential structure to the substation is 2,600 feet, while the nearest residential neighborhood is over 5,000 feet away. Project panels would be the closest piece of generation equipment to any residential structure and would be located at least 300 feet from the nearest standalone nonparticipating residential structure and 515 feet from any residential neighborhood. Construction-related noise would be intermittent and temporary over the construction period, and at the distances provided above would largely dissipate, and thus construction hours should not be limited as recommended by HE as though it would. The Applicant recommends the Board adopt the construction hours provided in its Acoustic Assessment (SAR Attachment D): Monday through Saturday from 6:00 a.m. to 7:00 p.m., with piledriving activities to the hours of 9:00 a.m. to 5:00 p.m., Monday through Saturday.

## **E. Road and Rail Traffic, Fugitive Dust, and Road Degradation**

### Recommendation:

3. *The Applicant shall coordinate with the Graves County Road Department (GCRD) regarding truck and other construction traffic and obtain necessary permits from the GCRD.*

### Response:

The Applicant recommends replacing “coordinate” with “consult” to clarify this recommendation.

### Recommendation:

4. *The Applicant shall develop a transportation plan for the heavy truck delivery route(s) within Kentucky, taking into consideration any weight restricted bridges.*

### Response:

To the extent this mitigation measure is redundant of the Board’s requirement to comply with all roadway laws and to coordinate with appropriate state and local road authorities, including obtaining necessary permits, the Applicant requests that recommendation not be adopted.

### Recommendation:

5. *The Applicant shall work with the Commonwealth road authorities and the GCRD to perform road surveys, before and after construction activities, on all roads in the Project area to be used by construction vehicles.*

### Response:

Applicant agrees with the spirit of this recommendation, but as written the recommendation is redundant with the traffic study and subjective in implementation. Additionally, it requires a meeting with a third party that may not wish to meet with the Applicant. Applicant recommends the Board not adopt this recommendation.

Recommendation:

6. *The Applicant shall comply with any road use agreement executed with Graves County or the GCRD. Such an agreement might include special considerations for overweight loads, routes utilized by heavy trucks, road weight limits and bridge weight limits. It may also include prioritizing access for residents or use of flaggers during heavy commute periods.*

Response:

Applicant agrees with the spirit of this recommendation, but as written the recommendation is vague and subjective in implementation with respect to “prioritizing access for residents”, and could potentially require Applicant to meet with a third party that may not wish to meet with the Applicant. Applicant recommend the Board remove the second and third sentences from this recommendation or not adopt this recommendation.

Recommendation:

7. *The Applicant shall fix or pay to repair damage to roads and bridges resulting from any Project-related commuting or heavy vehicle transport to the Project site during construction.*

Response:

Applicant recommends limiting this to “damage to roads caused by the Project”. As written, this recommendation is overly broad.

Recommendation:

8. *The Applicant shall implement a ridesharing plan for construction workers, if feasible, 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:

Applicant agrees with the spirit of this recommendation but as written requires the Applicant to implement a ridesharing plan over third parties not subject to the Board's jurisdiction. Applicant 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.

Recommendation:

10. *The Applicant shall respond to any complaints related to traffic management for nearby residents occurring during construction via a timely, formal and clearly developed complaint resolution program..*

Response:

This recommendation is redundant of the Board's typical requirement to devise and implement a Complaint Resolution Program and thus the Applicant recommends this recommendation not be adopted.

**G. Decommissioning**

Recommendation:

1. *The Applicant shall file a final decommissioning plan with the Siting Board, or its successors, as well as Graves County, which complies with Kentucky Revised Statutes (KRS) 278.706(2)(m). The plan shall commit the Applicant to the removal of all applicable Project components and required restoration activities. The final decommissioning plan shall be completed at least one month prior to construction of the Project.*

Response:

This proposed mitigation measure is redundant of the Project's obligations to update its decommissioning plan pursuant to KRS 278.710(8) and related regulations for review by the Energy and Environment Cabinet. Graves County has not established any local decommissioning requirements and does not possess oversight authority with respect to the decommissioning plan. The Project will commit to filing the decommissioning plan with the Siting Board but requests that the Board decline to adopt the recommendation to the extent it mandates additional filings with Graves County.

Recommendation:

2. *The Applicant, its successors, or assigns shall notify Graves County officials of upcoming decommissioning activities at least 30 days prior to the commencement of decommissioning.*

Response:

This proposed mitigation measure is redundant of the Project's obligations to notify the Energy and Environment Cabinet pursuant to 401 KAR 103:010, Section 3. Graves County has not established any local decommissioning notice requirements and does not possess oversight authority with respect to Project decommissioning. The Application requests that the Board decline to adopt this recommendation to the extent it mandates additional notifications to Graves County.

Recommendation:

5. *The bond amount should be reviewed and updated every five years at the expense of the Applicant to determine and update the cost of facility removal. This review shall be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review shall be provided to the Siting Board or its successors and the Graves County Fiscal Court. Such certification shall be by letter and shall*

*include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.*

Response:

The Applicant agrees with the spirit of this recommendation but requests the Board decline the same to the extent that it involves Graves County. 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. Graves County has not established a local decommissioning bond requirement applicable to the Project and does not possess oversight authority with respect to the bond.

**H. Public Outreach and Communication:**

Recommendation:

*1. The Applicant should continue to engage with local residents, businesses and others to provide additional information about the Project, provide a forum for hearing comments and concerns, and to address questions as they arise.*

Response:

This mitigation measure is subjective both in its implementation and redundant of the Board's typical requirement of devising and implementing a Complaint Resolution Program. The Applicant recommends the Board not adopt this recommendation.

**I. Complaint Resolution Program**

Recommendation:

*1. A final Complaint Resolution Plan, including specific Applicant contact information for those filing a complaint, should be provided to the Graves County Fiscal Court and the Siting Board prior to the start of construction.*

Response:

Applicant agrees with the spirit of this recommendation but as written this measure is redundant of the publicly filed Complaint Resolution Program typically required.

Recommendation:

3. *The Applicant's final Complaint Resolution Plan should include an explanation of how resolution will be determined if the complainant is not satisfied with the response from the Applicant.*

Response:

This mitigation measure is vague and subjective in its implementation. Additionally, any additional requirement to implementation of the Complaint Resolution Plan is potentially inconsistent with other similar mitigation measures. The Applicant recommends this recommendation not be adopted.

Recommendation:

5. *The Applicant should maintain a complain log detailing each complaint and the actions taken to resolve the complaint. The complaint log should be made available to the Graves County Fiscal Court for inspection upon request.*

Response:

The Applicant agrees with the spirit of this recommendation but is subjective in its implementation and thus should not be adopted. Additionally, the Board's authority only extends to the conclusion of construction, after which time the Kentucky Energy and Environment Cabinet has authority over the Project. Finally, any additional requirement to implementation of the Complaint Resolution Plan is potentially inconsistent with other similar mitigation measures.

Recommendation:

6. *The Applicant should submit to the Siting Board, annually, a status report associated with the complaint resolution plan, recounting the individual complaints, how the Applicant addressed those complaints and the ultimate resolution of those complaints.*

Response:

Applicant agrees with the spirit of this recommendation but recommends that annual status report submittals only be required during the Project's construction phase. After construction of the facility is complete, the Siting Board's jurisdiction over the facility ends and the Kentucky Energy and Environment Cabinet's jurisdiction over the facility begins.

**Other Clarifications**

Piledriving Activity: The Report on page 5-25 incorrectly states that piledriving activities will last 22 months. The Project wishes to clarify that, of the anticipated 18-24 month overall construction timeline, piledriving would occur approximately six months, as stated in Response No. 20 to Siting Board Staff's Second Request for Information.

Bridge Use: The Report on page 5-40 notes that the bridge located at the intersection of Baldree Road and Pittman Road would see significant construction traffic and should be further evaluated before construction. The Project wishes to clarify its main travel route to the substation and permanent laydown area is identified as Highway 45 to Pittman Road, then North on Baldree Road, thereby avoiding the bridge in question. However, the Project's EPC contractor will further evaluate the subject bridge prior to commencing construction, and any necessary improvements thereto would be made in coordination with Graves County.

Roadway Traffic: Report page 5-40 also mischaracterizes the access road between KY 1241 and Baldree Road as a "chokepoint". The Project wishes to clarify that the facility site has

multiple options for access, allowing for distribution of traffic throughout the site and thereby reduces the likelihood of creating a constriction on any access roads. Specifically, the substation site entrance on Baldree Road can be accessed from multiple routes; with the primary anticipated routes being from the north (Hwy 45 to East Baldree Road), or from the south (Hwy 45 to Pittman to East Baldree Road). A third option would be from Hwy 45 to KY 1241 to KY 849; however, the Applicant will encourage the EPC to use the first two options to minimize traffic near residences on KY 1241 and KY 849.

Participating Properties: The Report at pages 2-5, 3-5, 3-6, 5-8, 5-21, 5-23, and D-1 characterize “participating” Project properties to include parcels on which no generation-related infrastructure will be placed, but have signed Good Neighbor Agreements (GNAs) with the Applicant. However, the Report on page 5-56 appears to distinguish landowners with GNAs executed with the Project from participating and nonparticipating landowners. The Applicant wishes to clarify that properties that have executed GNAs with the Project are treated as nonparticipating landowners for purposes of its technical studies, notices, setbacks for standalone residences, and other requirements related to the Project.

Transmission Line: The Report contained multiple references to a nonregulated electric transmission line, which is not included as part of the Project’s pending construction certificate application. As such, the Board should not consider the Applicant’s responses relating to the transmission line in its decision regarding whether to grant a construction certificate for Mayfield’s merchant electric generating facility.

Respectfully submitted,

/s/Pierce T. Stevenson

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