

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF AEUG)	
MADISON SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
100-MEGAWATT MERCHANT ELECTRIC SOLAR)	2020-00219
GENERATING FACILITY IN MADISON COUNTY,)	
KENTUCKY PURSUANT TO KRS 278.700 AND)	
807 KAR 5:110)	

ORDER

On May 16, 2022, AEUG Madison Solar, LLC (AEUG Madison) filed a motion pursuant to KRS 278.400 for reconsideration of the Siting Board's April 14, 2022 Order denying confidential protection for the preliminary vegetative screening plan provided in response to Siting Board Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Item 2.

DISCUSSION AND FINDINGS

Commission regulation 807 KAR 5:110, Section 5(4) provides that if a request for confidential treatment is denied, the applicant may file a petition for rehearing with the Siting Board. AEUG Madison stated the vegetative screening plan provided in response to Staff's Post-Hearing Request Item 2, should have been granted confidential treatment because it is a preliminary document. AEUG Madison stated that KRS 61.878(1)(i) directs that confidential treatment of preliminary documents be granted. AUEG Madison also argued the vegetative screening plan is confidential and proprietary pursuant to

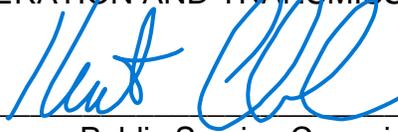
KRS 61.878(1)(c)(1). AEUG Madison stated disclosure of the draft information would create a disadvantage for the company.

Having considered the motion and the material at issue, the Siting Board finds that AEUG Madison's motion for reconsideration is denied. While KRS 61.878(1)(j) does permit confidential treatment of preliminary drafts, the vegetative screening plan is important to creating a complete and robust public record in this matter. KRS 278.710(1)(a) requires the Siting Board to consider the impact on scenic surroundings when determining whether to grant or deny a construction certificate. The vegetative screening plan is an important part of making the determination on the impact of the proposed facility on the scenic surroundings. Even though the plan is preliminary, it was used by the Siting Board deliberations on the granting of the construction certificate and public disclosure is necessary for the creation of the record.

Additionally, the public comments in all Siting Board cases make clear that the impact on the scenic surroundings is one of the most important concerns the public has relating to the construction of solar facilities. In order to have full transparency into the Siting Board's granting of a construction certificate, the public should be permitted to view the vegetative screening plans.

IT IS THEREFORE ORDERED THAT AEUG Madison's motion for rehearing is denied.

KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING

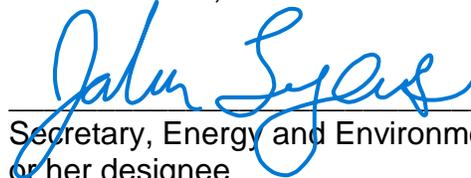


Chairman, Public Service Commission

Vice Chairman, Public Service Commission

Commissioner, Public Service Commission

6/24/22 KAC
w/permission



Secretary, Energy and Environment Cabinet,
or her designee



Secretary, Cabinet for Economic Development,
or his designee



ATTEST:



Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
and Transmission Siting

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