

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

In the Matter of:

ELECTRONIC APPLICATION OF ASHWOOD	)	
SOLAR I, LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY	)	CASE NO.
86 MEGAWATT MERCHANT ELECTRIC	)	2020-00280
SOLAR GENERATING FACILITY IN LYON	)	
COUNTY, KENTUCKY PURSUANT TO KRS	)	
278.700 AND 807 KAR 5:110	)	

ORDER

This matter is before the Siting Board upon a petition for reconsideration and clarification filed on July 21, 2021, by Ashwood Solar I, LLC (Ashwood Solar I) requesting reconsideration and clarification of certain mitigation requirements imposed by the June 21, 2021 Order (Final Order).

On December 22, 2020, Ashwood Solar I filed an application requesting a Certificate of Construction to construct a 86-megawatt alternating current solar photovoltaic electric generating facility to be located in, Lyon County, Kentucky. The Siting Board’s Final Order conditionally authorized Ashwood Solar I a Certificate of Construction to construct the proposed solar facility subject to Ashwood Solar I complying with the mitigation requirements that were discussed in the Final Order and set forth in Appendix A to the Final Order.

Ashwood Solar I states that it “has reviewed the Siting Board’s proposed mitigation measures in detail, and the majority of the measures are acceptable to Ashwood” and that the “[p]etition is designed to seek changes and clarifications to a small group of

mitigation measures that will inhibit the ability of the [Ashwood Solar I] Project to move forward.”<sup>1</sup>

Ashwood Solar I seeks modification of mitigation measure 20, as provided in the Final Order, which states:

20. Ashwood Solar I will be required to limit the construction activity, process, and deliveries to the hours of 8 a.m. and 6 p.m. Monday through Saturday. These hours represent a reasonable timeframe to ensure that nearby property owners are minimally impacted by the construction activities.

Ashwood Solar I requests that, for good cause such as extended delays arising from unfavorable weather events, extended hours and/or Sunday work be permitted on a case-by-case basis by notifying the Siting Board through the Executive Director of the Public Service Commission in advance. The Siting Board denies the requested modification and finds that Ashwood Solar I is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

Ashwood Solar I seeks modification of mitigation measures 10, 27, 28, 29 and 30 related to vegetative screening and its location, as provided in the Final Order, which states:

10. Ashwood Solar I shall follow through on its commitment to providing vegetative buffers. If vegetation is used, plants should reach eight feet high within four years. The vegetation should be maintained or replaced as needed. To the extent an affected property owner indicates to Ashwood Solar I that

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<sup>1</sup> Petition for Reconsideration and Clarification at 2.

such a buffer is not necessary, Ashwood Solar I will need to obtain that property owner's written consent and submit such consent in writing to the Solar Board.

27. Ashwood Solar I shall implement planting of native evergreen species as a visual buffer to mitigate viewshed impacts. Plantings to primarily be in areas directly adjacent to the Project without existing vegetation.

28. Ashwood Solar I shall plant a vegetative buffer "where there are potential visual impacts created by the facility..." This buffer shall consist of two staggered rows of evergreen shrubs at least three feet high at the time of planting, approximately 15 feet wide.

29. Ashwood Solar I shall complete screening plan agreements with nearby homeowners as stated in Section 2 of the SAR to address their general concerns about viewshed impacts by limited tree clearing and planting vegetative buffers to further buffer viewshed concerns. Vegetative buffering shall be maintained or replaced as needed. To the extent an affected property owner indicates to Ashwood Solar I that such a buffer is not necessary, Ashwood Solar I will need to obtain that property owner's written consent and submit such consent in writing to the Siting Board.

30. Ashwood Solar I shall carry out the screening plan and make sure the proposed new vegetative buffers are successfully established and develop as expected over time.

Ashwood Solar I requests that mitigation measures 10, 27, and 30 be deleted to avoid slight differences and duplicative requirements. Ashwood Solar I also requests modification to mitigation measure 29 to include the statement that, "The buffers shall be planted as indicated on the plan attached to the Siting Board's Order of June 21, 2021 as Appendix B." The Siting Board finds that these modifications are reasonable, with an additional sentence to be included in mitigation measure 29 to require that, "Plants should reach eight feet high within four years."

Ashwood Solar I has also requested a modification of mitigation measure 37 from the Final Order, which states:

37. Ashwood Solar I shall be required to file a bond, equal to the amount necessary to effectuate the explicit decommissioning plan naming Lyon County as a third-party beneficiary, in addition to the lessors of the subject property insofar as the leases contain a decommissioning bonding requirement, so that Lyon County will have the authority to draw upon the bond to effectuate the decommissioning plan. The bond shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Ashwood Solar I's expense to determine and update the cost of removal amount. 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 Lyon 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.

Ashwood Solar I seeks to substitute the term "obligee" with "third party beneficiary" and further clarify that the bond must be filed with the Lyon Fiscal Court. The Siting Board finds that this modification is reasonable.

IT IS THEREFORE ORDERED that:

1. Mitigation measure 20 in the Siting Board's Order of June 21, 2021, is hereby stricken and replaced with the following mitigation measure:

20. Ashwood Solar I is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

2. Mitigation measures 10, 27, and 30 in the Siting Board's Order of June 21, 2021, are hereby stricken. Mitigation measure 29 is also hereby stricken and shall be replaced with the following mitigation measure:

29. Ashwood Solar I shall complete screening plan agreements with nearby homeowners as stated in Section 2 of the SAR to address their general concerns about viewshed impacts by limited tree clearing and planting vegetative buffers to further buffer viewshed concerns. The buffers shall be planted as indicated on the plan attached to the Siting Board's Order of June 21, 2021 as Appendix B. Plants should reach eight feet high within four years. Vegetative buffering shall be maintained or replaced as needed. To the extent an affected property owner indicates to Ashwood Solar I that such a buffer is not necessary, Ashwood Solar I will need to obtain that property owner's written consent and submit such consent in writing to the Siting Board.

3. Mitigation measure 37 in the Siting Board's Order of June 21, 2021, is hereby stricken and replaced with the following mitigation measure:

37. Ashwood Solar I shall be required to file a bond with the Lyon County Fiscal Court, equal to the amount necessary to effectuate the explicit or formal decommissioning plan naming Lyon County as an obligee, in addition to the lessors of the subject property insofar as the leases contain a decommissioning bonding requirement, so that Lyon County will have the authority to draw upon the bond to effectuate the decommissioning plan. The bond shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Ashwood Solar I's expense to determine and update the cost of removal amount. 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 Lyon 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.

4. Ashwood Solar I's petition for reconsideration and clarification filed on July 21, 2021, is granted in part and denied as moot in part, as described above.

5. This case is closed and removed from the Commission's docket.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Kentucky State Board on Electric  
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Bidwell". The signature is written in a cursive style.

Executive Director  
Public Service Commission  
*on behalf of* the Kentucky State  
Board on Electric Generation  
and Transmission Siting

Case No. 2020-00280

\*James W Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507

\*Ashwood Solar I, LLC  
353 N. Clark Street, 30th FL  
Chicago, ILLINOIS 60654

\*Wade White  
Lyon County Judge Executive  
PO Box 598  
Eddyville, KENTUCKY 42038

\*Crystal R Lasher-Hurst  
Resident Representative  
2162 Elkhorn Tavern Road  
Eddyville, KENTUCKY 42038

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507