

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF HUMMINGBIRD)	
ENERGY, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	
200 MEGAWATT MERCHANT ELECTRIC SOLAR)	CASE NO.
GENERATING FACILITY AND NONREGULATED)	2022-00272
ELECTRIC TRANSMISSION LINE IN FLEMING)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

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

Hummingbird Energy, LLC (Hummingbird Solar), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on August 18, 2023. The Siting Board directs Hummingbird Solar to the Kentucky Public Service Commission's July 22, 2021 Order in Case No. 2020-00085¹ 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

¹ 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).

representatives of a public or private corporation or a partnership or association or a 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.

Hummingbird Solar shall make timely amendment to any prior response if Hummingbird Solar obtains information that indicates the response was incorrect or incomplete when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

For any request to which Hummingbird Solar fails or refuses to furnish all or part of the requested information, Hummingbird Solar shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied or scanned 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, Hummingbird Solar shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Submit a copy of the leases or purchase agreements, including options, separate agreements, or deeds which Hummingbird Solar has entered into in connection

with the proposed solar facility, including the agreements for each of the parcels of the project.

2. Detail any contracts by which Hummingbird Solar has paid, has negotiated to pay, or any compensation paid to non-participating landowners, whether cash or otherwise, near the project. Include the terms of the agreements and which properties are involved in terms of distance to the project boundaries.

3. Explain why Hummingbird Solar has chosen a site with so many non-contiguous parcels.

4. Explain how a non-contiguous Project site can be developed and function as a single integrated Project.

5. Explain how power generated within the non-contiguous portions of the Project site will be delivered to the substation.

6. Refer to the Site Assessment Report (SAR), Exhibit A-1, Conceptual Layout Site Map. Explain what the Exclusion Areas are within the Project site.

7. Provide a narrative description of the location of each of the following site features:

- a. Each construction entrance.
- b. Each entrance to be used in operations.
- c. O&M area.
- d. Meteorological station.

8. Explain whether the construction and operational entrances will be locked outside of normal working hours.

9. Provide a narrative description of the location of each laydown area to be used during construction.

10. Refer to SAR, Exhibit A (Project Site Maps). State whether the proposed access roads referred to in the legend as thick orange lines are marked by thick black lines on the site maps. If not, identify on a map the locations of the proposed access roads.

11. Provide the security measures for the operations and maintenance (O&M) area and substation.

12. Explain how Hummingbird Solar will coordinate with local law enforcement and fire services regarding security and emergency protocols during construction and operations.

13. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide: the distance to the boundary line; the distance to the closest solar panel; the distance to the nearest inverter; and the distance to the substation.

14. Provide a detailed table listing all non-residential structures located within 2,000 feet of the Project boundary line. For each structure, provide: a description of the structure (barn, commercial building, warehouse, church, etc.); the distance to the boundary line; the distance to the closest solar panel; the distance to the nearest inverter; and the distance to the substation.

15. Clarify whether any existing structures on the Project site will be demolished or removed in order to accommodate the Project.

16. Describe any utilities that will be required during construction or operations and what utility will provide the service.

17. Provide any communication with the Fleming County Road Department relating to traffic plans and mitigation measures. If no communication has been initiated, explain when that contact will occur.

18. Explain the justification for requesting a deviation from the 2,000-foot setback requirement for residential neighborhoods.

19. Explain whether the solar panels and other structures could be re-configured within the site boundaries to comply with the 2,000-foot setback.

20. Refer to the SAR which states that the site consists of 42 parcels secured pursuant to 38 real estate agreements. Confirm that the statement is consistent with the information provided in Exhibit H, Appendix C (Legal Property Description).

21. Explain whether participating landowners will continue to use property not leased to the Applicant for residential or agricultural purchases.

22. Refer to the Application, Exhibit G, Property Value Impact Analysis. Also refer to the SAR, Exhibit D, Noise Assessment Report. Explain the discrepancy between Exhibit G that stated the closest adjoining home is 500 feet from the closest solar panel and Exhibit D that stated the nearest residence is approximately 260 feet from the nearest solar panel.

23. Provide the number of miles between the Hummingbird Solar project and the project in Case No. 2020-00206.²

² Case No. 2020-00206, *Electronic Application of AEUG Fleming Solar, LLC for a Certificate of Construction for an Approximately 188 MW Merchant Solar Electric Generating Facility in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110.*

24. Provide the number of miles between the Hummingbird Solar project and the Project in Case No. 2020-00370.³

25. Provide any overlaps in the projected construction schedules of the three projects in Fleming County, Kentucky.

26. Describe the potential for cumulative effects on noise from construction activities of the three projects, and any steps to minimize these effects.

27. Describe the potential for cumulative effects on traffic and roadways from construction activities of the three projects, and any steps planned to minimize these effects.

28. Describe the potential for cumulative effects on property values and land uses from the construction and operation of the three projects.

29. Describe what steps have been taken, or will be taken, to communicate with the developers of AEUG Fleming Solar, LLC and Fleming Solar, LLC.

30. Refer to SAR, Exhibit E, Traffic and Road Study, Appendix A. Explain if more recent data is available to analyze peak morning and evening traffic data. If more recent data is not available, explain how traffic patterns have changed since 2009.

31. Refer to SAR Exhibit E, Traffic and Road Study, page 1. Provide a summary data table including AADT, AM Peak, PM peak, lane count, functional class, and posted speed limit for the 15 Kentucky Transportation Cabinet Count Stations listed under 2.0 Data Collection.

³ Case No. 2020-00370, *Electronic Application of Fleming Solar, LLC for a Certificate of Construction for an Approximately 80 MW Merchant Electric Solar Generating Facility in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110.*

32. Provide the portion of construction traffic, including workers and delivery trucks, will access roads from the following:

- a. The north on State Road 57 from Lewis County.
- b. The south on State Road 57 from Flemingsburg.
- c. Local roads from State Road 344 from Lewis County.

33. Provide weight limit ratings for each local roadway to be used by Project construction traffic.

34. Provide the assumption of the number of workers per vehicle traveling to the Project site during an average construction day.

35. Provide the assumption of how many monthly trips for each type of delivery truck will be needed on average over the Project construction period and during the peak construction period.

36. Provide the maximum expected load weights for each type of delivery truck, including cement and water trucks, heavy equipment, gravel for access roads, panels, inverters, and the transformer.

37. Explain whether any oversize or overweight deliveries will require special permits from the Fleming County Road Department of the Kentucky Department of Transportation.

38. Identify the specific roadways used by heavy trucks, including for delivery of the transformer.

39. Explain any specific mitigation measures to be implemented on Carpenter Road if the road will be utilized for project construction.

40. Explain whether Project-related construction traffic is anticipated to cause damage to existing roadways or infrastructure.

41. Explain any specific traffic management strategies to be employed during construction.

42. Explain whether any traffic stoppages will be necessary to accommodate large truck deliveries. If yes, provide the expected locations, frequency and length of those stoppages.

43. If applicable, describe odor impacts from diesel fumes or other sources from construction vehicles that may be noticeable to nearby residents.

44. Refer to SAR, page 18. Provide a copy of the Stormwater Pollution Prevention Plan (SWPPP).

45. Refer to SAR, page 3. Explain if the AC collection system will be underground, aboveground, or both. If the AC collection system will be underground and above ground, provide a map that shows which segments are above ground and which segments are above ground.

46. Refer to SAR, page 17. Provide a copy of the aeronautical report conducted by the Federal Aviation Administration (FAA) that found that the Project would have no effect on navigable airspace or air navigation.

47. Provide any geotechnical reports indicating the location of karst formations within the project boundaries.

48. Explain how construction will be completed and phased for the non-contiguous parcels, i.e., will the construction be completed fully on each parcel before

moving to the next, or will each phase of construction occur on each parcel before moving to the next phase of construction.

49. Provide the construction timeline for the project that includes each phase of construction, including the anticipated start date.

50. Provide when peak construction activity will occur.

51. Provide the average number of construction workers on-site each day over the course of the construction period.

52. Provide the number of construction workers on-site each day during the peak period.

53. Refer to SAR, Exhibit D. Hummingbird Solar indicated construction related activity is expected to occur mainly between 7am and 7pm (sunrise and sunset). Explain what construction related activity includes.

54. Explain if Hummingbird Solar plans for construction, or construction related activities will occur on Saturdays or Sundays.

55. Refer to SAR, Exhibit D, Noise Assessment. Provide a map with the construction site outlined and all noise sensitive receptors within 1,500 feet of the project boundaries with ID labels. Also include whether the noise receptors are residences or other types of structures.

56. Provide a chart with the expected noise level during pile driving at each noise receptor within 1,500 feet of the project boundaries.

57. Detail any communications with members of the public, including neighboring landowners, regarding construction noise.

58. Provide estimates of existing ambient noise levels, during the daytime and during nighttime at different receptors surrounding the Project site.

59. Refer to SAR, Exhibit D, Noise Assessment, Table 5. For each non-residential receptor, provide a table with operational sound pressure levels similar to Table 5.

60. Refer to SAR, Exhibit D, Noise Assessment, Table 5. Explain whether the sound pressure levels presented in this table reflect both Project facility operations and existing ambient noise levels. If Table 5 represents only Project generated noise, provide a revised table that presents total daytime noise levels at each receptor.

61. Refer to SAR, Exhibit D, Noise Assessment, Table 3. Provide the same table with typical noise levels at 250 feet from the source.

62. Refer to SAR, Exhibit D, Noise Assessment, Table 4. Provide additional calculated noise levels reflecting the cumulative levels of construction related and ambient noise for the following noise receptors:

- a. R105.
- b. R52.
- c. R91.

63. Explain any mitigation measures for time of day and day of the week for pile driving, or other construction activities that produce the same level of sound.

64. Describe any specific measures to be taken to reduce noise impacts for nearby residents during construction.

65. Refer to SAR, Exhibit F, Visual Resource Assessment and Mitigation Plan. Explain any additional visual impacts or mitigation measures beyond those described in the report that will be used to shield the project from view.

66. Refer to SAR, Exhibit F, Visual Resource Assessment and Mitigation Plan, Table 3-3. Define the term OGS Cemeteries.

67. Refer to SAR Exhibit F, Visual Resource Assessment and Mitigation Plan, Figure 1-3. Also refer to the SAR, Exhibit F, Visual Resource Assessment, Appendix C. Provide a revised map that labels each of the cemeteries indicated in the graphic that includes all of the cemeteries listed in Appendix C.

68. Refer to SAR, Exhibit F, Visual Resource Assessment and Mitigation Plan, Appendix C. Also refer to SAR, Exhibit D, Noise Assessment. Explain the discrepancy between SAR, Exhibit F, Appendix C that stated the Fleming County Cemetery is 3.27 miles from the nearest solar array and SAR, Exhibit D that stated the Mt. Carmel Christian Church, located near the Fleming County Cemetery, is within 1,000 feet of the Project boundary.

69. Refer to SAR, Exhibit G, Landscape Plan, Appendix A. Explain the rationale for proposing screening modules at specific locations.

70. Refer to SAR Exhibit G, Landscape Plan, Appendix A. Explain why no landscape screening is proposed for some areas in which no existing buffer is identified.

71. Refer to SAR, Exhibit F, Visual Resource Assessment and Mitigation Plan, Appendix C, Visually Sensitive Resource Analysis. Also refer to SAR, Exhibit G, Landscape Plan, Appendix A. Explain whether the proposed landscape screening will

reduce the view of the Project for each of the visually sensitive resources listed as visible or partially visible.

72. State the number of years it will take for planted trees and shrubs to reach mature height.

73. Describe any other forms of visual barrier to be implemented between the time of vegetation planting and the time when trees and shrubs will reach mature height.

74. State whether the Project panels will be coated with an anti-reflective coating.

75. Refer to SAR, Exhibit F, Appendix D, Glint and Glare Analysis. Explain any mitigation measures to be implemented to reduce glare levels at the small number of structures and roads affected by green glare.

76. Refer to Application, Exhibit B. Provide any documents that have presented to the community that are not included in Exhibit B.

77. Provide any transcripts of the public meetings.

78. Provide any written comments, or a summary of oral comments, offered by the public or government agencies.

79. Explain any plans to coordinate with local landowners or others in case of complaints or other issues that might arise during the course of construction or operations.

80. Provide any communications, or summary of conversations, with representatives of the Mt Carmel Christian Church, Mt. Carmel Bible Fellowship or other churches or religious facilities in the area. Describe any concerns and the resolution.

81. Provide a list of permits from other local, state, or federal agencies that have been or will be obtained prior to construction or operations.

82. Provide copies of any documents submitted to the other agencies, other than what is provided in the application.

83. Refer to the Application, Exhibit F, Economic & Fiscal Contribution Report, Table 1 and Table 2. Explain whether the construction phase Employment estimates are full time equivalents.

84. Refer to the Application, Exhibit F, Economic & Fiscal Contribution Report Table 2. Confirm that the average earnings per construction job will be \$49,000 over the entire construction period.

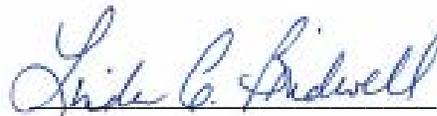
85. Refer to the Application, Exhibit F, Economic & Fiscal Contribution Report, Table 3. Confirm that the average earnings per operational job will be \$24,120 per year. Explain whether these are part-time or full-time positions.

86. Refer to the Application, Exhibit F, Economic & Fiscal Contribution Report, Table 8 and Table 10. Explain if the net fiscal benefit to Fleming County and Kentucky would be the estimated cumulative tax revenue of the Project shown in Table 8 minus the estimated tax revenue generated under agricultural use shown in Table 10.

87. Explain whether Hummingbird Solar will pursue an Industrial Revenue Bond with Fleming County. If so, explain how that might change the cumulative tax revenues of the Project.

88. State the expected operational life of the Project.

89. Explain any commitments regarding infrastructure removal or land restoration during decommissioning included in the landowner lease agreements.



Linda C. Bridwell, PE
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Public Service Commission *on behalf*
of the Kentucky State Board on
Generation and Transmission Siting
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DATED AUG 04 2023

cc: Parties of Record

Case No. 2022-00272

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