

**From:** Bruner, Brandon S (PSC) on behalf of [PSC Executive Director](#)  
**To:** [REDACTED]  
**Subject:** Acciona Solar Company. Case No. 2020-00206  
**Date:** Tuesday, March 23, 2021 12:48:00 PM

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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

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**From:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Sent:** Monday, March 22, 2021 3:01 PM  
**To:** PSC Executive Director <[PSCED@ky.gov](mailto:PSCED@ky.gov)>  
**Subject:** FW: Acciona Solar Company. Case No. 2020-00206

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**From:** Mike Averdick [REDACTED]  
**Sent:** Monday, March 22, 2021 12:16 PM  
**To:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Subject:** Fw: Acciona Solar Company. Case No. 2020-00206

----- Forwarded Message -----

**From:** Mike Averdick [REDACTED]  
**To:** [psc.info@ky.gov](mailto:psc.info@ky.gov) <[psc.info@ky.gov](mailto:psc.info@ky.gov)>  
**Sent:** Monday, March 22, 2021, 12:12:47 PM EDT  
**Subject:** Fw: Failure Notice

----- Forwarded Message -----

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Monday, March 22, 2021, 11:59:20 AM EDT  
**Subject:** Failure Notice

Sorry, we were unable to deliver your message to the following address.

<[psc@ky.gov](mailto:psc@ky.gov)>:

550: 5.1.1 User Unknown

----- Forwarded message -----

Mr. Michael Schmitt, Chairman  
Kentucky State Board on Electric Generation and Transmission Siting  
Kentucky Public Service Commission  
211 Sower Boulevard, Post Office Box 615  
Frankfort, Kentucky 40602

Dear Mr. Schmitt and Board Members:

We write to express our deep concerns regarding the Acciona Solar Company's Motion for Setback Deviation in Fleming County, Case No. 2020-00206.

We understand that Kentucky Revised Statue 278.704 reads that with regard to electric power plants there is to be a one thousand foot setback from property lines and a two thousand foot setback from residential neighborhoods, hospitals or nursing homes. That is the current law and we ask the Kentucky State board on Electric Generation and Transmission Siting to follow that law and not grant any deviation/s from that law.

Industrial electric plants of any type, being industrial both in appearance and in sound levels, will devalue surrounding property, especially residential property. Some of the residents in our community have moved from urban areas and states, far and near, just to enjoy the rural beauty of the Kentucky countryside. We have invested heavily in our homes and farms and do not wish to live in an agricultural zone turned essentially into an industrial zone. The value of our properties will surely be diminished.

If setback deviations to KRS 278.704 are allowed our bucolic view scape and our quiet environment will be spoiled, so much so that some of us would then have to sell out and locate elsewhere. That would be at a financial loss to ourselves, the local business community and to the viability of the area, no longer having pristine rural beauty and serenity as a draw. The decreased market value of real estate would also likely have a negative impact on tax revenues for local government and independent taxing authorities.

The current one and two thousand foot setbacks are really quite minimal, especially when compared to the setback recommendation for industrial wind power plants. The Waubra Foundation, a leading institution in research on wind powered electric plant impacts, recommended in 2011 a ten kilometer (or approximately six mile) setback for industrial wind power plants. Medical conditions of a serious nature were "identified in people living, working, or visiting within 10km of operating wind turbine developments. The onset of these conditions corresponds directly with the operation of wind turbines...". from "Explicit Cautionary Notice To Those Responsible For Wind Turbine Siting Decisions" 29 June 2011.

We request that you, in your capacity as the Kentucky State Board on Electric Generation and Transmission Siting, please observe KRS 278.704 as written with its minimal one and two thousand foot setbacks. We ask that you not grant any deviation which might then create a precedent and thus possibly affect other such present and future proposed electric power plant developments in the state, including those now under consideration here in Mason County.

We thank you in advance for your time and consideration.

Sincerely,

Mike Averdick & John Gerwe

6130 Parker Lane  
May's Lick, Kentucky 41055

cc: Governor Andy Beshear

**From:** [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)  
**To:** [REDACTED]  
**Subject:** KY PSC Utility Inquiry  
**Date:** Tuesday, March 23, 2021 12:50:00 PM

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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

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**From:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Sent:** Monday, March 22, 2021 8:56 AM  
**To:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Subject:** FW: KY PSC Utility Inquiry

**From:** KY Public Service Commission <[pscfilings@ky.gov](mailto:pscfilings@ky.gov)>  
**Sent:** Friday, March 19, 2021 7:31 PM  
**To:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Subject:** KY PSC Utility Inquiry

Below is the result of your feedback form. It was submitted by ([REDACTED]) on Friday, March 19, 2021 at 7:30 PM

-----  
Name: James Litton  
Address: 1335 Helena Road  
City: Flemingsburg  
State: Kentucky  
Zip Code: 41041  
Phone number where you can be reached: [REDACTED]  
Home phone: [REDACTED]  
Utility Name: Core Solar llc. Dba aka Fleming Solar llc  
State the nature of your concern: Set back deviation needs to be 1000 ft or more from residents and churches. Solar panels do not need to be in Fleming co. I am opposed to them in my back yard.  
Have you contacted the utility about the problem: Yes

**From:** [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)  
**To:** [REDACTED]  
**Subject:** KY PSC Utility Inquiry  
**Date:** Tuesday, March 23, 2021 12:50:00 PM

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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

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**From:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Sent:** Monday, March 22, 2021 9:26 AM  
**To:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Subject:** FW: KY PSC Utility Inquiry

**From:** KY Public Service Commission <[pscfilings@ky.gov](mailto:pscfilings@ky.gov)>  
**Sent:** Sunday, March 21, 2021 8:21 PM  
**To:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Subject:** KY PSC Utility Inquiry

Below is the result of your feedback form. It was submitted by [REDACTED] on Sunday, March 21, 2021 at 8:20 PM

-----  
Name: Joseph Koch  
Address: 6493 KY Hwy 419  
City: Mayslick  
State: KY  
Zip Code: 41055  
Phone number where you can be reached: [REDACTED]  
Home phone: [REDACTED]  
Utility Name: Acciona Solar

State the nature of your concern: I am against the Acciona Solar Company Motion For Setback Deviation In Fleming County. Case # 2020-00206. I would also be against this for anything similar in Mason County. Fleming Solar (Acciona) have applied for a setback deviation from the current KRS 278.704 requirements of 1000-2000ft. They propose building

a massive solar power plant up to 50ft from an adjacent property owners fence line. I am writing to strongly object to both the building of mega solar power plants in Fleming and Mason counties and the horrific proposed setback reductions. Acciona is seeking permission to build a 2500 acre solar power plant in Mason County and a 1500 acre development in Fleming. It is known that several other companies are signing equally huge amounts of land in both counties for further solar power plant development. An 8-10 square mile sea of solar panels in a populated rural area is entirely possible. Mason & Fleming could soon have the dubious honor of being one of the biggest solar power plants anywhere in the country outside of a desert region. If development is determined solely by international corporations seeking huge profits and landowners willing to sign leases, where will it end? How much is too much? Objections Destroying Prime Agricultural Land for nothing more than corporate profit. 'Renewables' in their current form are not viable energy sources. The power is intermittent, unreliable and has capacity factor of well under 30% in this area. It is supplemental power, not base load. Solar overbuild will result in a very low market demand over time. Visual Impact Siting well over 1 million solar panels within 50ft of homes and 100ft of designated scenic byways will be ugly and overwhelming. Property Values Will Plummet. Surrounding homes with a mega solar power plant to within 50ft of their property lines would decimate their value, if they could be sold at all. Acciona is holding up an 'independent study' from a South Carolina company showing 'no negative impact' on property values. Imagine looking at 2 homes in a rural setting. One is surrounded by fields and the other a million solar panels. Ask yourself a simple question, 'Which would you buy?' As home values dropped, so would property taxes collected by the counties. Noise. Solar inverters produce noise. Noise in a rural area can be 40dBA or less on a calm day. An intrusive noise 10 dBA above natural background sounds will result in widespread complaints (Robert Rand INCE) This would be at a peak of only 50dBA. Acciona proposes a 24 hour averaged limit of 50dBA meaning that noise would be much higher on a calm sunny afternoon. Noise should be limited to a 40dBA peak to minimize annoyance and impact on enjoyment of property. Toxicity and Environmental Concerns. Solar panels contain significant amounts of cadmium. "It is a highly toxic carcinogenic that is harmful to most of the body's systems, especially to the lungs, bones, and kidneys. The level of exposure depends upon the dose, duration, and work being done. Cadmium is used in many industries." They claim there is no proven risk of cadmium leaching into the ground beneath the panels. (Remember they also claim no adverse noise or property value impacts) Over a 30 year span, it is entirely possible that adverse weather events will break panels and release cadmium into the ground beneath them. It is very expensive to recycle panels and its highly likely that they will end up in huge landfills like the blades from wind turbines. Divided Community. Allowing such a development without a protective ordinance would cause division between those who stand to profit from lease payments and their neighbors forced to live in the midst of a solar power plant because their homes have become devalued and unsalable

Have you contacted the utility about the problem: No

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**From:** [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)  
**To:** [REDACTED]  
**Subject:** KY PSC Utility Inquiry  
**Date:** Tuesday, March 23, 2021 12:49:00 PM

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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

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**From:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Sent:** Monday, March 22, 2021 9:24 AM  
**To:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Subject:** FW: KY PSC Utility Inquiry

**From:** KY Public Service Commission <[pscfilings@ky.gov](mailto:pscfilings@ky.gov)>  
**Sent:** Sunday, March 21, 2021 8:40 AM  
**To:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Subject:** KY PSC Utility Inquiry

Below is the result of your feedback form. It was submitted by [REDACTED] on Sunday, March 21, 2021 at 8:40 AM

-----  
Name: Owen Brown  
Address: 6173 Helena Road  
City: Mayslick  
State: KY  
Zip Code: 41055  
Phone number where you can be reached: [REDACTED]  
Home phone: [REDACTED]  
Utility Name: AEUG Fleming Solar LLC (also known as Acciona) Fleming Solar LLC (aka Core Solar)  
State the nature of your concern: Objection To The Fleming Solar (Acciona) Motion For SetBack Deviation In Fleming County. Case# 2020-00206. Fleming Solar (Acciona) have applied for a setback deviation from the current KRS 278.704 requirements of 1000-2000ft.

They propose building a massive solar power plant up to 50ft from an adjacent property owners fence line. I am writing to strongly object to both the building of mega solar power plants in Fleming and Mason counties and the horrific proposed setback reductions. Acciona is seeking permission to build a 2500 acre solar power plant in Mason County and a 1500 acre development in Fleming. It is known that several other companies are signing equally huge amounts of land in both counties for further solar power plant development. An 8-10 square mile sea of solar panels in a populated rural area is entirely possible. Mason & Fleming could soon have the dubious honor of being one of the biggest solar power plants anywhere in the country outside of a desert region. If development is determined solely by international corporations seeking huge profits and landowners willing to sign leases, where will it end? How much is too much? Objections Destroying Prime Agricultural Land for nothing more than corporate profit. 'Renewables' in their current form are not viable energy sources. The power is intermittent, unreliable and has capacity factor of well under 30% in this area. It is supplemental power, not base load. Solar overbuild will result in a very low market demand over time. Visual Impact Siting well over 1 million solar panels within 50ft of homes and 100ft of designated scenic byways will be ugly and overwhelming. Property Values Will Plummet. Surrounding homes with a mega solar power plant to within 50ft of their property lines would decimate their value, if they could be sold at all. Acciona is holding up an 'independent study' from a South Carolina company showing 'no negative impact' on property values. Imagine looking at 2 homes in a rural setting. One is surrounded by fields and the other a million solar panels. Ask yourself a simple question, 'Which would you buy?' As home values dropped, so would property taxes collected by the counties. Noise. Solar inverters produce noise. Noise in a rural area can be 40dBA or less on a calm day. An intrusive noise 10 dBA above natural background sounds will result in widespread complaints (Robert Rand INCE) This would be at a peak of only 50dBA. Acciona proposes a 24 hour averaged limit of 50dBA meaning that noise would be much higher on a calm sunny afternoon. Noise should be limited to a 40dBA peak to minimize annoyance and impact on enjoyment of property. Toxicity and Environmental Concerns. Solar panels contain significant amounts of cadmium. " It is a highly toxic carcinogenic that is harmful to most of the body's systems, especially to the lungs, bones, and kidneys. The level of exposure depends upon the dose, duration, and work being done. Cadmium is used in many industries." They claim there is no proven risk of cadmium leaching into the ground beneath the panels. (Remember they also claim no adverse noise or property value impacts) Over a 30 year span, it is entirely possible that adverse weather events will break panels and release cadmium into the ground beneath them. It is very expensive to recycle panels and its highly likely that they will end up in huge landfills like the blades from wind turbines. Divided Community. Allowing such a development without a protective ordinance would cause division between those who stand to profit from lease payments and their neighbors forced to live in the midst of a solar power plant because their homes have become devalued and unsalable Owen Brown  
Have you contacted the utility about the problem: No

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**From:** [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)  
**To:** [REDACTED]  
**Subject:** KY PSC Utility Inquiry  
**Date:** Tuesday, March 23, 2021 12:49:00 PM

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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

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**From:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Sent:** Monday, March 22, 2021 9:27 AM  
**To:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Subject:** FW: KY PSC Utility Inquiry

**From:** KY Public Service Commission <[pscfilings@ky.gov](mailto:pscfilings@ky.gov)>  
**Sent:** Monday, March 22, 2021 8:35 AM  
**To:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Subject:** KY PSC Utility Inquiry

Below is the result of your feedback form. It was submitted by [REDACTED] on Monday, March 22, 2021 at 8:35 AM

-----

Name: Rick L Ross  
Address: 6149 Clift Pike  
City: Mayslick  
State: KY  
Zip Code: 41055  
Phone number where you can be reached: [REDACTED]  
Home phone:  
Utility Name: Acciona Solar

State the nature of your concern: Good Morning, I am writing to object to the Fleming Solar (Acciona) Motion for Setback Deviation in Fleming County. Case#2020-00206. As you know, solar power companies have been acquiring land rights for 1,000s of acres in Fleming and Mason Counties with the purpose of placing up to 600,000 solar panels in our region. Please



do not grant their requested deviation and set a precedent, which would place solar panels within a couple of hundred feet of my house, rendering it unsellable. These solar companies have paid farmers tens of thousands of dollars upfront and have promised much more if they will pressure officials into changing set back ordinances. This will change our farming landscape into an industrial complex complete with razor wire fencing, 20 ft tall solar towers, and a constant humming noise. Please protect property owners. Our homes are our most valuable asset. Please don't allow others to enrich themselves while decimating the home values of others. I would be happy to discuss this issue in person or over the phone. Sincerely,  
Rick L. Ross

Have you contacted the utility about the problem: Yes

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**From:** [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)  
**To:** [REDACTED]  
**Subject:** KY PSC Utility Inquiry  
**Date:** Tuesday, March 23, 2021 12:51:00 PM

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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 Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Sent:** Monday, March 22, 2021 9:25 AM  
**To:** PSC Public Information Officer <[PSC.Info@ky.gov](mailto:PSC.Info@ky.gov)>  
**Subject:** FW: KY PSC Utility Inquiry

**From:** KY Public Service Commission <[pscfilings@ky.gov](mailto:pscfilings@ky.gov)>  
**Sent:** Sunday, March 21, 2021 3:05 PM  
**To:** PSC Consumer Web Inquiry <[PSC.Consumer.Inquiry@ky.gov](mailto:PSC.Consumer.Inquiry@ky.gov)>  
**Subject:** KY PSC Utility Inquiry

Below is the result of your feedback form. It was submitted by [REDACTED] on Sunday, March 21, 2021 at 3:04 PM

-----  
Name: Kathy Bisotti  
Address: 5033 Main Street  
City: Mayslick  
State: KY  
Zip Code: 41055  
Phone number where you can be reached: [REDACTED]  
Home phone: [REDACTED]  
Utility Name: Fleming Solar (Acciona)

State the nature of your concern: I am writing to express my concerns regarding the development of solar energy fields in our area. I believe fields of solar energy panels would negatively impact our agricultural economy, destroy the natural beauty our state is known for and lead to potential toxic environmental issues in the future. The potential benefits of solar

energy are far outweighed by its negative impact on our community and I am asking you to reconsider allowing its development in our state. Kathy Bisotti  
Have you contacted the utility about the problem: No  
-----

\*AEUG Fleming Solar, LLC  
55 East Monroe Street  
Suite 1925  
Chicago, ILLINOIS 60603

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

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