

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

In the Matter of:

ELECTRONIC APPLICATION OF MANTLE ROCK)	
SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 42-)	CASE NO.
MEGAWATT MERCHANT ELECTRIC SOLAR)	2024-00050
GENERATING FACILITY IN LIVINGSTON)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

ORDER

On August 25, 2025, Mantle Rock Solar, LLC (Mantle Rock) filed a petition, for confidential treatment, pursuant to 807 KAR 5:110, Section 5, and KRS 61.878(1)(c)(1), requesting that the Siting Board grant confidential treatment for an indefinite period for copies of leases that have been entered into in connection with the proposed solar project, that were filed with the application.

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 materials be granted confidential protection has the burden of establishing that one of the

¹ KRS 61.870 through 61.884.

² KRS 61.872(1).

³ KRS 61.878.

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, Mantle Rock argued that the material terms of the leases provided when the application for certification of construction should be granted confidential protection pursuant to KRS 61.878(1)(c)(1) because if the material terms contained in leases contain proprietary commercial information relating to pricing and other sensitive information that if publicly disclosed would place Mantle Rock at significant commercial disadvantage.⁷

Having considered the petition and the material at issue, the Siting Board finds that Mantle Rock’s petition should be granted, in part, and denied, in part. The Siting Board finds that certain designated material terms contained in Mantle Rock’s leases are records that meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:110, Section 5. For the

⁴ 807 KAR 5:110, Section 5(2)(d).

⁵ KRS 61.878(1)(a).

⁶ KRS 61.878(1)(i).

⁷ Mantle Rock’s Petition for Confidential Treatment (filed Aug. 25, 2025) at 2.

purposes of this Order, the Siting Board finds that “material terms” are defined as including:

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 includes the outside date for the rent commencement date.

The Siting Board further finds that the request for confidential treatment is denied for the remaining portions of the leases because they are general contract language that would not give a competitor of Mantle Rock an unfair commercial advantage. Therefore, the remaining terms do not meet the criteria for confidential treatment and are not exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:110, Section 5.

IT IS THEREFORE ORDERED that:

1. Mantle Rock’s petition for confidential treatment is granted in part and denied in part.
2. Mantle Rock’s petition for confidential treatment for the material terms of leases provided with the application that was filed is granted.

3. Mantle Rock's petition for confidential treatment for the remaining portions of the leases is denied.

4. 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.

5. 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.

6. Mantle Rock shall inform the Siting Board if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

7. 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, Mantle Rock shall have 20 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 Mantle Rock 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.

8. 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 Mantle Rock to seek a remedy afforded by law.

9. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

10. If Mantle Rock objects to the Siting Board's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to 807 KAR 5:110, Section 5(4), or judicial review of this Order pursuant to KRS 278.712(5). Failure to exercise either of these statutory rights will be deemed as agreement with the Siting Board's determination of which materials should be granted confidential treatment.

11. Within 30 days of the date of service of this Order, Mantle Rock shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

12. The designated material for which Mantle Rock request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Mantle Rock to seek a remedy afforded by law,

Entered on this 21st day of September, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING



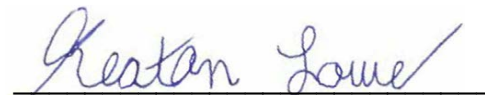
Angie Hatton
Chair, Public Service Commission



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



Mary Pat Regan
Vice Chair, Public Service Commission

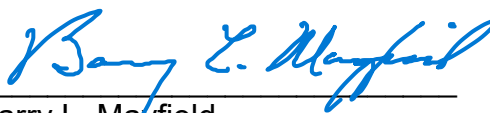


Jeff Noel
Secretary, Cabinet for Economic
Development, or his designee



Andrew W. Wood
Commissioner, Public Service Commission

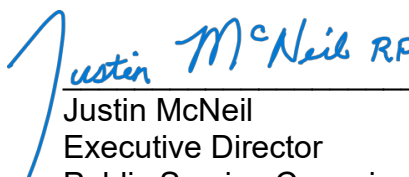
Teris Swanson, ad hoc member



Barry L. Mayfield
Commissioner, Public Service Commission,

Micah Joiner, ad hoc member

ATTEST:



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

Service List for Case 2024-00050

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