

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF LYNN BARK)	
ENERGY CENTER, LLC FOR A CERTIFICATE)	
OF CONSTRUCTION FOR AN UP TO 200)	CASE NO.
MEGAWATT MERCHANT ELECTRIC SOLAR)	2024-00104
GENERATING FACILITY IN MARTIN COUNTY,)	
KENTUCKY)	

SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION
TO LYNN BARK ENERGY CENTER, LLC

Lynn Bark Energy Center, LLC (Lynn Bark Energy), 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 5, 2024. The Siting Board directs Lynn Bark Energy 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 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

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).

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.

Lynn Bark Energy shall make timely amendment to any prior response if Lynn Bark Energy 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 Lynn Bark Energy fails or refuses to furnish all or part of the requested information, Lynn Bark 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 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, Lynn Bark 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. Submit a copy of the lease or purchase agreements, including options, separate agreements, or deeds which Lynn Bark Energy has entered into in connection with the proposed solar facility, including the agreements for each of the parcels of the project.

2. Provide a detailed account of any contracts by which Lynn Bark Energy 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 whether construction activities will occur sequentially or concurrently across the project site.

4. Provide a one-page site map that contains the locations of water features, including rivers, streams, lakes, and ponds. Also include any known or suspected karst features.

5. 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 & Maintenance (O&M) area.
- d. Each laydown area.

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

7. Provide the security measures for the O&M area and substation.

8. Explain how Lynn Bark Energy will coordinate with local enforcement and fire services regarding security and emergency protocols during construction and operations.

9. 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.

10. 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.

11. Clarify whether any existing structures on the Project site will be demolished or removed in order to accommodate the Project. If so, identify each structure and its location within the project site boundary.

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

13. Explain why the 1,514-acre site will only utilize approximately 641 acres for electric generation.

14. Provide a parcel map which identifies which parcels of the 1,514 acres will be used for electric generation purposes. Include on the map solar arrays, proposed collection line locations, inverters, proposed substation location, and proposed transmission line route.

15. Confirm that an application for a nonregulated transmission line pursuant to KRS 278.714(2) is going to be filed. If not, please explain.

16. Refer to Site Assessment Report (SAR), Description of the Proposed Project Site. Confirm that Lynn Bark Energy has secured agreements with landowners for the right of way for the proposed section of the transmission line that would be constructed outside the project footprint.

17. Using Satellite Imagery as the Basemap, provide a map depicting the route of the proposed 138kV 5.61-mile-long transmission line. On the map include: all transmission line structure locations, transmission line right-of-way, parcels the transmission line will transect, existing transmission lines, Point of Interconnection (POI), proposed project substation, the Inez substation, and any existing structures along the route.

18. Provide any communication with the Martin County Road Department or the Kentucky Department of Transportation relating to traffic plans and mitigation measures. If no communication has been initiated, explain when that contact will occur.

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

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

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

22. State when the peak construction activity period will occur (which month(s) or quarter of the full construction period).

23. Provide the number of miles between Lynn Bark Energy Center and the project in Case No. 2021-00029.²

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

25. Describe what steps have been taken, or will be taken, to communicate with the developers of Martin County Solar Project, LLC and Martin County II Solar Project, LLC. If none, explain when those discussions will occur.

26. Provide a detailed description of different construction activities, including a construction timeline and schedule by activity, including development of the transmission line.

27. Refer to SAR, Exhibit A, Project Site Map and SAR, Description of Proposed Project Site Item 6.

a. Exhibit A does not appear to depict access gates to the eight fenced areas of arrays. Update the map and legend for Exhibit A to supply all access point information.

b. Update Exhibit A map and legend to show planned internal access roads.

c. Describe security measures at access points to the fenced array areas, including access for emergency services if required.

² Case No. 2021-00029, *Electronic Application of Martin County Solar Project, LLC for a Certificate to Construct an Approximately 200-Megawatt Merchant Solar Electric Generating Facility in Martin County, Kentucky, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:100* (Ky. Siting Board Nov. 15, 2021), final Order, (Note: The Electronic Application of Martin County Solar Project, LLC to transfer a Certificate of Construction to Martin County II Solar Project, LLC pursuant to KRS 278.710(3) and 807 KAR 5:110. was granted.)

28. Refer to the SAR, Exhibit C. The legal Description shows one participating landowner involved in the proposed Lynn Bark Energy Project. Other sections of the SAR refer to plural landowners.

a. Confirm if Exhibit C is accurate and if the Proposed Project has a single participating landowner.

b. Confirm that there are no participating residences for the proposed Project (i.e., no homes or other noise-sensitive receptors on the proposed Project's 1,514-acre total site area.)

29. Provide a one-page directional map with anticipated delivery routes for the project highlighted. Include on the map: access roads, access points, existing roads, bridges, proposed electric generation components, and all structures within two miles of the project.

30. Refer to the SAR, Exhibit E, Traffic Impact Study. Provide the weight limit ratings for each local roadway to be used by the Project construction traffic. Confirm the source of the weight limit ratings.

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

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

33. Provide the average number 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 peak daily number of construction vehicles accessing the site, by vehicle type, i.e., worker vehicles, delivery trucks, cement trucks, water trucks (if utilized), and others.

35. Provide an estimate of the number and approximate weight classes of the heavy and light duty trucks anticipated on site per day during the construction phase.

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

37. 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.

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

39. Identify any bridges within a two-mile radius along KY 3 and another other road proposed to be used during the construction phase of the project.

40. Identify the width and weight limitations for any bridges identified along these roads.

41. Identify which bridges and the corresponding road that will be crossed during the delivery phase of the project.

42. Identify any repairs or upgrades that will need to be made to any bridges expected to be used during the delivery phase of the project.

43. Provide the estimated weight of the project's required substation transformer and the truck class necessary for its delivery.

44. Explain whether any oversize or overweight deliveries will require special permits from the Kentucky Department of Transportation.

45. Explain the plan for repairing Project-related damage to any roadways or bridges.

46. Provide a summary of any contact that Lynn Bark Energy has had with the Kentucky Transportation Cabinet regarding road weight ratings for heavy deliveries to the site and any anticipated road/shoulder damage or mitigation measures. Identify the individual with whom the contact was made, and their role with the Kentucky Transportation Cabinet.

47. Provide a summary of any contact that Lynn Bark Energy has had with the Martin County Road and Bridge Department regarding the proposed project, traffic impacts, and heavy deliveries to site. Identify the individual with whom the contact was made, and their role with the Martin County Road and Bridge Department.

48. Explain whether any traffic stoppages will be necessary to accommodate large truck deliveries for the Project or for constructing the Project transmission line. If yes, provide the expected locations, frequency, and length of those stoppages.

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

50. Provide whether access to Davella Church of Christ and any other churches or religious facilities in the area will be restricted due to the delivery of project components, should delivery routes pass these facilities.

51. Provide any communication with the Big Sandy Regional Airport regarding the Project.

52. Provide any communication with the Federal Aviation Administration (FAA) or the Kentucky Airport Zoning Commission regarding the project.

53. Provide any geotechnical reports for the project.

54. Explain whether a historical survey of the project has been conducted. If the historical survey has been completed, please provide a copy. If it has not been completed explain when it will occur.

55. Refer to the Kentucky Geological Survey Oil and Gas Wells Search ([KY Geode: KGS Oil and Gas Wells Search \(uky.edu\)](https://www.uky.edu/kygeode/kgs-ogw-search)).

a. File a map with all active and inactive oil or gas wells on the proposed site. Also include any gas-gathering pipelines associated with the wells.

b. Confirm whether the existence of oil and gas wells and pipelines will require adjustments to the proposed location of solar panels.

c. Determine and confirm whether any of these wells are currently permitted and active.

56. Refer to SAR, Exhibit B, Property Value Impact Study provides that the closest non-participating home to the proposed Project will be 1,575 feet from the nearest solar panel. Refer to the SAR, Exhibit D, Acoustic Assessment Report Table 1 which states that the nearest sensitive receptor is 1,067 feet from any solar panel. Confirm the distance between the nearest receptor to the Project and its nearest solar panel.

57. Refer to the SAR, Exhibit D, Acoustic Assessment Report. Provide a map with the construction site outlined and all noise 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.

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

59. Explain any specific restrictions to be placed on the time of day or days of the week during which other loud construction activities, other than pile driving, may take place.

60. Refer to the SAR, Exhibit D, Acoustic Assessment Report which states that pile driving is schedule “to only occur between the hours of 8 a.m. and 8 p.m. or dawn to dusk whichever is earlier.” Confirm if the clause “whichever is earlier” is intended to state that pile driving will occur during the most limited hours between 8 a.m. or dawn, and 8 p.m. or dusk. (E.g., confirm that pile driving would not occur at a 7 a.m. dawn). If not confirmed, please explain.

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

62. State the number of residential structures that may have a view of any portion of the Project, including fencing, solar arrays, substation, or other infrastructure.

63. Provide a map of the residential structures that may have a view of any portion of the Project.

64. Explain in detail all cemetery facilities that may be affected by the project.

65. Confirm that Lynn Bark Energy does not intend to plant vegetative screening in any part of the project site.

66. If vegetative screening is anticipated, provide a detailed vegetative screening plan, including locations of proposed vegetation, types of vegetation, heights at planting plan for long-term maintenance.

67. Identify on a project site map the specific areas of the project boundary that are likely to undergo tree removal.

68. Identify the nearby sensitive receptors for which tree removal during project construction would cause viewshed impacts and create a possible view of the proposed project's solar arrays.

69. Explain whether vegetative clearing be required to accommodate the proposed 138kV 5.61-mile-long transmission line. If yes, provide the anticipated acreage of vegetative clearing.

70. Provide a narrative description of any vegetative clearing that will occur across the project. Include the acreage and any permits that will be required.

71. Explain how the project has been designed to minimize the amount of tree clearing required.

72. Confirm whether the site will be irrigated to promote vegetation.

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

74. Refer to the Application Tab 3 and Tab 6 Public Notice Evidence and Public Involvement. Provide any documents that were presented to the community that were not included in Tab 3 or Tab 6.

75. Provide any written comments, or a summary of oral comments offered by the public or government agencies outside of the record of this case.

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

77. Provide a brief history of the previously used surface mine.

78. Explain whether Lynn Bark Energy has consulted with the Commonwealth of Kentucky regarding plantings on reclaimed surface mine lands. Identify which agency, and with whom Lynn Bark Energy has consulted.

79. Confirm whether full reclamation of the prior surface mining site has been completed.

80. Provide a copy of the reclamation plan for the property in question and the date any such plan was completed.

81. Given the site was previously used as a surface mine, provide any steps Lynn Bark Energy will take to remediate the site and make special preparations to minimize pollutant discharge. Explain how the Project will be designed to avoid impacts to Waters of the United States (WOTUS) delineated onsite.

82. Provide the Stormwater Pollution Prevention Plan (SWPPP) for the project.

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

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

85. Refer to the Application, Tab 10, Economic Impact Report.

a. Confirm the lengths of facility construction period featured in the California study that was cited for this proposed Project's estimation of 480 direct jobs.

b. Describe if and how the economic impacts of the proposed Project would change if the construction period were 12 months rather than 18 months as modeled.

86. Refer to the Application, Tab 10, Economic Impact Report. Explain what portion of construction phase jobs would be filled by Martin County residents.

87. Explain whether Lynn Bark Energy will pursue an Industrial Revenue Bond and Payment In Lieu of Taxes agreement with Martin 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.

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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 JUL 12 2024

cc: Parties of Record

*Dr. Lon Elmer Lafferty
PO Box 1346
Inez, KENTUCKY 41224

*Caleb Lemoine
Savion, LLC
422 Admiral Blvd.
Kansas City, MISSISSIPPI 64106

*Dylan F. Borchers
Bricker & Eckler
100 South Third Street
Columbus, OHIO 43215

*James Ayers
523 Saltwell Road
Inez, KENTUCKY 41224

*Sommer L. Sheely
Bricker & Eckler
100 South Third Street
Columbus, OHIO 43215