

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF LOST CITY)	
RENEWABLES LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
250 MEGAWATT MERCHANT ELECTRIC SOLAR)	2024-00406
GENERATING FACILITY IN MUHLENBERG)	
COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.710 AND 807 KAR 5:110)	

ORDER

On April 28, 2025, Lost City Renewables LLC (Lost City Renewables) filed a petition, pursuant to 807 KAR 5:110, Section 5, and KRS 61.878, requesting that the Siting Board grant confidential treatment for an indefinite period for information contained in its lease agreements related to pricing and other sensitive information in response to Siting Board Staff’s Second Request for Information to Lost City Renewables, Items 2 and 9.

LEGAL STANDARD

The Siting Board is a public agency subject to Kentucky Open Records Act,¹ which requires that all public records “be open for inspection by any person, except as otherwise provided by KRS 61.870 to KRS 61.884.”² The exceptions to the free and open examination of public records should be strictly construed.³ The party requesting that the

¹ KRS 61.870 through 61.884.
² KRS 61.872(1).
³ KRS 61.878.

materials be granted confidential protection has the burden of establishing that one of the exemptions is applicable.⁴ KRS 61.878(1)(a) grants confidential protection of information that if disclosed would create an invasion of personal privacy.⁵ KRS 61.878(1)(c)(1) provides an exception to the requirement for public disclosure of records that are “generally recognized as confidential and proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.” KRS 61.878(1)(i) grants confidential protection to preliminary drafts, notes, or correspondence.⁶

DISCUSSION AND FINDINGS

In support of its petition, Lost City Renewables argued that if the proprietary commercial information in its leases were made publicly available, it would create a significant competitive disadvantage for Lost City Renewables.⁷

Having considered the Petition and the material at issue, the Siting Board finds that the select portions of Lost City Renewables leases related to pricing and related issues are generally recognized as confidential or proprietary the disclosure of which would permit an unfair commercial advantage; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:110, Section 5, and KRS 61.878(1)(c)(1) for an indefinite period.

⁴ 807 KAR 5:110, Section 5(2)(d).

⁵ KRS 61.878(1)(a).

⁶ KRS 61.878(1)(i).

⁷ Petition for Confidential Treatment (filed Apr. 8, 2025) at 2.

IT IS THEREFORE ORDERED that:

1. Lost City Renewables's April 28, 2025 petition for confidential treatment is granted.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Siting Board.

3. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:110, Section 5.

4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Lost City Renewables shall inform the Commission and file with the Commission an unredacted copy of the designated material.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Lost City Renewables shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Lost City Renewables is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Siting Board shall deny the request for inspection.

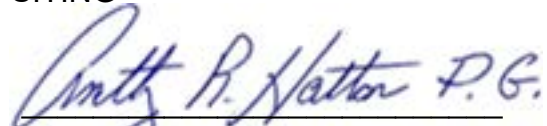
6. The Siting Board shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Lost City Renewables to seek a remedy afforded by law.

Entered on this 8th day of July, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING




Angie Hatton
Chair, Public Service Commission



John Lyons
Secretary, Energy and
Environment Cabinet, or his
designee



Mary Pat Regan
Vice Chair, Public Service Commission



Jeff Noel
Secretary, Cabinet for Economic
Development, or his designee



Andrew W. Wood
Commissioner, Public Service Commission


Mack McGehee, Judge Executive
of Muhlenberg County, ad hoc
member



Barry L. Mayfield
Commissioner, Public Service Commission

David Theodore Jessup, Jr., ad
hoc member

ATTEST:



Linda C. Bridwell, PE
Executive Director
Public Service Commission
*on behalf of the Kentucky State Board on
Electric Generation and Transmission Siting*

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