

From: [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)
To: [REDACTED]
Subject: Case No. 2020-0206 - comments
Date: Wednesday, May 5, 2021 3:33:00 PM
Attachments: [2021-04-28 Letter re Case Filing 2020-00206.pdf](#)

Thank you for your comments on the application of AEUG Fleming Solar, LLC. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2020-00206, in any further correspondence. The documents in this case are available at [View Case Filings for: 2020-00206 \(ky.gov\)](#).

Thank you for your interest in this matter.

Best Regards,

Brandon Bruner
Administrative Branch Manager
Filings Branch
General Administration

Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

From: PSC Public Information Officer <PSC.Info@ky.gov>
Sent: Tuesday, May 4, 2021 3:19 PM
To: PSC Executive Director <PSCED@ky.gov>
Subject: FW: Case No. 2020-0206 - comments

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From: Patrick Estill <[REDACTED]>
Sent: Wednesday, April 28, 2021 1:14 PM
To: PSC Public Information Officer <PSC.Info@ky.gov>; PSC Electronic Filings Mailbox <pscfilings@ky.gov>
Cc: Lauralee Crain <[REDACTED]>
Subject: Case No. 2020-0206 - comments

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Good afternoon,

We would like to submit comments regarding the referenced case as provided in the attached letter. If you need further information, please do not hesitate to contact us.

Sincerely,
Patrick Estill



Patrick and Lauralee Estill
1505 Pelican Circle
Lexington, Kentucky 40511

April 28, 2021

Sent via regular mail and email
Kentucky Public Service Commission
PO Box 615
211 Sower Blvd. Frankfort, Kentucky 40602-0615
psc.info@ky.gov

Re: AEUG FLEMING SOLAR, LLC (aka ACCIONA), CASE FILING 2020-00206

Dear Commission Members:

Given the momentum for the proposed solar project for Convict Pike in Flemingsburg, Kentucky, under review by the commission, we wish to submit our concerns regarding its construction. We write on behalf of the Crain family, who are longtime Fleming County residents. Eugene Crain (Lauralee's father) currently owns a home and a farm on Convict Pike in close proximity to this project. For the reasons stated in this letter, and as required for this commission's reasoned review and approval of projects of this nature, we respectfully request that the commission condition approval on certain limitations as outlined in this letter.

First, if approved, we request that the project be required to maintain a minimum 1000-foot setback from each connecting property line. As you know, statutory setback requirements call for minimum 1000-foot setbacks and *2,000-foot* setbacks when abutting residential properties, which we understand that this project does. *See* KRS 278.704(2). There is no compelling reason for relaxing these requirements here, especially considering potential harm to landowners and other issues with the project. We believe a 1000-foot setback is a reasonable compromise given the total area of the project, the neighboring farm and residential properties affected, and other issues outlined below.

Maintaining the 1000-foot border from each adjoining property line will aid neighboring farmers in the overflow of local wildlife displaced by installation of solar panels. The wildlife of Fleming County will be displaced by the solar panels and will overrun neighboring farms. Currently, deer and other wildlife thrive on our well-maintained farmland and wooded areas in Fleming County. The project will disturb the regular migration routes of wildlife such as deer, foxes, coyotes, etc. Recently, we have even seen the reintroduction of bobcats and bears migrating through Fleming County. In addition to such wildlife intimidating their livestock, farmers will have to deal with the overflow deer knocking down fences and eating crops as well as grass intended for livestock. Every successful (and sustainable) farm has a balance of wildlife, livestock, grass and crops to maintain. If a neighboring farm covers up acres and acres of land, the balance of those players will be disturbed for years to come. Currently, Fleming County farmers can make a

living through their land and have incentive to preserve and improve their land for future generations. We would like to keep it this way.

Second, we request that the developer be required to install appropriate landscaping at its cost. Other citizens have highlighted the natural beauty and farming heritage of Fleming County. Because this project would radically change appearances and historical land use, efforts to maintain preservation of local ecology and the natural beauty of the land need to be at the forefront of the project's execution. By statute, the commission must consider that it is in the public interest "to avoid unnecessary encumbering of the landscape of the Commonwealth of Kentucky, to prevent the waste of materials and natural resources. . . ." KRS 278.016. These concerns can be alleviated, however, through appropriate landscaping to hide the project from neighbors and adjacent roadways. As the commission knows, in lieu of denying applications for such concerns, it may require "reasonable mitigation of impacts disclosed in the site assessment report including planting trees, changing outside lighting, erecting noise barriers," and such measures are appropriate here. KRS 278.216(3).

We strongly believe that any visibility of the solar panels must be hidden by landscaping installed and maintained by the solar company. The environmental beauty and ecological diversity of Fleming County is one of its greatest and most sustainable assets and will certainly be disturbed by a large solar project installation. Fleming County is far removed from interstate highways, shopping centers and major development projects. It is difficult to find a modern eyesore as you drive through the countryside. The longtime preservation of our rural landscape through resistance to development by residents has allowed our community to maintain farmland and large wooded areas designated for wildlife, and approving the project without appropriate conditions will upset that balance.

Third, we would ask that the commission require explanations and proposals for mitigation of noise and the burden of extra traffic on the small roads abutting the project. *See id.* We do not feel that the developer has explained these impacts sufficiently, nor has it explained how they may be mitigated. Noise from construction and operation of the project will undoubtedly affect this small farming community and persons living and working around the project. Moreover, extra traffic needs to be kept at a minimum by the solar and construction companies. The infrastructure of the country roads leading to the project do not currently allow easy travel of heavy equipment. The road has not been improved, aside from new asphalt, in decades. It is a rural road equipped to handle the traffic of the local residents and their occasional farm equipment movement. The solar project's regular traffic of dump trucks, excavators and other large construction vehicles will beat up the road, cause congestion, and endanger the local residents in their daily commutes.

At a minimum, for the Commission to fully consider whether construction of this project is appropriate, and for the project to meet the criteria for approval, the important concerns outlined in this letter and the comments of other citizens must be addressed. For example, by statute, approval criteria include:

- (a) Impact of the facility on scenic surroundings, property values, the pattern and type of development of adjacent property, and surrounding roads;
- (b) Anticipated noise levels expected as a result of construction and operation of the proposed facility;
- (g) [setback requirements]
- (h) The efficacy of any proposed measures to mitigate adverse impacts that are identified pursuant to paragraph (a), (b), (e), or (f) of this subsection from the construction or operation of the proposed facility; and
- (i) Whether the applicant has a good environmental compliance history.

See KRS 278.710. We fail to see how the project passes muster without adequately and fully addressing such concerns as more fully explained above.

Finally, the Commission should consider that the USDA is currently taking efforts to reverse the degradation of grassland biodiversity in Kentucky. See <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ky/programs/farmbill/rcpp/?cid=nrcseprd1447225>. Covering up the precious grasslands of Kentucky with a solar project would be counterintuitive to those goals. As Kentuckians, it is easy to take for granted the plentiful grasslands of our state. Take a drive just a few hours west and you realize how lucky we are to have the natural resource of grass. It is the backbone of our prosperous cattle and thoroughbred industry. Again, while we believe a project of this nature to be counterintuitive to these important concerns, a reasonable compromise in requiring the above measures may help alleviate concerns. We trust that the commission and the officials serving on it or any relevant subcommittee will observe these legal and practical concerns in considering this project.

Should you require more information or wish to discuss this matter further, please do not hesitate to contact us.

Sincerely,


Patrick and Lauralee Estill

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