

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF BRIGHT	)	
MOUNTAIN SOLAR, LLC FOR A CERTIFICATE	)	
OF CONSTRUCTION FOR AN UP TO 80	)	
MEGAWATT MERCHANT ELECTRIC SOLAR	)	CASE NO.
GENERATING FACILITY AND RELATED	)	2022-000274
NONREGULATED TRANSMISSION LINE OF	)	
APPROXIMATELY 4 MILES IN PERRY COUNTY,	)	
KENTUCKY PURSUANT TO KRS 278.700 AND	)	
807 KAR 5:110	)	

SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION  
TO BRIGHT MOUNTAIN SOLAR, LLC

Bright Mountain Solar, LLC (Bright Mountain), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on November 3, 2023. The Siting Board directs Bright Mountain 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

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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).

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.

Bright Mountain shall make timely amendment to any prior response if Bright Mountain 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 Bright Mountain fails or refuses to furnish all or part of the requested information, Bright Mountain 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, Bright Mountain 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 Bright Mountain 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 Bright Mountain 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. Provide a schedule for the project, starting from the receipt of the proposed certificate for construction to the completion of the project, including the length of each construction phase. Include in the response when Bright Mountain believes peak construction will occur within the timeline.

4. Refer to the Application, Tab 11, Record of Environmental Violations. Provide the entities with a direct ownership interest in Bright Mountain and if any of these entities have an interest in the subsidiaries that violated the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

5. Provide the company that will employ the individuals that are or will be responsible for ensuring compliance with the statements in the application any conditions imposed by the Siting Board during construction and operations of the project.

6. Verify if a power purchase agreement has been made. If so, provide.

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. Operations and maintenance (O&M) area.
- d. Meteorological station

8. Refer to Application, Tab 2, Site Assessment Report (SAR), Attachment A, Preliminary Site Layout. Provide a one-page site map that contains the locations water features, including rivers, streams, lakes, and ponds. Also include any known or suspected karst features.

9. Refer to the SAR, Part 3, Exhibit B.

a. Provide the number of individual participating parcels for the project.

b. Provide a map of the participating parcels, consistent with the narrative description included in Exhibit B.

10. Explain whether construction activities will occur sequentially, or concurrently across the Project site.

11. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:

a. The distance to the boundary line.

b. The distance to the closest solar panel.

c. The distance to the nearest inverter.

d. The distance to the substation.

12. Provide a detailed table listing all non-residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:

a. The distance to the boundary line.

b. The distance to the closest solar panel.

c. The distance to the nearest inverter.

d. The distance to the substation.

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

14. Refer to the Application, Tab 5. Provide the requested setbacks for the project. Explain the reasons a deviation from the statutory 2,000-foot setback will be requested.

15. Explain whether the solar panels and other structures could be re-configured within the site boundaries to meet the 2,000-foot setback requirement.

16. Refer to the SAR, Description of Proposed Facility, at 3.

a. Describe the agricultural-style perimeter fence.

b. Confirm that an agricultural-style perimeter fence meets the National Electric Safety Code (NESC) standards.

c. Explain whether a separate fence enclose the Substation and related facilities.

d. Explain whether there will be appropriate signage be utilized around the facility to warn trespassers of prohibited entry.

17. Provide who will control access to the site during construction and operations.

18. Refer to the SAR, Description of Proposed Facility, at 4. Explain the strategies to ensure effective drainage during construction.

19. Refer to the SAR, Description of Proposed Facility, at 3. Explain when the decision to build or repurpose an O&M building will be made. Include in the response the location of the potential repurposed building.

20. Refer to the SAR, Compatibility with Scenic Surroundings, at 6. Provide a one-page map detailing the location of vegetative screening that will be utilized for the project. Include in the response, a list of the species of vegetation to be used.

21. Explain whether Bright Mountain will utilize a single-axis, tracking-style racking system (tracking layout), or a fixed-tilt racking system (fixed-tilt layout) for the solar array layout.

22. Provide any written comments, or a summary of oral comments, offered by the public or government agencies related to the project.

23. Explain any plans to coordinate with local landowners or others in case of complaints or other issues that might arise during construction or operation of the project.

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

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

26. Provide any communications, or summary of conversations, with representatives of the Butterfly Church of the Living God, or other churches or religious facilities in the area. Describe any concerns and the resolution.

27. Explain whether Bright Mountain Solar has consulted with any state agency about any limitations on the use of prior coal mines.

28. Provide the number of residential structures that may have a view of any portion of the project.

29. Refer to the SAR, Part 5, Exhibit F, Table 1. Provide weight limit ratings for each local roadway to be used by Project construction traffic.

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

31. Refer to SAR, Traffic, Roads, and Fugitive Dust, at 10. Provide any communication with the CSX Railroad regarding deliveries to the project site. If no communication has been initiated explain when Bright Mountain will determine if the railway will be used for deliveries.

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

33. Provide an estimate 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.

34. 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.

35. Provide the peak daily number of construction vehicles accessing the site, by vehicle type, i.e., worker vehicles, delivery trucks, water trucks (if utilized), other.

36. 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.

37. Refer to the SAR, Part 5, Exhibit G. Provide a chart with the expected noise levels during construction and operation at each noise receptor within 1,500 feet of the project boundaries.

38. Refer to the SAR, Part 5, Figure 2-1. Explain the basis or methodology for the inclusion of the specific sensitive noise receptors included in Figure 2-1.

39. Refer to the SAR, Part 5, Exhibit G. Provide a list of each sensitive noise receptor included in Figure 2-1, indicating:

- a. The type of receptor (i.e., residential, church, etc.).
- b. The distance from, the project boundary, the closest solar panel, the closest inverter, and the project substation.

40. Refer to the SAR, Part 5, Exhibit G. Explain any specific restrictions to be placed on the time of day or days of the week during which pile driving or other loud construction activities may take place. Include in the response the estimated length of time pile driving will occur during construction.

41. Refer to the SAR, Part 5, Exhibit G. Confirm that the results of the Sound Assessment assume use of the small hydraulic driver specifically designed for solar panel installation, as described in the report.

42. Refer to the SAR, Part 5, Exhibit G. Describe any additional specific measures to be taken to reduce noise impacts for nearby residents during construction.

43. Refer to the SAR, Part 5, Exhibit G, Figure 2-1. For each residential receptor, provide a table indicating maximum construction sound pressure levels and the duration (number of days) at that level.

44. Refer to the SAR, Part 5, Exhibit G. For each residential receptor, provide tables indicating operational sound pressure levels, accounting for existing ambient sound, for the fixed-tilt layout and the single axis layout.



45. Refer to the SAR, Part 5, Exhibit H. Explain whether the results of the visibility assessment apply to both alternative array layout options.

46. Refer to the SAR, Part 5, Exhibit H. Explain whether any vegetative screening will be added upon request or complaint from local property owners.

47. Refer to the SAR, Part 5, Exhibit H. Provide a topographic map of the Visual Study Area.

48. Explain whether any existing trees or existing vegetation will be removed or cleared for any reason.

49. State whether the project panels will be coated with an anti-reflective coating.

50. Refer to the SAR, Part 5, Exhibit I, Figure 3, at 7. Explain the numbers included with the receptors in Figure 3.

51. Refer to the SAR, Part 5, Exhibit I, Figure 3, at 7. Provide the distances from each receptor identified in Figure 3 to the closest solar panel. Include in the response if the receptors in Figure 3 are residences or other structures.

52. Refer to the SAR, Part 5, Exhibit I. Explain why additional models were not developed to determine potential glare impacts in other areas of the project.

53. Refer to the Application, Tab 3 and the Application, Tab 6. Provide any documents presented to the public that were not included in Tab 3 or Tab 6.

54. Refer to the Application, Tab 10, Table 5 and Table 6. Explain whether the jobs, earnings, and output presented in Table 6 are based on the Jobs and Economic Development Impact (JEDI) default values presented in Table 5, or the redacted Adjusted Value specific to the Project.

55. Refer to the Application, Tab 10, Table 7. Confirm that the jobs, earning, and output in Table 7 for Perry County are a portion of the data in Table 6, and not additional benefits.

56. Refer to the Application, Tab 10. Provide estimates of annual tax payments and total tax payments made to Perry County and to Kentucky over the life of the project.

57. Explain whether Bright Mountain will pursue an Industrial Revenue Bond or Payment in Lieu of Taxes agreement with Perry County. If so, explain how that might change the cumulative tax revenues of the Project.

58. Refer to Application, Tab 13, Attachment K. Explain the transmission line structures on the map that depicted by yellow squares. Include in the response the total number of transmission line structures.

59. Refer to the Application, Tab 13, Attachment K. Explain whether vegetative clearing be required to accommodate the transmission line structure. If so, provide the number of acres that will be cleared.

60. Explain whether the transmission line structures are going to be above ground poles. Describe the height of those poles from ground level.

61. If the transmission line structures are going to be above ground poles, provide the total number of residential structures that may have a view of one or more poles. Include in the response, if there is a right of way agreement with the landowners.

*Nancy Vinsel for*

Linda C. Bridwell, PE  
Executive Director  
Public Service Commission *on behalf*  
*of* the Kentucky State Board on  
Generation and Transmission Siting  
P.O. Box 615  
Frankfort, KY 40602

DATED     OCT 19 2023    

cc: Parties of Record

Case No. 2022-00274

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