

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF BLUE MOON	)	
ENERGY LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY 70	)	
MEGAWATT MERCHANT ELECTRIC SOLAR	)	CASE NO.
GENERATING FACILITY AND NONREGULATED	)	2021-00414
ELECTRIC TRANSMISSION LINE IN HARRISON	)	
COUNTY, KENTUCKY PURSUANT TO KRS	)	
278.700 AND 807 KAR 5:110	)	

SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION  
TO BLUE MOON ENERGY, LLC

Blue Moon Energy, LLC (Blue Moon Energy), pursuant to 807 KAR 5:001, is to file with the Commission an electronic version of the following information. The information requested is due on April 13, 2022. The Siting Board directs Blue Moon Energy to the Kentucky Public Service Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

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.

Blue Moon Energy shall make timely amendment to any prior response if Blue Moon Energy 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 Blue Moon Energy fails or refuses to furnish all or part of the requested information, Blue Moon Energy 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 applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Blue Moon Energy shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide the number of miles between the proposed Blue Moon Energy Solar Project and the Bluebird Solar Project (Bluebird Project), Case No. 2021-00141, currently pending before a siting board.

2. Explain any overlaps in the projected construction schedules of the two different projects.

3. Describe the potential for cumulative effects on traffic and roadways from construction activities of the two projects, and any steps planned to minimize this.

4. Describe the potential for cumulative noise effects resulting from the construction activities of the two projects.

5. Describe the potential for cumulative effects on property values and land uses from the operation of the two projects.

6. Describe what steps have been taken, or will be taken, to communicate with the applicants in the Bluebird project to coordinate to avoid potential detrimental effects referenced in Items 1–5 above.

7. Submit a copy of the leases or purchase agreements, including options, separate agreements or deeds, which Blue Moon Energy has entered into in connection with the footprint for the proposed solar facility, including the agreements for each of the parcels of the Blue Moon Energy Solar Project (Project). To the extent that these documents will be provided under a petition for confidential treatment, provide the unredacted copies of each agreement under seal of confidentiality.

8. Confirm if all easements have been obtained for this Project.

9. Detail any contracts by which Blue Moon Energy has paid, has negotiated to pay, or has contracted to pay, any compensation, whether cash or otherwise, to non-participating landowners near the Project. Include the terms of that agreement and which properties are involved in terms of distance to the Project boundaries.

10. Detail the status of any applications for zoning changes or conditional use permits that are required for this Project.

11. Detail the status of any litigation in state or federal court, or before an administrative agency other than the Siting Board involving this Project.

12. Refer to the Application, Exhibit E, page 22.

a. Given that Blue Moon Energy is using Industrial Revenue Bonds (IRB) to finance the entire capitalized investment in manufacturing machinery and personal property, and that the Project would not qualify for a reduced state IRB tax rate of \$0.015 per \$100, explain why the Project does not qualify for the reduced IRB tax rate.

b. Explain whether Blue Moon Energy has or is in the process of negotiating an IRB and Payment In Lieu Of Taxes (PILOT) agreement with Harrison County.

13. Refer to the Application, Exhibit E, pages 22 and 26.

a. Explain why school district tax revenue is estimated when IRB financing is assumed for manufacturing machinery and personal property.

b. Explain and compare the difference in school district tax revenue “with” and “without” IRB financing.

14. Refer to the Application, Exhibit E generally. Explain the estimated occupational or income tax and sales tax revenues that will accrue to Harrison County and Kentucky as a result of the Project.

15. Refer to the Application, Exhibit F, Hessler Associates, Inc.’s study, page 5 and Plot 1.

a. Provide an update to Plot 1 showing the estimated distances between the noise generating equipment and the 40 dBA boundary.

b. Provide an updated Plot 1 with marks and a listing of all non-participating residences within 500 feet of facility noise making equipment.

16. Refer to the Application, Exhibit F, Cardno Construction Noise Assessment pages 1–3.

a. Page one states that the nearest non-participating residence is located more than 500 feet from the side of the Project area. Provide an update to Table 2 showing the anticipated noise levels at 500 feet.

b. Provide an update to the Noise Receptors Map showing a 500-foot boundary from the Project fence line.

c. Provide an update to Table 2 showing the anticipated noise levels at the property boundary and at all non-participating noise receptors within 500 feet of the property boundary during the construction phase.

17. Refer to the Application, Exhibit F, Cardno Construction Noise Assessment, page 4. Cardno states, “Sound will be present in the Project during construction; however, because of the size of the Project and the distance to the nearest receptors, construction will not contribute to a significant sound increase when compared to sound currently occurring onsite and baseline ambient sound levels.” Explain what the estimated sound levels are currently occurring at all noise receptors within 500 feet of the property boundary and what the base line ambient sound levels are.

18. Refer to the Application, Exhibit E, Cardno Construction Noise Assessment generally.

a. Explain the hours of operation and days of the week construction activity will occur during the construction phase.

b. Explain whether owners of any of the potential noise receptors have voiced concerns or submitted comments regarding potential construction noise. If so, provide copies of Blue Moon Energy's response.

c. Explain plans to notify noise receptors before construction will be occurring nearby. State whether the notice will include the expected duration of that noise activity before that activity moves to another part of the Project footprint.

19. Refer to the Application, Exhibit F, paragraph 14. Explain whether the Transformer model and the inverter model has been selected. If so, state the specifications pertaining to noise production.

20. Blue Moon Energy is in an area classified as intense karst by the Kentucky Geological Survey. Explain whether a geotechnical study of the site been conducted to determine if any karst formations will affect the construction of the solar facility. If so, provide a copy of the study.

21. Refer to the Harrison County Zoning Ordinance in SAR Exhibit G.

a. In Item 4 the Table for Parcel Line Setbacks, the number of feet for Level 3 SES has asterisks. Explain the asterisks.

b. Confirm if Blue Moon Energy's Project is located solely within an Agricultural District and considered a Level 3 SES.

c. Submit a map of the Harrison County Zoning Districts with major roads.

22. In the Application, Item 13, it is stated that the proposed setbacks are included in the Project layout in SAR Exhibit A.

a. Confirm whether that refers to the map "Overall Site Plan", Date: 10/06/2021, Sheet C.200.

b. Confirm that is the same map found in the Application, Exhibit A, SheetC.200.

c. Explain which map was submitted to Cynthiana-Harrison County-Berry Planning Commission for the CUP.

23. In the Application, Exhibit A, Sheet C.200, there is a buildable area to the east of Ruddles Mill Road in the southern part of the Blue Moon Energy site. On sheet C.202 with the Landscape Plan, there is no plan for solar panels or landscaping for this area.

a. Explain whether Sheet C.202 was included in the CUP application.

b. Describe the process that Blue Moon Energy will conduct for permissions (Planning Commission and Siting Board) if solar panels are extended in this buildable area.

24. Refer to the Application Project Layout/Site Map.

a. Indicate the location of Cynthiana-Harrison County Airports and runway on the site layout and two-mile radius diagram (Recurrent Energy Map Exhibit A).

b. Indicate the location of all churches and hospitals on the Site Layout and two-Mile radius diagram.

25. Refer to Blue Moon Energy Exhibit F (SAR) at VI, Mitigation Measure 37. Explain planned mitigation procedures for eliminating glint and glare from the south arrays that are directly in the flight path of the Cynthiana-Harrison County Airport.

26. Provide an Electrical One-Line diagram for the facility.

27. Provide pertinent information for Department of Energy (DOE) transformer compliance for the Substation Transformers.

28. Explain the temporary power required for construction of the plant and the source of such power.

29. With regard to energy storage in the facility during operations:

a. Confirm if any batteries are planned for energy storage.

b. Provide the Safety Data Sheets for the energy storage system if an energy storage system is being used.

c. Explain the environmental impact of the energy storage system including:

(1) The life expectancy of the batteries, including a comparison of that with the overall Project life.

(2) Methods to be used to dispose of the batteries once they have reached their end of life or require replacement.

30. Refer to the Amended Application for Certificate of Construction (Overall Site Plan). Provide pertinent interconnecting information for all solar panels separated by roads and flood zones (overhead or underground).

31. Provide pertinent information on any Fiber Optic Communication or other type of communication network to be installed as part of the Project, as well as the associated excavation is required for the installation of such communication network.

32. Provide a Project construction schedule outlining the details of each phase from start to finish including anticipated duration (e.g., clearing land, constructing roads, install panels, erect fencing, etc.).



33. Provide pertinent information on where the PV cells/solar panels Blue Moon Energy plans to install are manufactured, and provide the specifications and Model number of the PV cells/solar panels planned to be installed.

34. Verify that a Power Purchase Agreement has been made with the Utility.

35. Inform the Siting Board whether Blue Moon Energy has obtained a PM or PM10 analysis for fugitive dust, or has other data as to fugitive dust that could be created by construction. If such an analysis has been done provide it.

36. Confirm whether a Kentucky Pollution Discharge Eliminations System (KPDES) application for a permit has been sent to the Natural Resources and Environmental Protection Cabinet. If such a KYDES application has been submitted, then provide a copy.

37. Describe the steps planned for the debris maintenance plan as required by the planning commission.

38. Explain whether there are endangered plant or animal species near and about the construction area, and what the proposed mitigating measures would be for dealing with those.

39. Explain whether there are historic and archeologic sites in close proximity or within the Project area, and what the proposed mitigating measures would be for dealing with those.

40. Refer to Exhibit E of the Application. Provide more detail as to the amount and source of any anticipated excise taxes (use tax and sales tax) to be paid for goods and services in Kentucky.

41. Explain what efforts will be made to recruit and employ workers from Harrison County or contiguous counties.



Linda C. Bridwell, PE  
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Public Service Commission *on behalf*  
of the Kentucky State Board on  
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P.O. Box 615  
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DATED MAR 25 2022

cc: Parties of Record

Case No. 2021-00414

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