

From: Melnykovych, Andrew (PSC)
To: ["Vicki Evans"](#)
Subject: your comments in case 2016-00274- KU-LG&E community solar project
Date: Monday, December 05, 2016 2:56:00 PM

Dear Ms. Evans:

Thank you for your comments in case 2016-00274. They will be placed into the case file for the commission's consideration as it considers the pending request for rehearing in this matter.

Andrew Melnykovych

Director of Communications
Kentucky Public Service Commission
502-782-2564 (direct) or 502-564-3940 (switchboard)
502-330-5981 (cell)
Andrew.Melnykovych@ky.gov

RECEIVED

By Kentucky PSC at 2:58 pm, Dec 05, 2016

From: Vicki Evans [REDACTED]
Sent: Wednesday, November 23, 2016 4:07 PM
To: Thompson, Aaron B (DLG); PSC - Public Information Officer; [REDACTED]
[REDACTED]

Subject: Solar Plant

Hello.

I would like to add my name to the concerned residents/property owners of Conner Station Road in relation to the LG&E solar array project.

As is true with every resident south of I-64, on Conner Station Road, I was never informed by LG&E about the project and not allowed to voice my many concerns. I only learned about the project and meetings from a concerned neighbor. LG&E "invited" comments from the few (I believe 20) whose property either adjoins the proposed sight or is within visual influence. This is only a small number of the residents/property owners who can only access their property from this scenic and peaceful residential road. LG&E has bullied their way into our

neighborhood. I can't help but wonder about their claims to be community minded and concerned with their consumers.

LG&E could choose from several locations in the area which would not effect a “neighborhood” and devalue such a beautiful area in Shelby County. If you are not familiar with the area, we invite you to take a drive along Conner Station Rd and see it for yourselves.

Please help us keep Shelby County a beautiful and peaceful county known for horse farms, rolling countryside, and peaceful living. LG&E can go somewhere else.

Thank you for any assistance.

Sincerely,

Vicki Evans

From: Melnykovych, Andrew (PSC)
To: ["Joseph Solomon"](#)
Subject: your comments in case 2016-00274- KU-LG&E community solar project
Date: Monday, December 05, 2016 2:51:00 PM

Dear Mr. Solomon:

Thank you for your comments in case 2016-00274. They (including your attachment) will be placed into the case file for the commission's consideration as it considers the pending request for rehearing in this matter.

Andrew Melnykovych

Director of Communications
Kentucky Public Service Commission
502-782-2564 (direct) or 502-564-3940 (switchboard)
502-330-5981 (cell)
Andrew.Melnykovych@ky.gov

RECEIVED

By Kentucky PSC at 2:55 pm, Dec 05, 2016

From: Joseph Solomon [REDACTED]
Sent: Monday, December 05, 2016 1:14 PM
To: PSC - Public Information Officer
Cc: Jones, Rachel F (Gov Office)
Subject: PSC Case Number 2016-00274

Dear Dr. Mathews,

My name is Joe Solomon and I have previously written you regarding PSC Case number 2016-00274. I live directly across the street from LG&E/KU's planned 4mw Solar Energy Field on Conner Station Road in Shelby County. I respectfully submit this additional information and timeline for your consideration regarding our Motion of Rehearing. This matter is very concerning to myself and many of my neighbors on Connor Station Road. I have sent it as an attachment for ease of initial construction.

Thank you for your time and consideration in this matter.

Sincerely,

Joe Solomon
1016 Wooded Lake Dr.
Simpsonville KY. 40067

12/5/2016

Re: PSC Case Number 2016-00274 Conner Station Road Solar Plant

Below is a time line and other information which clearly shows LG&E did not give sufficient notice and was not straightforward with its customers on Conner Station Road. Most of the dates are from the Public Service Commission website. *The print in italics below is from the PSC Order declining intervention dated Nov 4th*

https://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?Case=2016-00274.

- 7/26/2016 LG&E and KU notified the Public Service Commission of their intent to file for a Solar Share Program Rider. A rider would become part of a tariff. The notice to the Commission did not mention construction of anything.
- 8/2/2016 LGE and KU submitted the Joint Application for approval @ PSC but did not seek approval for construction of any facility.
- 8/3/2016 Dan Huff of LG&E sent an invitation to an “informational open house” to be held on August 23rd. Only 20 of the 100 or so homeowners who live in the Conner Station Road neighborhood, and who must pass the site daily were invited. **The location of the solar site was not in the invitation.**
- 8/12/2016 In an order dated August 12, the PSC **established August 19th as the last day to intervene**. No one on Conner Station Road received a copy of that order. As of 8/12 only 20 households had received information about an open house and no one had been notified of the exact location of the site. The invitation, attached, noted the location as being **NEAR** Conner Station Road. Despite these facts, the PSC order denying Mr. Karem’s motion to intervene reads as follows:

*Mr. Karem received notice of the proposed project in a letter dated August 3, 2016,² and attended a meeting hosted by the Companies on August 23, 2016,³ where neighboring property owners could discuss the project and ask questions of the Companies. The August 3, 2016 letter that Mr. Karem received provided notice that the Companies had filed an application with the Commission on August 2, 2016, to construct a four-MW solar facility **on** Connor Station Road.*

The August 3rd letter from LG&E did not state the solar plant was on Conner Station Road.

- 8/23/2016 At the informational open house, in Simpsonville, there were a lot of questions relating to screening. Most questions related to why the subject site was chosen instead of a site more suitable for an industrial application

and away from an agricultural and residential neighborhood. LG&E's primary answer was that it wants the facility to be seen from the interstate.

8/24/2016

The one and only public notice was published in the Shelby County paper on August 24th, **the day after the open house and five days after the deadline for intervention established by the Commission's August 12 Order. Even if we knew enough about the process or had a reason to look for public notices there was no reason to connect the notice to the project because the notice didn't mention construction or the proposed site location, or anything regarding the physical description of the Solar Plant.** At this point, most of the homeowners south of I-64 had no knowledge of the Solar Plant. The Commission's Order denying Mr. Karem's intervention states:

Further, Mr. Karem states that notice of the proposed project was published in the Shelbyville Sentinel-News on August 24, 2016.⁵ Said notice included the case number, the Commission contact information, and a statement that a person could request leave to intervene.⁶

That Order does not note that the advertisement makes no mention of construction on Conner Station Road or anywhere else or that it states that "Any person ... may, by motion filed by August 19, 2016, request leave to intervene in Case No. 2016-00274." Again, this is five days before the date the notice was published.

On August 24th, the few of us who were invited to the informational meeting were dazed having no idea what to do, much less knowing enough about the process to think about reading public notices. Because no one had seen the notice, Mr. Karem wrote Mr. Holderman on Sept 14th asking when the public notice was going to be published, only to discover it was done three weeks earlier. Is it the norm for the deadline for intervention to be before public notice?

8/25/2016

Because only two homeowners attended the open house who live south of I-64, Mr. Karem sent an email to Jim Holderman, director of real estate, asking who received notice of the event. He responded on 8/26:

For the Solar Share Project, we mailed letters to 20 property owners, which included two owners south of I-64. Although our proposed use of the property as a generation facility is exempt from zoning, we have much respect for the zoning regulations, and with that we notified adjoining owners. We anticipated others learning about the project through word of mouth discussions with family and friends, as well as the media outlets.

Basically LG&E shut out eighty or ninety homeowners from being informed about a project which will impact their homes.

9/14/2016

Mr. Karem sent an Email to Mr. Holderman informing him he had purchased an address list and written a letter to 95 property owners who live south of I-64

and had received an incredible amount of negative feedback. Many expressed disbelief because they hadn't heard about the proposed project.

9/30/2016

Because of questions **from the neighbors who were not invited to the open house, Mr. Karem emailed Dan Huff, suggesting a second open house. He declined on October 3rd indicating he didn't think it was necessary.**

Karem fails to state any reason, much less good cause, to explain the several months of delay between learning of the pending case and his filing a request to intervene.

The answer to the above is we were under the impression the letters being written to the PSC were what we should have been doing. Attorneys and others, including people at the PSC, told us the "official" time to intervention had past, a time set out in an order which the property owners did not receive and which established a deadline which had passed before notice was given. Generally, very few people have any idea how the system works. Is it normal for the public notice to be posted after the deadline for intervention? It also seems strange that the public notice requirement was reduced to one publication rather than the normal three. LG&E insisted it was too expensive to publish three times but the actual cost subsequently provided by LG&E showed that its estimated cost was grossly overestimated.

Mr. Karem raises issues regarding the proposed solar facilities' effect on property values, as well as site selection and mitigation. The Commission has jurisdiction over the site selection of electric generating facilities of ten MW or more. Since the proposed solar facilities will in aggregate be less than ten MW, the Companies are exempt under KRS 278.216(1) from the requirement to file a site assessment report and to obtain a site compatibility certificate from the Commission. Due to this exemption for facilities capable of generating ten MW or less, the Companies were not required to file a site assessment report describing the potential changes in property values for adjacent property owners. As discussed above, the Commission does not have jurisdiction over site selection of a facility of this type and size

Between September 9th and November 9th there were over thirty letters written from concerned neighbors to the PSC objecting to the loss of property values and the impact to the natural beauty of the areas. The PSC acknowledged receipt of many of those letters but never stated that intervention was necessary or that Commission **did not have authority** over site selection. Of much more importance, they didn't report to us LG&E was not being required to have a site assessment report reflecting the financial and other impacts to the neighborhood. If we had any idea before the very end that the PSC was not going to do anything to help protect the changes in property values, we would

have appealed elsewhere. With so much at risk for so many families, a site assessment would certainly seem reasonable.

It's very important to repeat, we were not given notice on August 3rd. Yes, we missed the August 19th date to intervene, but how in the world would we have any idea about intervention, the deadline to intervene was before the neighborhood meeting identifying the exact location of the property. More importantly, approximately 80 homeowners, eighty percent of the families who must drive by the site every day, families who will be negatively impacted by having an industrial facility in an agricultural and residential area were not informed about the project by LG&E. They were not given the opportunity to attend the neighborhood meeting to voice their opinion. Why?

It took a long time for us to catch on, and yes, we missed procedural deadlines. Few citizens have any idea how to maneuver through the very complicated legal procedures necessary to protect themselves. If the PSC has no authority over site selection, and therefore knew all along they were going to dodge our request for a "site assessment report", it seems they would have let us know early on so we could work on other ways to protect our neighborhood. They certainly had the opportunity to do so when they responded to our letters. If the PSC has no authority on site selection below 10 MW, who does?

We realize that when it's necessary for utility companies to provide essential service they are often exempt from local zoning approval. This Solar Plant **is not a necessity**, it's totally voluntary. The solar power produced at this location can be produced on endless numbers of sites in the LG&E/KU service area without impacting neighborhoods. It's disgraceful for LG&E to negatively impact the natural beauty of the area and to cost the families millions in real estate values just so they can use this site for a billboard. This site is obviously not about producing solar energy, it's about image. It's not fair.

PLEASE allow us to intervene long enough to provide evidence of the potential changes in property values if LG&E is allowed to place a **voluntary** industrial facility into our agricultural and residential area.

Thank you.

*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Sara Veeneman
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable W. Duncan Crosby III
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Rick E Lovekamp
Manager - Regulatory Affairs
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202