

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

In the Matter of:

ELECTRONIC APPLICATION OF EE PARADISE)	
SOLAR, LLC FOR A SITING BOARD)	
CONSTRUCTION FOR AN APPROXIMATELY 80)	CASE NO.
MEGAWATT MERCHANT SOLAR ELECTRIC)	2025-00381
GENERATING FACILITY IN MUHLENBERG)	
COUNTY, KENTUCKY PURSUANT TO)	
KRS 278.700 AND 807 KAR 5:110)	

ORDER

On November 24, 2025, EE Paradise Solar, LLC filed a notice of intent (NOI) to file an application for a Construction Certificate for an approximately 80-megawatt merchant electric solar generating facility to be located in Muhlenberg County, Kentucky.¹ On April 16, 2026, EE Paradise Solar, LLC filed a notice of withdrawal that stated that EE Paradise Solar, LLC, would like to withdrawal its NOI to file an application.² EE Paradise Solar, LLC, stated that this project will sell 100 percent of its output to Kentucky Utilities Company (KU), a jurisdictional utility regulated by the Public Service Commission (PSC), pursuant to KU's tariff and pursuant to a PSC-regulated power purchase agreement.³ Consequently, EE Paradise Solar, LLC, concluded that, as such, the project does not meet the statutory definition of a merchant generating facility; thus, Siting Board approval is not necessary. Notwithstanding the reasoning discussed below, EE Paradise Solar,

¹ EE Paradise Solar, LLC's Notice of Intent (filed on Nov.24, 2025).

² EE Paradise Solar, LLC's Notice of Withdrawal (filed on Apr. 16, 2026).

³ EE Paradise Solar, LLC's Notice of Withdrawal at 2.

LLC filed a notice of withdrawal of its NOI prior to filing its application, and as a result the Siting Board finds the case should be closed and removed from the docket.


Although the Siting Board is accepting EE Paradise Solar, LLC's withdrawal of its NOI, this should not be construed as agreement or acceptance of EE Paradise Solar, LLC's legal position taken in the notice to withdraw. While the record is minimal regarding EE Paradise Solar, LLC's facility plans and business relationships, its NOI describes an 80-megawatt merchant electric solar generating facility to be located in Muhlenberg County and its notice of withdrawal states it plans to sell wholesale electricity to KU. KRS 278.700(2) subjects electric generating facilities capable of ten megawatts or more of capacity that sell electricity into the wholesale market at rates and charges not subject to the Commission's jurisdiction, to the provisions of KRS 278.700 through KRS 278.718. This is exactly what EE Paradise Solar; LLC is planning to do in the situation. Having an obligation to selling 100 percent of the electricity to a jurisdictional utility rather than a regional transmission organization does not obviate the wholesale nature of the transaction. Accordingly, the Siting Board reserves its rights to pursue all available legal remedies it deems necessary against EE Paradise Solar, LLC or any other merchant generator developer that acts to usurp applicable state law. Further, the Siting Board recommends that the Public Service Commission carefully review any Purchase Power Agreement executed by any jurisdictional utility with a merchant generator developer that has acted to usurp applicable state law. The application fee in the amount of \$80,000 that was received on December 24, 2025, shall be refunded via wire transfer.

IT IS THEREFORE ORDERED the case is closed and removed from the Siting Board's docket.

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Entered on this 15th day of May, 2026.

KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING



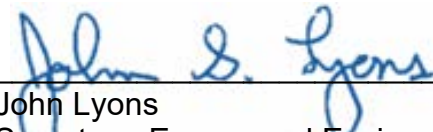
Angie Hatton
Chair, Public Service Commission



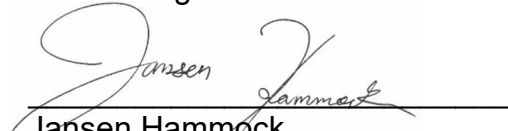
Mary Pat Regan
Commissioner, Public Service Commission



Andrew W. Wood
Commissioner, Public Service Commission




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



Jansen Hammock
Secretary, Cabinet for Economic Development,
or his designee

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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