

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF MCCRACKEN)
COUNTY SOLAR LLC FOR A CERTIFICATE)
OF CONSTRUCTION FOR AN)
APPROXIMATELY 60 MEGAWATT)
MERCHANT ELECTRIC SOLAR GENERATING)
FACILITY IN MCCRACKEN COUNTY,)
KENTUCKY PURSUANT TO KRS 278.700 AND)
807 KAR 5:110)

CASE NO.
2020-00392

NOTICE OF FILING

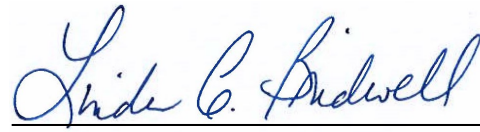
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on September 9, 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 9, 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/mhfSZMCOKBI>.

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

Done at Frankfort, Kentucky, this 16th day of September 2021.



Linda C. Bridwell
Executive Director
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

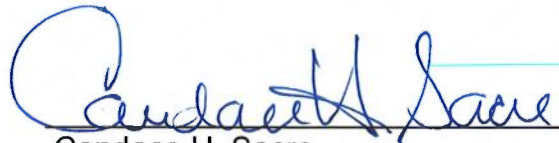
ELECTRONIC APPLICATION OF MCCRACKEN)
COUNTY SOLAR LLC FOR A CERTIFICATE OF)
CONSTRUCTION FOR AN APPROXIMATELY) CASE NO.
60 MEGAWATT MERCHANT ELECTRIC SOLAR) 2020-00392
GENERATING FACILITY IN MCCRACKEN)
COUNTY, KENTUCKY PURSUANT TO)
KRS 278.700 AND 807 KAR 5:110)


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 9, 2021. The Formal Hearing Log is included with the recording on September 9, 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 9, 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 9, 2021, and the time at which each occurred.

Signed this 16th day of September, 2021.


Candace H. Sacre
Administrative Specialist III


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



Witness: Chris Killenberg; Marty Marchaterre
Judge: Marianne Butler; Amy Cabbage; John Lyons
Clerk: Candace Sacre

Date:	Type:	Location:	Department:
9/9/2021	Public Hearing\Public Comments	Hearing Room 1	Public Hearing

Event Time	Log Event	
9:02:17 AM	Session Started	
9:02:39 AM	Vice Chairman Cabbage Note: Sacre, Candace	Good morning, we are on the record in Case No. 2020-00392, electronic application of McCracken County Solar, LLC, for a certificate of construction for an approximately 60-megawatt merchant electric solar-generating facility in McCracken County, Kentucky, pursuant to KRS 278.700 and 807 KAR 5:110.
9:03:04 AM	Vice Chairman Cabbage Note: Sacre, Candace	My name is Amy Cabbage. I am Vice Chairman of the Kentucky Public Service Commission and serve as a member of the Kentucky State Board on Electric Generation and Transmission Siting, and I will be presiding today.
9:03:18 AM	Vice Chairman Cabbage Note: Sacre, Candace	Joining me today via videoconferencing are other Siting Board members. They are Marianne Butler, Commissioner of the Public Service Commission; John Lyons, Deputy Secretary of the Energy and Environment Cabinet, serving for Secretary Rebecca Goodman; Charlie Rowland, Executive Advisor, Cabinet for Economic Development, serving for Interim Secretary Larry Hayes; and Kyle Henderson, ad hoc appointee.
9:03:51 AM	Vice Chairman Cabbage Note: Sacre, Candace	Videoconferencing and COVID recommendations. (Click on link for further comments.)
9:05:32 AM	Vice Chairman Cabbage Note: Sacre, Candace	This hearing today is for the purpose of taking evidence on McCracken County Solar's application requesting a Certificate of Construction for a 60-megawatt merchant electric-generating solar facility to be located in McCracken County, Kentucky.
9:05:48 AM	Vice Chairman Cabbage Note: Sacre, Candace	Entry of appearance of counsel and request each party identify witnesses.
9:06:00 AM	Atty Goss McCracken County Solar Note: Sacre, Candace	Mark David Goss, seven witnesses will offer for cross examination, Chris Killenberg, Mike Clark, Richard Kirkland, Michael Grim, Marty Marchaterre, Tim Choate, and Jason Boston.
9:08:14 AM	Atty Goss McCracken County Solar Note: Sacre, Candace	Standby if any questions, released no questions. (Click on link for further comments.)
9:09:13 AM	Staff Atty Mance PSC Note: Sacre, Candace	Cornelius Mance.
9:09:17 AM	Vice Chairman Cabbage Note: Sacre, Candace	Public notice. (Click on link for further comments.)
9:09:23 AM	Vice Chairman Cabbage Note: Sacre, Candace	Outstanding motions. (Click on link for further comments.)

9:09:30 AM	Vice Chairman Cubbage Note: Sacre, Candace	Public comments. (Click on link for further comments.)
9:09:53 AM	Vice Chairman Cubbage Note: Sacre, Candace	Given Goss request, have position on other witnesses stay? (Click on link for further comments.)
9:13:34 AM	Vice Chairman Cubbage Note: Sacre, Candace	First witness?
9:13:37 AM	Atty Goss McCracken County Solar Note: Sacre, Candace	Chris Killenberg.
9:13:42 AM	Vice Chairman Cubbage Note: Sacre, Candace	Witness is sworn.
9:13:53 AM	Vice Chairman Cubbage - witness Killenberg Note: Sacre, Candace	Examination. Name and address?
9:14:05 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Direct Examination. By whom employed?
9:14:11 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Relationship Community Energy Solar have with McCracken County Solar?
9:14:29 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Typically, the way projects handled?
9:14:34 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	What is your title with Community Energy Solar?
9:14:41 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Educational background?
9:15:23 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Degree?
9:15:29 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Experience?
9:15:49 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Other cases pending before Siting Board also project development coordinator?
9:16:05 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Filed narrative to comply with Siting Board and responses?
9:16:25 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Revisions, amendments, edits?
9:16:36 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	Adopt narrative and responses?
9:16:57 AM	Vice Chairman Cubbage Note: Sacre, Candace	Questions?
9:17:04 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Cross Examination. Responses 1 and 2, mitigation measures, agrees recommended mitigation measure site survey be created, advised ALTA survey in progress, completed?
9:17:50 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Response 3, ownership records updated, confirm?
9:18:33 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Approximate time period completed?
9:18:47 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Response 4, site access control per guidelines, status of plan?
9:20:06 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Staff First Request, Response 1, page 6, noise pile driving restricted hours, creating neighboring zones, Mon through Fri 9 am to 5 pm, confirm correct?

9:20:45 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Neighboring zones all areas within 800 feet adjacent public roadway, confirm correct?
9:20:54 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	At 800 feet, sound created pile driving attenuated just below 60 decibels, same level normal speech at three feet, your understanding, correct?
9:21:38 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Same Response, closest residence neighboring zone 515 feet, recollection, correct?
9:22:08 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	For this residence, noise levels just over 63 decibels, below normal speech at three feet, correct?
9:22:27 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	How many properties residential and nonresidential located within neighboring zones?
9:22:28 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY MANCE PSC - WITNESS KILLENBERG RESIDENTIAL AND NONRESIDENTIAL PROPERTIES LOCATED WITHIN NEIGHBORING ZONES
9:23:14 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Residential property owners, contacted these owners within neighboring zones construction activities, noise pile driving, traffic?
9:24:20 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	When notified of project, any express concerns, if so how address?
9:25:49 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Response 1, Staff First, page 10, WMA, reading (click on link for further comments), correct?
9:26:25 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Established 70 decibels normal human speech, in Response, neighboring zones wildlife management 175 feet, pile driving 73 decibels, accurate?
9:27:08 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Any additional factors regarding WMA mitigate noise compared to residential areas?
9:28:47 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Noise levels during operations, Response 8, agrees adhere increased setbacks, minimum 500 feet solar panel and adjacent residence and minimum 1,000 feet inverter and residence, confirm?
9:29:31 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	If site plans change, expansion of site or shrink, if need for change usually shrink inward, correct?
9:30:46 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Response 10, agrees prior to construction will send notice, reading (click on link for further comments), still the case?
9:31:19 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Describe Community Energy business philosophy with community outreach and how interacts in communities where developed solar energy facilities?
9:32:51 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Examples Community Energy worked with nonparticipating landowners concerns noise/visual issues?
9:34:22 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Number of nonparticipating property owners adjacent to facility?

9:34:58 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Contacted nonparticipating members discuss visual/noise impacts during construction and operations?
9:36:35 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Committed to mitigation measures address concerns visual and noise issues?
9:37:25 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Committed to formal decommissioning plan?
9:40:00 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Response mitigation measures, page 27, consultant final report, Mitigation Measure 12, erosion and protection of water resources, how addressed previous projects?
9:43:01 AM	Staff Atty Mance PSC - witness Killenberg Note: Sacre, Candace	Confirm same principles employed for proposed facility?
9:43:18 AM	Vice Chairman Cabbage Note: Sacre, Candace	Questions?
9:43:25 AM	Board Member Lyons - witness Killenberg Note: Sacre, Candace	Cross Examination. Discussion Fish & Wildlife at WMA, clear to them pile driving construction throughout life of project?
9:43:59 AM	Board Member Lyons - witness Killenberg Note: Sacre, Candace	Clarify, pile driving aspect of project, when construction anticipated occur, life of property?
9:45:25 AM	Board Member Lyons - witness Killenberg Note: Sacre, Candace	What months would that occur?
9:46:55 AM	Board Member Lyons - witness Killenberg Note: Sacre, Candace	Suggest once known check back, deer quota hunts extend into week, November through January weekdays involved, may want to check back?
9:47:52 AM	Vice Chairman Cabbage Note: Sacre, Candace	Questions?
9:47:57 AM	Commissioner Butler - witness Killenberg Note: Sacre, Candace	Examination. Panels damaged, how dispose?
9:49:06 AM	Vice Chairman Cabbage - witness Killenberg Note: Sacre, Candace	Examination. Assessment sensitive, threatened, endangered species included pile driving aspect?
9:49:47 AM	Atty Goss McCracken County Solar Note: Sacre, Candace	Defer to Marty.
9:50:09 AM	Vice Chairman Cabbage Note: Sacre, Candace	Redirect?
9:50:14 AM	Atty Goss McCracken County Solar - witness Killenberg Note: Sacre, Candace	McCracken County Solar believe fully complied with KRS 700 sufficient for this body award construction certificate?
9:50:48 AM	Vice Chairman Cabbage Note: Sacre, Candace	Questions?
9:50:53 AM	Vice Chairman Cabbage Note: Sacre, Candace	Witness is excused.
9:51:02 AM	Vice Chairman Cabbage Note: Sacre, Candace	You can call Mr. Marchaterre.
9:51:21 AM	Vice Chairman Cabbage Note: Sacre, Candace	Witness is sworn.
9:51:31 AM	Vice Chairman Cabbage - witness Marchaterre Note: Sacre, Candace	Examination. Name and address?
9:51:46 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	Direct Examination. By whom employed?

9:51:52 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	How long?
9:52:04 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	Curriculum vitae part of record?
9:52:10 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	Provided expert report and responses?
9:52:20 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	Revisions, amendments?
9:52:31 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	Adopt reports, attachments, responses?
9:52:40 AM	Atty Goss McCracken County Solar - witness Marchaterre Note: Sacre, Candace	VC may wish to reask, remember question, respond?
9:52:57 AM	Vice Chairman Cabbage - witness Marchaterre Note: Sacre, Candace	Examination. Effects threatened, sensitive, endangered species within project area, specifically WMA, effects sound pile driving considered?
9:55:17 AM	Vice Chairman Cabbage - witness Marchaterre Note: Sacre, Candace	Professional opinion no reasonable risk of impact?
9:55:30 AM	Vice Chairman Cabbage Note: Sacre, Candace	Questions?
9:55:44 AM	Vice Chairman Cabbage Note: Sacre, Candace	Witness is excused.
9:55:51 AM	Vice Chairman Cabbage Note: Sacre, Candace	Other witnesses?
9:56:03 AM	Vice Chairman Cabbage Note: Sacre, Candace	Board members examine witnesses? (Click on link for further comments.)
9:56:16 AM	Vice Chairman Cabbage Note: Sacre, Candace	Exhibits? (Click on link for further comments.)
9:56:26 AM	Vice Chairman Cabbage Note: Sacre, Candace	Other motions? (Click on link for further comments.)
9:56:36 AM	Vice Chairman Cabbage Note: Sacre, Candace	Final order, November 7. (Click on link for further comments.)
9:56:46 AM	Vice Chairman Cabbage Note: Sacre, Candace	Requests for information, September 13. (Click on link for further comments.)
9:57:00 AM	Vice Chairman Cabbage Note: Sacre, Candace	Responses, September 20. (Click on link for further comments.)
9:57:30 AM	Vice Chairman Cabbage Note: Sacre, Candace	Post-hearing briefing? (Click on link for further comments.)
9:57:41 AM	Vice Chairman Cabbage Note: Sacre, Candace	Procedural discussions. (Click on link for further comments.)
9:58:15 AM	Vice Chairman Cabbage Note: Sacre, Candace	Hearing adjourned.
9:58:25 AM	Session Ended	

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