Somerset Solar Virtual Community Meeting Q&A
December 15, 2021

1. **Are you still considering placing panels outside the current fenced area of the plant north of Route 18? If so, what percent of capacity is planned outside the fence?**

   At this point, we are looking at putting approximately 65% of the panels above Route 18, and the rest to the south of Route 18. The preliminary project layout displayed on slide 11 of the Virtual Community Meeting slide deck can be referenced as a visual supplement to this answer.

2. **What is the design capacity factor for this facility? What is the capacity factor of the panels arranged to track the sun vs. those which are on stationary mounts?**

   Capacity factors for solar projects are typically in the low 20s, and the capacity factors for projects utilizing different technologies (ex. different types of racking) vary a bit depending on where the project is geographically located. Low to mid-20s is a typical capacity factor target range for solar projects in New York, including this project.

3. **What size and type of trees are you planning to plant, and how many rows?**

   The vegetative screening will be a mixture of evergreens and shrubs. There are specific requirements for how many trees, spacing, and best management practices for landscaping. We will be meeting with the town when the landscaping design plan is put together, and will also be putting this plan together in collaboration with ORES and in compliance with the requirements of 94-c.

4. **What will be your setback (of any construction or transportation operation) from the bald eagle nest on the property?**

   Our construction will be about 1200 feet away from the eagle's nest. * The Somerset Solar project will comply with the state issued guidelines related to the bald eagle nest and solar facility construction. We are well outside of the setbacks required by the regulations, and there will be significant forest, visual and noise buffer between our construction and the nest location. AES has signed an NDA with NYS ORES and the DEC, and these entities have been made aware of the nesting location.

   **This is a correction to the answer that was given verbally during the Virtual Community Meeting. The live response was that all operations would be more than 0.5 miles from the eagle's nest. This was a misstep, and we apologize for the incorrect information. We are very sensitive to the bald eagle's nest and will be taking all necessary precautions to avoid any impact.*

5. **What limitations will there be to hunting? Deer in particular, since the area targeted is home to many.**

   This project is only proposed for lands that are owned by the Somerset Operating Company, and it is our understanding that all these lands are currently posted, so we don't anticipate any effect or impact with regards to hunting. If you are hunting near solar panels, or in your neighborhood, or near roads, cars etc., you will want to know what's safe downrange with your shot. Apart from that, it is not our understanding that any further limitations will be placed on hunting.

6. **Please supply a schedule for the project.**

   The expected project schedule can be found on slide 10 of the meeting presentation, available here.

7. **How many viewers of this webinar?**

   19 viewers (not including panelists or other AES project team members).

8. **32 thousand GW, but what capacity factor?**

   32 GW (equivalent to 32,000 MW) is the total (sum) capacity of all of AES' operating projects, referenced on slide 6 of the presentation. AES' entire portfolio of operating projects includes gas, oil and coal plants, in addition to renewable projects such as solar. These different projects and different pieces of generation equipment have different capacity factors, ranging from the low 20s on some projects (ex. solar) up to the 50s for gas peaking plants.

9. **How much was AES involved in developing the 94-c process?**

   Not at all. While we (AES) follow permitting in the state, are members of Alliance for Clean Energy (ACE) New York, followed the development of the rules as they were posed back in early 2020, and spoke to people about this development process, we weren't part of developing the process directly in any way. We have simply been following the 94-c process since its deployment.

10. **Will the 2-3 equivalent jobs be from local workforce? What is an "equivalent job?"**

    Yes – we will be soliciting local folks that might be interested in working in the solar industry as operators and maintenance folks. There will absolutely be the opportunity for local individuals to interview for these jobs. "Equivalent" refers to a "full time equivalent", so "equivalent job" simply refers to a full time job/full time role.

11. When will we see the PIP?

The PIP will be available to the public when we submit the permit application for the project, targeted for Q1 2022. At that time, we will receive a case order number from ORES, which will create a Somerset Solar docket on the DPS document management system and will enable the public to see all project documents. This represents a change from how the document management system was handled under Article 10, where the permit application process began with submission of the PIP, which opened up a case number that you could follow publicly.

12. How far is the proposed town park from the bald eagle's nest?

At the time of this meeting, we don't have those exact measurements. However, we are not building anywhere near the town park. We are more than far enough away from where the bald eagle is actually located, which is to say that we are siting with the appropriate distance from both the eagle's nest and the park in compliance with the 94-c regulations.

We do also have to be careful about revealing specific information about endangered species, for the safety of the species. You can look at a map of the project area and probably get a decent idea of placement and distance. It's safe to say that we're building with sufficient distance.

13. Is not 94-c much more favorable toward developers than Article 10?

The 94-c permitting process is substantially similar to the Article 10 process. The 94-c process contains pre-application public engagement with the local community, pre-application consultations with state agencies and local municipalities, application review, draft permit, hearings and decision, and compliance. If you look at the list of the required application exhibits, 94-c still requires all the same information as Article 10.

Both processes are extremely robust and require a significant amount of work (see the contents of the 94-c application on slide 20 of the presentation). It is extremely important for us (AES) to engage with the public and the communities where we're developing projects, and make sure that we're taking local concerns into consideration. We've already demonstrated some of that commitment in holding the in-person open house in June and incorporating some of the feedback we received into our current project plan. We'll continue to make ourselves available and listen to folks' concerns and feedback, because we value our neighbor relationships.

Accordingly, it cannot be said that 94-c is more favorable to developers than Article 10 from a content or process perspective. 94-c still requires all the same information, all the same studies, and same intervenor funding. It's just a different process, but not necessarily any lighter or easier than Article 10.

94-c was simply passed to address issues related to Article 10 which created bottlenecks and caused projects to be under review for substantial periods of time – sometimes up to six years.

14. How many permits have been denied under Article 10 and 94-c?

There have been two versions of Article 10 -- there was an Article X (where "X" stood for "10" under the Public Service Law), and then there was the Article 10 that was passed in 2012. AES counsel is familiar with at least one project with which they were involved that was denied a permit. There were not a lot of projects that got denied under Article 10 as it was more common for developers to get to a point in the process where they realized that they were never going to get a siting permit and they just withdraw their application, rather than getting to a point where the siting board actually made a decision on the application. So there has not been a lot of denials, but if you go back and look, there were a lot of withdrawn applications for projects that didn't go forward.

Regarding 94-c, it's too new of a process. There are currently only two projects that have received a siting permit under 94-c, both of which already had Article 10 applications filed and transferred over from Article 10, which meant that these projects essentially jumped in at the middle of the 94-c process.

15. Why would hearings not be required under 94-c? *(referring to the diagram on slide 18 of the meeting presentation – the right-most box in the middle row)*

Once an application is determined complete by ORES and a draft permit issued, the Administrative Law Judge assigned to the proceeding will determine whether there are any adjudicable issues requiring an evidentiary hearing. The standards for adjudicable issues are contained in Section 900-8.3(c) of the Office's 94-c regulations. In general, an adjudicable issue is substantive and significant and can be raised by the Office, an agency or the public. An issue is substantive if there is sufficient doubt about the applicant's ability to meet statutory or regulatory criteria applicable to the project, such that a reasonable person would require further inquiry. An issue is significant if it has the potential to result in the denial of a siting permit, a major modification to the proposed project or the imposition of significant permit conditions in addition to those proposed in the draft permit, including uniform standards and conditions.

16. Of what value is public comment?

We have already made changes to the original project design project based on public comment and feedback. We have engaged stakeholders early and often and have tried to get their thoughts about how the project should be accomplished. Through that engagement and feedback, we've been able to adjust the project to meet certain stakeholders' requirements. The value of public comment is very high, and we value our relationship with the community and welcome further feedback regarding how we can potentially adjust the project to take other stakeholders' needs into consideration.

17. Are local laws ever not overruled?

To AES' and counsel's knowledge, ORES has not refused a request no to apply a local law. However, there have only been three permits for solar projects issued to date and two of the projects did not request that the Office elect not to apply any local laws.

18. What happens if AES and the community can't come to a negotiated agreement for benefits to the community?

The following are just some of the benefits of this project to the community – a host community agreement, rails to trails, a potential tax arrangement – we've got a lot of these kinds of things going on, and we think it's in the best interest of both parties to come to a negotiated agreement. If we can't come to a negotiated agreement, we're not sure what happens, to be honest. We think it's in the best interest of both parties that the project moves forward, and that we come to an agreement. Not the best answer, we know, but we don't expect to not be able to come to an agreement.

19. What happens to the solar panels and batteries once the facility is no longer economically viable? Where do they go?

Currently, the manufacturers that create these pieces of equipment are recycling them. During the operational period of a solar project, panels typically don't fail, but occasionally, one will get cracked or broken, or something to that effect. Our operations and maintenance team consistently monitors the condition of the panels and will package any broken panel up and send it back to the manufacturer to be recycled.

Typically, the panels are designed for a life of 25+ years. We also provide financial security for decommissioning as required in the 94-c regulations.

There's a lot of research being done into new alternative recycling programs as well, and we're confident that over these next 25-30 years there will be some other robust recycling opportunities and options for these projects as well.

20. Was not Tetra Tech instrumental in guiding NY State to favor developers in establishing the 94-c regulations?

No, Tetra Tech was not involved in doing anything that would have been either for or against developers, in working with ORES. Tetra Tech is a multinational company with tens of thousands of people, and dozens of different business units. The business units working with ORES are not the same business units as are working with developers on projects. Also note that consultants throughout New York State were asked for input on the draft Section 94-c regulations. If Tetra Tech, or any consulting firm, were to have the same people working with developers on designing and permitting applications, and working with ORES to develop regulations, that could be considered a conflict of interest, and that absolutely did not happen.

21. What is a visually sensitive resource?

"Visually sensitive resource" is a loose term – it could be anything from school, to a church, to a home across the street from the project. It doesn't have to mean anything specific - it is anything that the community, ORES or we feel may be sensitive to the change in the area.

22. What is your anticipated sound level from the project, without leaves?

We haven't modeled sound levels for this project yet, but from our experience modeling hundreds of these types of projects, sound levels at the fence line of a project (if you were standing right at the fence line of the facility), are typically very quiet, likely quieter than the conversation we are having right now.

The projects are designed to be quiet – even the motors that drive the panels are moving so slowly that they produce little to no noise. The only real noise that's produced comes from the cooling fans for the inverters. These pieces of equipment are specifically located as far as possible from the fence, sound modeled homes and sensitive locations.

23. How well does modeling reflect real life results?

With the assumption that this question is referring to sound modeling, we don't know how to put a number on that at the moment. There are specialists within Tetra Tech that do that modeling and we would be glad to provide that information when possible. We would say that it is fairly accurate to very accurate, otherwise it wouldn't be useful, and ORES wouldn't ask for it. Regardless, we will be held to be compliant with all sound regulations during operations.

24. When will the back taxes be paid on the property?

We should be clear about our relationship with the site. We are not the owner of the site and we're not buying the land of the site – we are leasing it from the site owner. Therefore, we can't comment on the back taxes. We are working very closely with the site owners, but we have no information on the back taxes.

25. Is there any battery storage planned for the project?

No, there is no battery storage planned. We received some feedback from the community regarding concerns about battery storage, and while that was not the only contributing factor, it was part of our reason for dropping the storage component of the project. We looked at a combination of factors, both the community sentiment and the economics, and the ultimate decision was that the project will not have battery storage.

We also want to address something else quickly – we know that there is some concern about wind farms being built in the project area or potentially even on this project site, and we want

to be clear; that absolutely is not happening. We have no intention of building any wind projects on this site. The project that we're talking about today, and the only project we're going to be doing, is the solar project.

26. How many solar panels are involved?

Based on the size of the project and the preliminary design that we have right now, 300,025 panels.

27. What is the life expectation of the solar panels?

As mentioned earlier, 25-30 years is the current expected life. Though, year after year, panels are getting better, and lasting longer.

28. Will any panels be located on the landfills?

Yes. Fixed tilt panels will be located on the landfill area located in the southeastern part of the project area. However, in the most northern portion of the landfill, at the northeast portion of the project site, there will not be. This northeast portion is the tallest point in Niagara county, and there will be no panels there.

29. We just had a windstorm with 65-70 mph winds. As I understand it solar panels are structured to withstand 50-55 mph. How will you prevent solar panels from cartwheeling across Somerset in the future?

The racking design we will be using for this project is designed for 105 mph winds, per ASCE (American Society of Civil Engineers) 7-10 risk category I.

30. At the town board meeting Somerset Solar indicated that 20 MW of battery storage was planned for the project. Then at the community information session when I asked about it, I was told that no battery storage would be included. Which is it?

As mentioned in the response to question #25, there will be no battery storage at the project. The 20 MW of storage originally planned for the project has been removed.

31. Was not Tetra Tech involved with NY State in developing the 94-c regulations? Yes/No

Tetra Tech as a company, along with other parties, reviewed the draft Section 94-c regulations and provided information to support selected public comment responses. It is common for New York State to seek input from experienced professionals in the subject in developing new regulations. The Tetra Tech team that is working on the Somerset project was not involved with NYS in developing the 94-c regulations.