

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF	)	
KENTUCKY UTILITIES COMPANY AND	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	CASE NO.
FOR A SITE COMPATIBILITY CERTIFICATE FOR	)	2023-00361
THE CONSTRUCTION OF A SOLAR FACILITY IN	)	
MERCER COUNTY, KENTUCKY	)	

COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION  
TO KENTUCKY UTILITIES COMPANY AND  
LOUISVILLE GAS AND ELECTRIC COMPANY

Kentucky Utilities Company (KU) and Louisville Gas and Electric Company (LG&E) (jointly, LG&E/KU), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on May 3, 2024. The Commission directs LG&E/KU to the 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 representatives of a public or private corporation or a partnership or association or a

---

<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).

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.

LG&E/KU shall make timely amendment to any prior response if LG&E/KU 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 LG&E/KU fails or refuses to furnish all or part of the requested information, LG&E/KU shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and 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, LG&E/KU shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to the Application, Exhibit 1, Site Assessment Report, Section 2.7.
  - a. Describe the review process for Mercer County referred to in Section 2.7 of the Site Assessment Report.

b. Identify and provide a copy of Mercer County's planning and zoning requirements that you contend resulted in the setback requirements in KRS 278.704(2) being superseded.

c. Identify and provide any of Mercer County's planning and zoning requirements that would be applicable to LG&E/KU's proposed facility if LG&E/KU was not exempt from all planning and zoning requirements pursuant to KRS 100.324 (i.e. requirements that would apply based on the nature of the facility without regard to an exception based on ownership by a utility).

d. Explain whether Mercer County's planning and zoning requirements were adopted by a planning and zoning commission, by the fiscal court directly, or by some other entity, and if they were not adopted by a planning and zoning commission, explain why LG&E/KU contends that they would have primacy over the requirements in KRS 278.704(2) given the reference to a planning and zoning commission in the relevant statute.

2. Refer to the Application, Exhibit 1, Site Assessment Report, Section 2.7. Refer also to KRS 278.704(3) and the last sentence of KRS 278.704(2).

a. Explain all bases for LG&E/KU's contention that the absence of any setback requirement adopted by Mercer County's planning and zoning commission for solar facilities, as distinguished from the adoption of a specific lower set back requirement, eliminated any need by LG&E/KU to comply with the setback requirements in KRS 278.704(2), including why absence of action or the limited action, if any, taken by Mercer County's planning and zoning commission should eliminate the specific standards in KRS 278.704(2). Include in your discussion any relevant standards adopted by the

planning and zoning commission that you contend support your position that the setback requirements in KRS 278.704(2) have been superseded. For the purposes of this subpart, assume the setback requirements of the local planning and zoning commission would be applicable to LG&E/KU.

b. Assuming setback requirements established by local planning and zoning are not applicable to LG&E/KU pursuant to KRS 100.324, explain why LG&E/KU contends that they would still supersede the setback requirements in KRS 278.704(2) for LG&E/KU.

3. Refer to the Application, Exhibit 1, Site Assessment Report, Section 2.7.

a. Assuming they are applicable, identify and explain any changes that would be necessary to LG&E/KU's plans for the proposed facility in order to comply with the setback requirements in KRS 278.704(2) that the proposed structure or facility to be actually used for solar generation shall be (1) at least one thousand (1,000) feet from the property boundary of any adjoining property owner and (2) two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility.

b. Provide a map showing the expected distances of the proposed structures or facilities to be actually used for solar generation from the property boundary of any adjoining property owner based on LG&E/KU's current plans.

4. Refer to the Application, Exhibit 1, Site Assessment Report, Section 3.4.

a. Provide weight limit ratings for each local roadway to be used by project construction traffic.

b. 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.

c. 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.

d. Provide the weight and width restrictions of all bridges that exist along roadways proposed to be used during construction and operation of the project.

e. Provide a map showing anticipated directional delivery routes.

f. Provide any traffic management plans that have been created for project construction.

5. Refer to the Application, Table D-1. Refer also to LG&E/KU's response to Commission Staff's First Request for Information (Staff's First Request), Items 3, 5, and 6.

a. State how the "Distance from Site" for each of the properties listed on Table D-1 is measured, e.g. from the closest point on the land containing the improvement identified to the closest part of the property line for the property on which LG&E/KU proposes to construct the proposed facilities, from the residence or other improvement to the closest point at which a component of the proposed facilities will be located, etc.

b. Explain why the distances in Table D-1 appear to be further than those provided in the Excel spreadsheets provided in response to Staff's First Request, Item 5 and Item 6.

c. Identify the locations of any residential neighborhoods, as defined by KRS 278.700(6), within 2,000 feet of the property on which the proposed facilities will be located, and for each residential neighborhood identified, provide the distance between the closest point of the residential neighborhood and any component of the proposed facility that will be used to generate electricity.

d. Provide a list and identify the location of any cemeteries located within the 2,000-foot radius of the project and within the project boundaries. If there are cemeteries located within the project boundary, provide the planned setbacks from the cemetery and explain how access will be provided to those, if any, entitled access the cemetery.

6. Refer to LG&E/KU's response to Staff's First Request, Items 5 and 6.

a. Provide an updated version of the Excel spreadsheet provided in response to Staff's First Request, Item 5 that provides the address for each parcel listed and provides the approximate distance from each residence to the nearest planned solar panel, inverter, and substation based on the most up to date maps and drawings filed in this matter showing the approximate locations of planned equipment.

b. Provide an updated version of the Excel spreadsheet provided in response to Staff's First Request, Item 6 that identifies any school, hospital, or nursing home facility, provides the address for each such structure listed and provides the approximate distance from each such structure to the nearest planned solar panel, inverter, and substation based on the most up to date maps and drawings filed in this matter showing the approximate locations of planned equipment.

7. Refer to LG&E/KU's response to Staff's First Request, Item 2. Provide any updates on whether LG&E/KU has issued the request for proposal (RFP) for an engineering, procurement, and construction (EPC) firm.

8. Refer to LG&E/KU's response to Staff's First Request, Item 4.

a. Describe the planned style of the security fence.

b. Explain whether the perimeter security will be installed according to National Electric Safety Code (NESC) standards. Include in the response whether the fencing will be installed before any electrical work begins.

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

d. Identify and describe signage that will be utilized around the facility to warn trespassers of prohibited entry.

9. Refer to LG&E/KU's response to Staff's First Request, Item 8.

a. Provide a one-page map detailing the location of vegetative screening that will be utilized for the project.

b. Explain the circumstances in which any existing trees or existing vegetation will be removed or cleared, and provide approximately how many acres LG&E/KU expects to be removed or cleared.

c. Explain the circumstances in which an opaque fence will be used in lieu of a vegetative buffer, including the basis for using an opaque fence instead of a vegetative buffer.

d. Explain whether it would be possible to use a vegetative buffer along the perimeter of the entire facility.

e. Explain the differences in operational noise mitigation offered by a vegetative barrier such as the one described in response to Staff's First Request, Item 8 and an opaque fence.

10. Refer to LG&E/KU's response to Staff's First Request, Item 9. Provide a copy of the desktop and field habitat surveys.

11. Refer to LG&E/KU's response to Staff's First Request, Item 13.

a. Explain whether it would be reasonable to limit pile driving activities to Monday through Saturday and specific daylight hours when pile driving is less likely to disturb neighboring property owners, such as 8:00 a.m. to 6:00 p.m., and explain what effect, if any, such limitations would have on the construction timeline.

b. Explain whether it would be reasonable to limit other construction activities likely to cause noise, such as the use of heavy equipment, to Monday through Saturday and specific daylight hours when such activities are less likely to disturb neighboring property owners, such as 7:30 a.m. to 7:30 p.m., and explain what effect, if any, such limitations would have on the construction timeline.

c. State whether vibration monitoring will be conducted during pile driving.

(1) If so, describe how the vibration monitoring will be conducted, including whether vibration limits will be established to avoid damage to nearby structures and whether preconstruction surveys of nearby structures will be conducted to create a record and address damage claims.

(2) If not, explain why vibration monitoring will not be conducted during pile driving or is not necessary to avoid damage to nearby structures.



12. Refer to LG&E/KU's response to Staff's First Request, Item 16. State what steps LG&E/KU has taken to acquire any of the listed permits and whether any permits have been acquired. If this process has not been started, provide a timeline of when LG&E/KU will start the application processes.

13. Describe any steps LG&E/KU has taken or intends to take to ensure that its construction of the proposed facilities will comply with the National Environmental Policy Act (NEPA).

14. Submit a copy of the leases or purchase agreements, including options, amendments, and deeds that LG&E or KU have entered into in connection with the proposed solar facility, including the agreements for each of the parcels of the project. If LG&E or KU have not entered into any such agreements, provide an explanation and steps LG&E/KU would need to take to secure such an agreement.

15. Detail any contracts by which LG&E/KU 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.

16. Submit a site plan which includes the following features: substation location, POI, invertors, solar arrays, access roads, site entrances, employee parking, laydown areas, parcels, fence line, collection line routes, gen-tie route, and other appropriate features.

17. Provide the mileage of the gen-tie route.

18. Identify and explain any mitigation measures proposed because the project is located within a floodplain and why those mitigation measures will address any issues

arising from its location in a floodplain. If none are proposed, explain why no such mitigation measures are necessary.

19. Provide a map presenting all karst features within the project boundary.

20. Provide the results of any field study that has been conducted to locate any historic or cultural resources were found on the project site. If the field study has not been completed, provide when it will be completed.

21. State the expected operational life of the project.

22. Explain LG&E/KU's plan or expectations for decommissioning the project when the project reaches the end of its useful life.

23. Explain whether construction activities will occur sequentially, or concurrently across the project site.

24. State whether the project have an AC collection system. If yes, 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.

25. Explain whether any existing structures on the project site will be demolished during construction.

26. Explain who will control access to the site during construction and operations.

27. Provide any communication with local emergency services on security and emergency protocols during construction and operations. If contact has not been made, explain when that contact will occur.

28. Provide any communication with the neighboring communities regarding the project. State whether any public meetings/open houses have been held and if so, provide the date and location of said meetings.

29. Provide an updated two-mile radius site plan identifying the Point of Interconnection (POI) and Plant Substation.

30. Provide an Electrical One-Line diagram of the Project.

31. Explain how LG&E/KU plans to interconnect to KU's 138 kV transmission line, including whether there will be more than one origination point.

32. State whether LG&E/KU plans to install any step-down transformers.

33. State what steps LG&E/KU plans to take to avoid the EKPC 69 KV line within the project boundaries.

34. Refer to LG&E/KU's notice requesting that this matter be taken under submission and decided based upon the written record. State whether LG&E/KU continues to request that this matter be taken under submission and decided based upon the written record.



Linda C. Bridwell, PE  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

DATED APR 23 2024

cc: Parties of Record

\*Honorable Allyson K Sturgeon  
Managing Senior Counsel - Regulatory &  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

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

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

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

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

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

\*Sara Judd  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202