

From: [Bruner, Brandon S \(PSC\)](#) on behalf of [PSC Executive Director](#)
To: [REDACTED]
Subject: Case Number: 2021-00170
Date: Wednesday, June 23, 2021 8:54:00 AM

Thank you for your comments on the application of AEUG Mason 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, 2021-00170, in any further correspondence. The documents in this case are available at [View Case Filings for: 2021-00170 \(ky.gov\)](#).

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 Public Information Officer <PSC.Info@ky.gov>
Sent: Monday, June 21, 2021 2:41 PM
To: PSC Executive Director <PSCED@ky.gov>
Subject: FW: Case Number:2021-00170

From: Elizabeth Berry [REDACTED]
Sent: Monday, June 14, 2021 12:55 PM
To: PSC Public Information Officer <PSC.Info@ky.gov>
Subject: Case Number:2021-00170

Public Information Officer,

Case Number:2021-00170 Notice of Intent to File an Application for a Certificate of Construction for an Approximately 250 Megawatt Merchant Electric Solar Generating Facility in Mason County, Kentucky

We are writing to express our concerns about the Merchant level solar projects currently proposed for Mason County. Our family owns 2 farms that lie in Mason County within the boundaries of a map presented publicly by representatives of Acciona at the informational meeting concerning their proposed 250mw project. The front side of our residence will also face the National Grid Project as evidenced by a proposed map acquired by open record request. Prior to receiving mailed notice by Acciona of the informational meeting we had no knowledge of their proposed project, nor that they would be publicly displaying a map that showed our properties within the boundaries of the proposed project. We are also aware that AEUG Mason Solar (Acciona) has filed with the PSC an intent to build in Mason County and

is interpreting the language of the Mason County Land Use Management Ordinance that they are permitted in agricultural land with the minimal setbacks of 30ft, 50ft and 100ft from our property line to the first panel. We are also aware of the multiple other solar developers and companies that have signed leases or have contracts to purchase lands in Mason County, accounting for an estimated potential of well over 6000 acres of prime farmland converted to industrial solar developments.

Some of our concerns include:

- The scale of the conversion of prime farmland into potentially tens-of thousands of acres in the state of industrial solar developments. The potential energy production from the solar operation nor any modest economic benefit to our counties do not outweigh the loss of the food production, forage and hay production potential of the rapidly disappearing state prime farmland nor the economic impact to our agricultural community (including ag-associated jobs and payrolls and agri-tourism). We are concerned that the state and counties do not have adequate regulations to control the cleanup upon decommissioning millions of panels and their infrastructure and remediating the farmland and its valuable topsoil to the back to prior conditions;
- The potential damages to county roads and adjacent property from the water and mineral extraction and from water runoff caused by thousands of acres of industrial solar development in counties that already deal with excessive flooding, erosion, sinkholes runoff and issues within our delicate watersheds and karst geology. Our adjacent neighbor's farm has been signed under lease to Acciona and watersheds directly onto our farm, as well as under the adjacent county road that accesses property behind our farm. Allowing an adjacent solar development to remove existing tree lines and hedges and the potential of improper grading could have devastating effects on our property and the adjacent county road. Fifty feet or even 100 feet setbacks would not allow our counties room to remediate unanticipated runoff issues with drainage ditches, berms or catch ponds. We are also concerned what effect water use for large scale irrigation and washing of merchant level energy projects will have on our already low water pressure to our residences and farms.
- That the filing by solar companies and developers in our state include property value studies showing no loss of adjacent property value. There is no precedence in this state for the scale of the industrial merchant operations in agricultural lands being talked about nor for the existing quality and viewshed of the property. No rational person would agree that years of industrial construction, miles of chain link fence and the appearance of industrial sized solar panels 50 feet from our property lines, as well as the lack of regulation ensuring the noise level from hundreds of proposed inverters and associated sub-stations or danger from battery storage arrays would not negatively affect the valuation and marketability of our property in a rural, agricultural area, nor is it in keeping with our counties comprehensive land use plan;
- There is no guarantee that developers will not use toxic panels, nor can they guarantee these panels will not be damaged by weather events that we frequently have in our area, ending up on our adjacent properties and in our local public landfills. Furthermore, what is the safe distance to thermal run-away events, fire or explosions or even soil compaction rates from merchant level battery storage arrays? What is the potential of arc-fires from 600,000 wired panels next to our hayfields and the potential for our local volunteer fire departments to be able to deal with it? What about the

congestion caused by potential years of construction on narrow and hilly county roads that service transportation corridors from Mount Olivet and Sardis to Flemingsburg, Maysville, and Lexington?

Currently, KRS 278 protections are the only regulations that we have at the state or county level to control the land grab and prospective sprawl of industrial solar. While other states, i.e. New York, have addressed the influx of merchant industrial solar sprawl with robust statutes dealing with the conversion of valuable farmland and helping to ensure resilience in its agricultural production, Kentucky has not. Allowing deviation from KRS and allowing the misinterpretation of our county's Land Use Ordinance goes against our county's character and public welfare and will remove potentially tens-of-thousands of acres of prime farmland out of production with little to no existing USDA studies proving that industrial solar developments on farmland can or will be remediated to existing soil quality. It is a sellout of State lands by developers before the state and countries have had the time to put appropriate regulations in place to allow the smart growth of solar in our state and to control the high potential of industrial solar sprawl on our valuable farmlands and the character and welfare of our rural communities.

Thank you,
Elizabeth and Michael Berry
Long Acre Farm
5194 Raymond Road
May's Lick, KY 41055

*Adam Stratton

,

*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