

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	)	
55 MEGAWATT MERCHANT ELECTRIC	)	CASE NO.
SOLAR GENERATING FACILITY IN TAYLOR	)	2020-00272
COUNTY, KENTUCKY, PURSUANT TO KRS	)	
278.700 AND 807 KAR 5:110	)	

NOTICE OF FILING

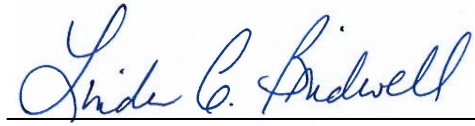
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on September 8, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on September 8, 2021.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at [https://youtu.be/e\\_q2z3717rg](https://youtu.be/e_q2z3717rg).

Parties wishing an annotated digital video recording may submit a written request by electronic mail to [pscfilings@ky.gov](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of September 2021.



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Linda C. Bridwell  
Executive Director  
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FLAT RUN )  
SOLAR, LLC FOR A CERTIFICATE OF )  
CONSTRUCTION FOR AN APPROXIMATELY 55 )  
MEGAWATT MERCHANT ELECTRIC SOLAR )  
GENERATING FACILITY IN TAYLOR COUNTY, )  
KENTUCKY, PURSUANT TO KRS 278.700 AND )  
807 KAR 5:110 )

CASE NO.  
2020-00272

CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on September 8, 2021. The Formal Hearing Log is included with the recording on September 8, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of September 8, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of September 8, 2021, and the time at which each occurred.

Signed this 15<sup>th</sup> day of September, 2021.



Candace H. Sacre  
Administrative Specialist III



Stephanie Schweighardt  
Notary Public State at Large ID#: 614400  
Commission Expires: January 14, 2023



Date:	Type:	Location:	Department:
9/8/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Paul Coomes; Carson Harkrader; Ben Lindermeier  
 Judge: Marianne Butler; Amy Cubbage; John Lyons  
 Clerk: Candace Sacre

Event Time	Log Event	
1:33:28 PM	Session Started	
1:33:46 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Good afternoon, we are on the record in Case No. 2020-00272, electronic application of Flat Run Solar, LLC, for a Certificate of Construction for an approximately 55-megawatt merchant electric solar-generating facility in Taylor County, Kentucky, pursuant to KRS 278.700 and 807 KAR 5:110.
1:33:57 PM	Camera Lock Deactivated	
1:34:12 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	My name is Amy Cubbage. I am Chairman of the Public Service Commission and also serve as Chairman for the Kentucky State Board on Electric Generation and Transmission Siting, and I will be presiding today.
1:34:28 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Joining me today via videoconferencing or in person are Marianne Butler, Commissioner of the PSC; John Lyons, Deputy Secretary of the Energy and Environment Cabinet, serving as proxy for Secretary Rebecca Goodman; and Blanche Minor, ad hoc appointee.
1:35:07 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Videoconferencing and COVID recommendations. (Click on link for further comments.)
1:36:51 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	This hearing is for the purpose of taking evidence on Flat Run Solar, LLC, application requesting a Certificate of Construction for a 55-megawatt merchant electric generating solar facility to be located in Taylor County, Kentucky.
1:37:07 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Entry of appearance of counsel, identify witnesses. (Click on link for further comments.)
1:37:23 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Gregory Dutton, on behalf of applicant, with me three witnesses, Carson Hardraker, Matthew Mooney, and Benjamin Lindermeier.
1:37:39 PM	Staff Atty Mance PSC Note: Sacre, Candace	Cornelius Mance.
1:37:43 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Public notice. (Click on link for further comments.)
1:37:53 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Outstanding motions. (Click on link for further comments.)
1:38:08 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Public comments. (Click on link for further comments.)
1:38:34 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	May call first witness.

1:38:41 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Carson Harkrader.
1:38:47 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Witness is sworn.
1:39:05 PM	Vice Chairwoman Cubbage - witness Harkrader Note: Sacre, Candace	Examination. Name and address?
1:39:23 PM	Atty Dutton Flat Run Solar - witness Harkrader Note: Sacre, Candace	Direct Examination. Who work for?
1:39:28 PM	Atty Dutton Flat Run Solar - witness Harkrader Note: Sacre, Candace	Title?
1:39:33 PM	Atty Dutton Flat Run Solar - witness Harkrader Note: Sacre, Candace	How long in position?
1:39:50 PM	Atty Dutton Flat Run Solar - witness Harkrader Note: Sacre, Candace	Explain in detail company's role in developing project?
1:49:38 PM	Atty Dutton Flat Run Solar - witness Harkrader Note: Sacre, Candace	Anything in record correct or clarify?
1:49:53 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Questions?
1:49:58 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Cross Examination. Response, Staff Second Request, footprint 456 acres, familiar with how many acres to contain panels or equipment on project?
1:51:03 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	When site layout be finalized, or better for Lindermeier?
1:51:24 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Changes made to project boundary since site layout provided?
1:51:43 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Addition 25-acre parcel owned by Thomas and vegetation buffering, changes in boundaries since those additions?
1:52:15 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Vegetation buffering, Thomas, address view of substation from four houses south of West Solomon Road, additional buffering discussed with property owners and satisfy concern visual impact?
1:53:12 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Other minor changes to project boundaries expected?
1:53:32 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Minor changes to be treated immaterial, aware of changes to plan need submitted to Siting Board, motion to approve changes may be necessary in future?
1:55:00 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Compatibility with scene/surroundings, reading, (click on link for further comments), what project locations referencing vegetative screening not be added?
1:57:02 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Any concerns from neighbors unable to address with vegetative screening?
1:57:52 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Number of nonparticipating properties adjacent to facility?
1:58:10 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Contacted nonparticipating property owners adjacent to facility discuss visual/noise impacts construction/operations?
1:59:33 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Response from property owners?
1:59:52 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	At public meeting, any concerns expressed?

2:00:07 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Response, First Data Request, unable contact Deener family, ever able to make contact?
2:00:59 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Expected noise construction/operation, Motion for Deviation B(1), reading (click on link for further comments), recent filing stated aware recent decisions working hours 8 am to 6 pm, Mon through Sat, committed maintaining working hours?
2:01:58 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Motion for Deviation, reading (click on link for further comments), compared to Site Assessment Report, reading (click on link for further comments), explain 700 feet distance Motion for Deviation what measures?
2:04:00 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Repeat question. (Click on link for further comments.)
2:05:28 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Response, Second Request for Information, closest residence to substation 890 feet, reading (click on link for further comments), minimum distance, actual distance vary, final site plan completed?
2:07:36 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Proposed setbacks for converters, below threshold for human ear, for all but one residence for which distances given?
2:08:06 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Been decision made central inverters and string inverters, specific distance setback for those?
2:09:53 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	As setbacks currently set up regarding inverters, allow sound given off within setbacks below threshold for human ear, correct?
2:10:40 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Response, Consultant's First Request for Information, reading (click on link for further comments), how far each of these residences are from solar equipment?
2:11:32 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Familiar which is closest residence to equipment?
2:12:00 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Noise impacts discussed with homeowners?
2:12:13 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Concerns raised by them?
2:12:23 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Consultant's First Request, noise levels pile driver, three homes less 150 feet experiencing higher decibels and what level would be?
2:13:34 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Method to mitigate noise these areas?
2:14:29 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	History working with projects, no efforts mitigate noise during construction?
2:15:13 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Consultant's Report, parking trucks perimeter of site not feasible, type of sound blankets for mitigation?
2:16:19 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Request for Information, Case 2020-00280, methods of sound reduction during pile driving process, alternatives involve semi-trailer canvas method?

2:17:45 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Decommissioning plan presented, draft plan, committed to formal plan?
2:18:20 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Lindermeier and Engie responsible for responses regarding decommissioning?
2:18:39 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	PILOT agreement and had been approved by Taylor County?
2:18:48 PM	Staff Atty Mance PSC - witness Hardraker Note: Sacre, Candace	Aware whether Taylor County adopt ordinance final approval bonds and PILOT agreement?
2:19:34 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Questions?
2:19:56 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Examination. In opening statement, mentioned private off-takers, PPA executed for megawatts?
2:20:35 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Phase 1 or environmental cumulative assessment, directed somebody else or you?
2:20:54 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Linebach Funkhouser Phase 1 report mentioned old manure lagoon, recommended capping, not descriptive, have to be dewatered before done, plans made for that at this point?
2:22:10 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Dewatering lagoon UK reference document will pass along, water wells on property not know ultimate disposal, need be plugged per DOW standards, more troubling old residence pushed into pond, know what ultimate disposal will be, could have asbestos?
2:23:45 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Phase 1 not cover sensitive species, bats, environmental assessment, review threatened/endangered species done?
2:24:32 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Submitted for record?
2:24:33 PM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	BOARD MEMBER LYONS - WITNESS HARKRADER ENVIRONMENTAL ASSESSMENT THREATENED/ENDANGERED SPECIES.
2:24:58 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Questions?
2:25:18 PM	Commissioner Butler - witness Harkrader Note: Sacre, Candace	Examination. How dispose with panels when replaced, best for Lindermeier?
2:25:51 PM	Vice Chairwoman Cubbage - witness Harkrader Note: Sacre, Candace	Examination. Carolina Solar remain involved even though sold to Engie NA, contractual arrangements require stay involved, nature how arrangement continue?
2:26:57 PM	Vice Chairwoman Cubbage - witness Harkrader Note: Sacre, Candace	Vegetative buffers, transmission line easement, how wide?
2:27:39 PM	Vice Chairwoman Cubbage - witness Harkrader Note: Sacre, Candace	Know whether notice of sale to Engie NA placed in record?
2:27:58 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Change of attorney when transaction complete, but no notice change of parent company Flat Run Solar sold as LLC, so company same.

2:28:09 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Single-member LLC?
2:28:13 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Defer to Lindermeier, but nodding head yes.
2:28:55 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Examination. Not sure environmental assessment submitted to Cabinet filed with Commission, note submitted by previous law firm representing Flat Run to Secretary Goodman directly?
2:29:45 PM	Board Member Lyons - witness Harkrader Note: Sacre, Candace	Saw Phase 1 but not see environmental assessment? (Click on link for further comments.)
2:30:26 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Only attachment Site Assessment on Phase 1. (Click on link for further comments.)
2:30:56 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Anything else?
2:31:12 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Witness excused.
2:31:27 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Next witness?
2:31:29 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Paul Coomes.
2:31:34 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Witness is sworn.
2:31:46 PM	Vice Chairwoman Cubbage - witness Coomes Note: Sacre, Candace	Examination. Name and address?
2:32:04 PM	Atty Dutton Flat Run Solar - witness Coomes Note: Sacre, Candace	Direct Examination. Who do you work for?
2:32:15 PM	Atty Dutton Flat Run Solar - witness Coomes Note: Sacre, Candace	How long?
2:32:38 PM	Atty Dutton Flat Run Solar - witness Coomes Note: Sacre, Candace	Role with Flat Run solar project?
2:33:03 PM	Atty Dutton Flat Run Solar - witness Coomes Note: Sacre, Candace	Anything like to correct?
2:34:05 PM	Atty Dutton Flat Run Solar - witness Coomes Note: Sacre, Candace	Change analysis?
2:34:18 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Questions?
2:34:50 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Witness excused.
2:35:02 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Next witness?
2:35:04 PM	Atty Dutton Flat Run Solar Note: Sacre, Candace	Benjamin Lindermeier
2:35:09 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Witness is sworn.
2:35:29 PM	Vice Chairman Cubbage - witness Lindermeier Note: Sacre, Candace	Examination. Name and address?
2:35:55 PM	Atty Dutton Flat Run Solar - witness Lindermeier Note: Sacre, Candace	Direct Examination. Who work for?
2:35:59 PM	Atty Dutton Flat Run Solar - witness Lindermeier Note: Sacre, Candace	Title?
2:36:04 PM	Atty Dutton Flat Run Solar - witness Lindermeier Note: Sacre, Candace	How long?



2:36:12 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Role in Flat Run Solar project?

2:36:46 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Anything correct or clarify?

2:36:55 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Explain company's role in developing project?

2:39:48 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Acres covered by panels, know that information?

2:40:49 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Central versus string inverters, which one will be used?

2:41:19 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Motion for Deviation request 700-foot setback, site assessment report smaller number of feet, motion neighborhoods defined by statute, SAR individual residences, confirm correct?

2:42:10 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Decommissioning plan, draft or final, do you know at this time?

2:42:40 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Ashwood Solar matter, number of sound mitigation techniques, experience and if successful?

2:44:07 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace PPA for power, PPA made public for project?

2:44:39 PM Atty Dutton Flat Run Solar - witness Lindermeier  
Note: Sacre, Candace Disposal of damaged panels, how situation be handled?

2:45:56 PM Vice Chairwoman Cubbage  
Note: Sacre, Candace Questions?

2:46:08 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace Cross Examination. What point in process Engie purchase Flat Run Solar project?

2:46:49 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace When will Engie take over responsibility for final development?

2:47:24 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace Approximate period finalize or not definite yet?

2:48:02 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace When Flat Run Solar file notice that company sold and has new parent company?

2:48:20 PM POST-HEARING DATA REQUEST  
Note: Sacre, Candace NOTICE FLAT RUN SOLAR SOLD AND NEW PARENT COMPANY  
Note: Sacre, Candace STAFF ATTY MANCE PSC - WITNESS LINDERMEIER

2:49:24 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace Use of sound blankets mitigation construction noise, few other methods discussed, familiar with those techniques in rural solar settings?

2:50:28 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace Contacted landowners and advise of noise regarding construction?

2:51:00 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace Decommissioning, draft plan be adopted as is, removal of equipment regardless of depth in ground at conclusion of lease?

2:51:44 PM Staff Atty Mance PSC - witness Lindermeier  
Note: Sacre, Candace Bonding financial assurance, draft decommissioning plan primary beneficiary owner of allocation areas, secondary beneficiary county, owner foregoes usage of security within 12 months, if plan not executed, Flat Run Solar commit to terms for project and decommissioning plan?

2:52:48 PM Vice Chairwoman Cubbage  
Note: Sacre, Candace Questions?

2:52:56 PM	Board Member Lyons - witness Lindermeier Note: Sacre, Candace	Examination. Old manure lagoon, plans for that, plans dispose of it?
2:54:40 PM	Board Member Lyons - witness Lindermeier Note: Sacre, Candace	Old residence in pond, needs be removed, buried on site, cannot remain in pond, pass that long.
2:55:28 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Questions?
2:55:45 PM	Staff Atty Mance PSC - witness Lindermeier Note: Sacre, Candace	Recross Examination. Construction noise and hours, 7 am to 9 am, familiar with standard 8 am to 6 pm Mon through Sat, Flat Run Solar committed maintaining those working hours?
2:56:56 PM	Vice Chairwoman Cubbage - witness Lindermeier Note: Sacre, Candace	Examination. Engie expect operate facility or sell to another operator?
2:57:24 PM	Vice Chairwoman Cubbage - witness Lindermeier Note: Sacre, Candace	Recycling panels, no harmful materials, not contain materials considered hazardous waste upon recycling/disposal?
2:57:55 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Questions?
2:58:11 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Witness excused.
2:58:20 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Final witness? (Click on link for further comments.)
2:58:37 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Did not introduce exhibits? (Click on link for further comments.)
2:58:48 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Final order September 29. (Click on link for further comments.)
2:58:58 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Post-hearing data requests September 10. (Click on link for further comments.)
2:59:12 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Responses by September 17. (Click on link for further comments.)
3:00:24 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Post-hearing briefing? (Click on link for further comments.)
3:00:36 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Anything else? (Click on link for further comments.)
3:01:02 PM	Vice Chairwoman Cubbage Note: Sacre, Candace	Hearing adjourned.
3:01:11 PM	Session Paused	
3:01:14 PM	Session Resumed	
3:01:19 PM	Session Ended	

\*Blanche C Minor  
Resident Representative

\*Flat Run Solar, LLC  
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\*Barry T Smith  
Taylor County Judge Executive