

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF FLAT RUN)	
SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
55 MEGAWATT MERCHANT ELECTRIC)	2020-00272
SOLAR GENERATING FACILITY IN TAYLOR)	
COUNTY, KENTUCKY, PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION
TO FLAT RUN SOLAR, LLC

Flat Run Solar, LLC (Flat Run Solar), pursuant to 807 KAR 5:001, is to file with the Siting Board an electronic version of the following information. The information requested herein is due on May 28, 2021. The Siting Board directs Flat Run Solar to the March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Siting Board. The Siting Board expects the original documents to be filed with the Siting Board within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Flat Run Solar shall make timely amendment to any prior response if Flat Run Solar obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which Flat Run Solar fails or refuses to furnish all or part of the requested information, Flat Run Solar shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When filing a paper containing personal information, Flat Run Solar shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to Application, page 2 and Attachment A. There is public land designated as research and educational land, Clay Hill Memorial Forest (<http://www.clayhillforest.org/> and <https://eec.ky.gov/Nature-Preserves/Locations/Pages/Clay-Hill-Memorial-Forest.aspx>), owned and managed by Cumberland University and supported by the Kentucky Nature Preserves Commission as a heritage land. It is located northeast and within the two-mile radius around Flat Run,

and south of the intersection of KY-289 (Old Lebanon Road) and Kindness Road. Revise Attachment A to show the location of this nature preserve.

2. Page 4 of the Application refers to the site plan, Attachment A of the Site Assessment Report. This map's date of issue is March 15, 2021. However, there is a similar map in Attachment F, "Noise and Traffic Study," Figure 2, Site Plan, of the Site Assessment Report dated February 11, 2021. The main differences between the two maps is that, first, Tennessee Gas facility (March plan) is labeled Atmos Energy (February plan) and, second, there are three homes showing setbacks in the March plan and seven homes showing setbacks in the February plan.

a. Explain whether the March Site Plan is the final site plan under consideration before the Siting Board.

b. Explain why four homes were removed from the most recent site plan.

3. Refer to the Application, page 5, and Attachment C for public notice evidence. There is evidence of only 13 notices sent via Certified Mail (the last page is a duplicate of the first one). According to the map of adjacent neighbors in Appendix B, Attachment B to the Site Assessment Report, there are 27 neighbors listed by surname.

a. Submit a complete list of landowners whose properties border the proposed site with the complete name or names of the owners for each parcel. In this list, use the key to the "Tax Parcel Map" in Appendix B, Attachment B to the Site Assessment Report.

b. Explain whether these names align with the names for the neighboring properties in Attachment E "Survey and Legal Description" of the Site Assessment Report. Explain any differences.

c. Provide the number of first class or certified mail receipts that were sent and how many were returned. List any returns and describe any further attempts to contact them.

4. After the public meeting on September 17, 2020, an additional parcel of 25 acres was added to the footprint adjacent to the Tennessee Gas facility. It is stated on page 10 of the Application that there were no new neighboring parcels with the larger footprint. However, the additional parcel does add more panels to the site plan when the site plan submitted (Attachment A of the Site Assessment Report) is compared to the site plan shown at the public meeting (Attachment J “Layout Map Presented at Public Meeting” of the Application). A letter from Tennessee Gas Pipeline Company stated that they did not object to the additional parcel (Attachment K “Letter from Tennessee Gas” of the Application). However, the owner of Parcel VI, Patricia Ann Thomas, (according to Attachment E “Survey and Legal Description” of the Site Assessment Report) will have more construction and maintenance traffic going through the proposed construction entrance that is on her property and adjacent to a residence.

a. Describe all contact and the date of contact with Patricia Ann Thomas, particularly regarding the additional traffic entering the solar facility.

b. Submit a detailed map for the Patricia Ann Thomas property showing the internal roadway and its entrance for solar facility traffic, the fencing, and the vegetation buffer for the residence.

c. Submit a copy of the lease agreement with Patricia Ann Thomas.

5. Refer to the Application, Attachment N, page 1. Explain whether payments in lieu of taxes (PILOT) to local government jurisdictions creates any additional employment in Taylor County.

6. Refer to the Application, Attachment N, page 1. Explain whether the \$1.32 million in PILOT payments is remitted to Taylor County or surrounding counties as well. If to surrounding counties, provide the amount to each.

7. Refer to the Application, Attachment N, page 2. Explain whether the approximately 150 workers are going to be supplied from Taylor County or surrounding counties as well.

8. Refer to the Application, Attachment N, page 3.

a. Explain how the IMPLAN model was customized for Taylor County.

b. Explain why the IMPLAN model was not customized to include surrounding counties.

9. Refer to the Application, Volume 1, Section 2, Description of Proposed Site, page 4, regarding the inverters.

a. State when a decision will be made regarding use of central inverters or string inverters.

b. To the extent that string inverters are selected, state how many string inverters will be used.

c. Provide the noise level generated at the source and at increments of 100 feet up to 1,000 feet for central inverters and string inverters.

10. Refer to the Application, Volume 1, Attachment F – Public Involvement Activities.

a. Regarding the meeting with Ricky Dale Shreve, a landowner adjacent to the proposed solar project, explain the purpose of the meeting, who initiated how those issues or concerns, if any, were addressed by Flat Run Solar. Also state whether Flat Run Solar provided Mr. Shreve with the types of noise levels that could occur during construction.

b. Other than the public meeting notices that were mailed, state whether Flat Run Solar has attempted to directly contact any nonparticipating adjacent property owners. If so, state whether there were any communications with these nonparticipating adjacent property owners and whether these property owners expressed any concerns or issues in connection with the proposed solar project.

11. Refer to the Application, Attachment I “Map showing New Parcel” issued March 9, 2021. The northern part of this parcel, leased from Tennessee Gas Pipeline Company, is not a Potential Array Area. In the Application, Attachment K “Letter from Tennessee Gas” a letter from Carolina Solar Energy dated February 18, 2021, to Tennessee Gas includes a map which shows the solar arrays excluded from the northern part of the parcel. According to the National Pipeline Mapping System (<https://www.npms.phmsa.dot.gov/>), there is a Tennessee Gas transmission pipeline (100-2) that goes through the northern part of the parcel. Now refer to the Site Assessment Report, Attachment A “Preliminary Project Layout” dated March 15, 2021. The fence and the fenced area with the solar arrays appears to exclude the northern area with the active pipeline.

a. Explain why the site plan shows the Potential Project Footprint Area extending to the northern edge of the new parcel.

b. Revise the Preliminary Site Plan to show the utility easement for the Tennessee Gas Pipeline and any adjustments that should be made to the Potential Project Footprint Area.

c. Submit a copy of the lease agreement with Tennessee Gas Pipeline Company.

12. Refer to the Site Assessment Report, pages 4 and 14, for the setback of 50 feet from adjacent roadways for the Potential Project Footprint and solar equipment.

a. Explain if this is 50 feet from the roadway right-of-way or 50 feet from the road centerline.

b. Explain how the 50 feet aligns with the water lines and gas distribution lines along Hobson and Saloma Road, since their right-of-ways generally parallel roadway right-of-ways.

13. Refer to the Site Assessment Report, page 4–5, regarding the “Potential Project Footprint” setbacks, which are measured to the nearest solar panel or other equipment.

a. State what is meant by “other equipment.”

b. Regarding the 50-foot setback from adjacent roadways, the 25-foot setback from nonparticipating adjoining parcels, and the 150-foot setback from nonparticipating residences, state how these setback levels were determined (in addition to what was mentioned in this section of the Site Assessment Report) and whether these setback levels took into account noise and visual impacts during construction and operations.

c. Regarding the proposed setback levels for central inverters, if any, and energy storage systems of 150 feet from the project boundary and 300 from nonparticipating residences, state how these setback levels were determined (in addition to what was mentioned in this section of the Site Assessment Report) and whether these setback levels took into account noise and visual impacts during construction and operations.

14. Refer to the Site Assessment Report, Attachment A, "Preliminary Project Layout" dated March 15, 2021. Three dashed yellow circles refer to 150 foot minimum setback from homes. According to the text on page 5, this represents the three nonparticipating residences. In the Site Assessment Report, Attachment C, "Map of Nearest Neighbors", there are five project landowner residences, and three nonparticipating residences. The three nonparticipating residences each have a map showing the distance (100, 200, 300 foot radius) of the residence from the potential project footprint.

a. Submit a map for each of the five project landowner residences showing the radius from the potential project footprint, any solar arrays shown in the "Preliminary Project Layout" and existing and planned vegetative buffers.

b. Submit a copy of the lease agreements that Flat Run Solar has entered into in connection with the footprint for the proposed solar facility, including the lease agreements for each of the parcels of the five participating landowner residences. To the extent that these leases will be provided under a petition for confidential treatment, provide the unredacted copies of each lease agreements under seal of confidentiality.

15. From the Site Assessment Report, pages 5 and 6, it appears that Flat Run Solar will need water occasionally for irrigating plantings, cleaning solar panels, and possibly mitigating dust during construction. Flat Run Solar may truck in water, or use water wells on the property. According to the Site Assessment Report, Attachment G “Phase I Environmental Site Assessment,” pages i, ii, and 14, there are two water supply wells on the site.

a. Explain whether there any farm ponds on the property that could be used for water.

b. Submit a map showing existing water wells and ponds on the property.

c. Campbellsville Municipal Water & Sewer System supplies water along Hobson Road and Saloma Road. Although drinking water is not necessary for Flat Run Solar, explain whether this utility been contacted regarding supplying water to the site.

16. Refer to the Site Assessment Report, page 11, regarding construction noise to residences that are within 300 feet of any solar equipment. State whether Flat Run Solar has directly communicated with these property owners regarding the noise level that will be generated during the construction process, particularly during the pile driving portion of the construction.

17. Refer to the Site Assessment Report, Attachment G “Phase I Environmental Site Assessment, Appendix D “EDR Environmental Lien and AUL Search.”

a. Explain why there were only three properties searched.

b. According to the Site Assessment Report, Attachment E “Survey and Legal Description,” there are five other parcels, plus there is the new addition of the Tennessee Gas property. Explain whether there are any plans to search these properties.

18. Atmos Energy Corporation (Atmos) is a gas distribution company that operates in the area of Flat Run Solar. Typically gas distribution lines parallel road right of ways. Explain whether Atmos been contacted to check to see if there are any pipelines that are not parallel to roadways and cross the Flat Run Solar footprint.

19. State whether Flat Run Solar, Caroline Solar Energy, or any of the engineering, procurement, and construction contractors that it has retained on any of its solar projects are aware of any construction methods or measures that would reduce or mitigate noise associated with the construction process of a solar facility, particularly noise generated by the pile driving process.



Linda C. Bridwell, PE
Executive Director
Public Service Commission *on behalf*
of the Kentucky State Board on
Generation and Transmission Siting
P.O. Box 615
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DATED MAY 11 2021

cc: Parties of Record

APPENDIX

APPENDIX TO A REQUEST FOR INFORMATION OF THE KENTUCKY STATE
BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE
NO. 2020-00272 DATED MAY 11 2021

THREE PAGES TO FOLLOW

MEMORANDUM

To: Jennifer Fell, Kentucky Public Service Commission
From: Doug Jeavons
Re: Initial BBC questions for Flat Run Solar
Date: May 7, 2021

1. Application page 4 states: "The Project will be built on up to 450 acres which has historically been used as pasture and crop land." Does this acreage estimate include the additional 25-acre parcel added after the public meetings, as discussed on Application page 10?
2. Page 11 of the Site Assessment Report (SAR) states that all solar equipment (except fences and vegetation) will be 150 feet from neighboring homes. Does this include the 'participatory' residences whose owners are leasing land to the Project?
3. Page 3 of the SAR notes: "To provide more detailed information on the closest residential homes to the Project, a map showing a 300' radius around the exterior of the Project is attached as Attachment C. There are three non-participating residential homes within 300' of the Project, which are marked on the map." Figure 3, entitled "Nearest Residences Map" appears to show five 'participatory' residences within 300 feet of any solar equipment, including two residences within the project footprint in the northwestern portion (along Hobson Road), another residence northwest of those homes that is located within 300 feet of project facilities, another residence further northeast along Hobson Road (outside the project footprint but within 300 feet of solar equipment), and a residence near Saloma Road close to the southern most corner of the proposed project (also within 300 feet of proposed equipment.) Please clarify this apparent inconsistency or let us know if we are misinterpreting the information provided in Figure 3.
4. On Page 11 of the SAR, the applicant uses the expected noise levels of a pile driver at a distance of 150 feet to calculate a proposed noise limit of 95 dba at the nearest receptor (i.e., a residential home). Were noise guidelines from the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the Center for Disease Control or other health or regulatory agencies considered in developing this proposed noise limit?

5. At multiple points in the SAR and Application materials, the applicant notes that no homeowners or community members have raised concerns about the project during the September 2020 meeting or at any point before or after, up through April 2021. Please describe the level of detail provided to the owners of adjacent residential homes. Were these homeowners (including 'participatory' and non-participatory residences) provided with details about the applicant's motion for deviation from setback requirements, and the estimated distances between solar equipment and their homes? Were these homeowners provided with specific descriptions of noise levels during both construction and operation phases, including analogies or noise levels based on common machines and equipment (e.g., air conditioning unit, motorcycle engine running, etc.)?
6. On Page 12, the applicant states that if noise levels during construction are unacceptable to nearby residents or landowners, Flat Run shall mitigate so that noise levels are no more than 95 dba as measured at a neighboring residential home. What if 95 dba itself is not acceptable to these neighboring residents?
7. Has the applicant contacted the KY Transportation Cabinet and the Taylor County road department regarding the overweight and overdimensional loads that will be delivered to site? Have either of those agencies expressed any concerns regarding the ability of the road network to handle these loads, or the traffic disruption that may occur during their transport?
8. Attachment D of the Application (Letter from Taylor County Judge Executive Barry Smith) states that there are no planning/zoning ordinances applicable to the proposed **Horseshoe Bend** project. The letter is also addressed to Horseshoe Bend Solar. However, the Horseshoe Bend project is an entirely separate project by Carolina Solar Energy and is not within Taylor County but rather in neighboring Green County. Was this letter intended for another project?
9. Page 5 of Attachment M of the Application (PJM Interconnection System Impact Study Report) references a solar storage generating facility located in Taylor County, West Virginia. Please confirm that this PJM report (as well as the PJM Feasibility report and the soon-to-be-released PJM Facilities Study) is actually an analysis for Taylor County Kentucky rather than West Virginia.

10. Attachment F assesses the projected volume of vehicular traffic during construction in the context of the local road system. "Construction of the Flat Run facility is expected to take eight to 12 months, with working hours from 7 AM to 9 PM daily... up to 150 workers are anticipated to be on-site each day... up to 15 trucks (Class 9) are anticipated to deliver components daily, with trucks weighing approximately 20 tons each... a distribution of the anticipated 165 daily vehicles during construction is shown in Figure 6." For purposes of comparing projected construction traffic to existing roadway traffic counts shown in Figure 4 (which are based on AADT which measures the number of trips in both directions), we believe the 165 daily vehicles cited above should be counted as 330 daily trips?

11. The Noise and Traffic Study (page 8) notes that "One Class 21 truck (20 tons) is anticipated for the delivery of the substation transformer (approximately 60/70 tons) using the KY Route 527 driveway." Please confirm that this is expected to be the largest and heaviest load delivered during facility construction.

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