

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

In the Matter of:

ELECTRONIC APPLICATION OF FRON BN, LLC)	
(FRONTIER SOLAR) FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 120)	
MEGAWATT MERCHANT SOLAR ELECTRIC)	CASE NO.
GENERATING FACILITY AND NONREGULATED)	2023-00360
ELECTRIC TRANSMISSION LINE IN MARION)	
AND WASHINGTON COUNTIES, KENTUCKY)	
PURSUANT TO KRS 278.700 AND 807 KAR)	
5:110)	

ORDER

This matter is before the Siting Board upon a motion filed by FRON, BN, LLC, (Frontier Solar) to amend the transmission line route and a petition for confidential treatment of material terms of an easement.

DISCUSSION AND FINDINGS ON MOTION TO AMEND
TRANSMISSION LINE ROUTE

Frontier Solar submitted an application for a certificate of construction for a 120 megawatt (MW) solar merchant electric generating facility and nonregulated transmission line.¹ On June 25, 2024, the Siting Board issued an Order granting Frontier Solar's construction certificate application subject to certain mitigation measures and conditions outlined in Appendix A.² Mitigation measure 35 provides as follows:

¹ *Electronic Application of FRON BN, LLC (FRONTIER SOLAR) For a Certificate of Construction For An Approximately 120 Megawatt Merchant Electric Solar Generating Facility and Nonregulated Electric Transmission Line in Marion and Washington Counties, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110.*

² Order (Ky. Siting Board June 25, 2024), Appendix A at 8.

Frontier Solar shall adhere to the proposed transmission route presented in the application. Should Frontier Solar find it necessary to include any parcel of land not included in this response in order to finalize the route of the proposed transmission line, Frontier Solar shall return to the Siting Board to request an amendment to the location of the transmission line.

On July 2, 2025, Frontier Solar filed a motion to amend the transmission line route and for confidential protection of material terms of an easement.³ On January 20, 2026, Frontier Solar filed a motion for a decision, seeking a resolution of its motion to amend transmission line route to facilitate a construction start date of March 1, 2026.⁴ On February 9, 2026, Frontier Solar responded to one round of discovery.⁵ Frontier Solar stated that the transmission line route was amended to optimize transmission routing into the Lebanon Substation, which serves as the Project's point of interconnection.⁶ Frontier Solar stated that, by adding this additional parcel of land, the Project will improve line clearances and orientation with the existing Louisville Gas and Electric Company and Kentucky Utilities Company's (LGE/KU) facilities, and thereby, obtain LGE/KU approval for the 345 kV line crossing required to gain access to the Lebanon Substation.⁷ Frontier Solar stated that, when the Project's construction certificate application was originally filed, the parcel of land was not available for an easement because it was held by another

³ Motion to Amend Transmission Line Route and Petition for Confidential Protection (filed on July 2, 2025).

⁴ Motion for Decision (filed on January 20, 2026).

⁵ Frontier Solar's Response to Siting Board's Staff's First Request for Information to Fron, BN, LLC, (filed on January 9, 2026).

⁶ Frontier Solar's Response to Siting Board's Staff's First Request for Information to Fron, BN, LLC, Item 1.

⁷ Frontier Solar's Response to Siting Board's Staff's First Request for Information to Fron, BN, LLC, Item 1.

solar project whose owner would not grant Frontier Solar an easement.⁸ Since that time, a change of ownership has occurred, and Frontier Solar has been able to secure an easement for this parcel.⁹ Additionally, Frontier Solar argued that the this amended route is preferred because it is the most efficient, and least impactful route for the Project and the interconnecting utility.¹⁰

Given that the proposed modified route includes a relatively small section of the overall transmission line project, the additional parcel of land is a participating landowner, and no person has submitted any public comments regarding the location of the proposed transmission, the Siting Board approves the requested amendment to the route of the nonregulated electric line to include the additional easement and approves the amendment to the description of the nonregulated electric transmission line.

PETITION FOR CONFIDENTIAL PROTECTION

Frontier Solar filed a petition pursuant to 807 KAR 5:110, Section 5, and KRS 61.878 (1)(c)(1), requesting that the Siting Board grant confidential protection for a period of 40 years for the material terms of an easement.

LEGAL STANDARD – OPEN RECORDS ACT

The Siting Board is a public agency subject to Kentucky Open Records Act,¹¹ which requires that all public records “be open for inspection by any person, except as

⁸ Frontier Solar’s Response to Siting Board’s Staff’s First Request for Information to Fron, BN, LLC, Item 1.

⁹ Frontier Solar’s Response to Siting Board’s Staff’s First Request for Information to Fron, BN, LLC, Item 1.

¹⁰ Frontier Solar’s Response to Siting Board’s Staff’s First Request for Information to Fron, BN, LLC, Item 1.

¹¹ KRS 61.870 through 61.884.

otherwise provided by KRS 61.870 to KRS 61.884.”¹² The exceptions to the free and open examination of public records should be strictly construed.¹³ The party requesting that the materials be granted confidential protection has the burden of establishing that one of the exemptions is applicable.¹⁴ 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.”

DISCUSSION AND FINDINGS FOR PETITION

In support of its petition, Frontier Solar argued that the material terms of the easement should be granted confidential protection because, if disclosed, it would reveal commercially sensitive information regarding the inner workings of Frontier Solar.¹⁵ Frontier Solar also argued that if the material terms of the easement are disclosed it would place Frontier Solar at a competitive disadvantage.¹⁶

Having considered the petition and the material at issue, the Siting Board finds that material terms of the lease easements are generally recognized as confidential or proprietary; 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). Material terms are defined as including:

¹² KRS 61.872(1).

¹³ KRS 61.878.

¹⁴ 807 KAR 5:110, Section 5(2)(d).

¹⁵ Motion to Amend Transmission Line Route and Petition for Confidential Protection (filed on July 2, 2025) at 5.

¹⁶ Motion to Amend Transmission Line Route and Petition for Confidential Protection (filed on July 2, 2025) at 5.

1. The lease amounts;
2. Escalation of lease payments;
3. Remedies available to the parties of the lease for nonperformance of the terms;
4. Economic terms other than lease terms and related escalations such as signing payments, crop damage calculations, construction rent amounts, extension fees, and holdover rent amounts; and
5. The structure of the lease term, which includes the outside date for the rent commencement date.

IT IS THEREFORE ORDERED that:


1. Frontier Solar's motion to amend the route and description of the nonregulated electric transmission line is approved.
2. All other provisions of the Siting Board's June 25, 2024, final Order that are not in conflict with the terms of this Order shall remain in effect.
3. Frontier Solar's January 20, 2026 motion is resolved as moot.
4. Frontier Solar's petition for confidential protection for material terms of an easement provided in Frontier Solar's motion to amend transmission line route and petition for confidential protection is granted.
5. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for 40 years or until further order of this Siting Board.
6. 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.

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


8. 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, Frontier Solar 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 Frontier Solar 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.

9. 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 Frontier Solar to seek a remedy afforded by law.

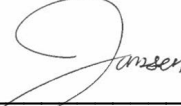

KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING


Chairman, Public Service Commission


Commissioner, Public Service Commission


Commissioner, Public Service Commission



Secretary, Energy and Environment Cabinet,
or her designee

 
Secretary, Cabinet for Economic Development,
or his designee

David Daugherty, ad hoc member

Lisa Blair Jones Haydon, ad hoc member

ATTEST:


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



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