

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

In the Matter of:

ELECTRONIC APPLICATION OF WOOD DUCK	)	
SOLAR LLC FOR A CERTIFICATE OF	)	
CONSTRUCTION FOR AN APPROXIMATELY	)	
100 MEGAWATT MERCHANT ELECTRIC SOLAR	)	CASE NO.
GENERATING FACILITY AND NONREGULATED	)	2024-00337
TRANSMISSION LINE IN BARREN COUNTY,	)	
KENTUCKY PURSUANT TO 278.700 AND 807	)	
KAR 5:110	)	

ORDER

On October 14, 2025, Wood Duck Solar LLC (Wood Duck Solar) 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 pertaining to pricing and other sensitive information in response to the Siting Board Staff's October 6, 2025 Post-Hearing Request for Information, Item 2.

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, Wood Duck Solar argued that the phone numbers and email addresses of landowners who executed lease agreements should be kept confidential due to privacy concerns. Further, Wood Duck Solar argued that the pricing information in the lease agreements should be kept confidential, because their public release would cause competitive injury to Wood Duck Solar and put Wood Duck Solar at a competitive disadvantage when negotiating future lease agreements.

Having considered the petition and the material at issue, the Siting Board finds that the select portions of the lease agreements are generally recognized as confidential or proprietary, portions of which represent personal information, the release of which represents an invasion of personal privacy, and other portions would place Wood Duck Solar at a competitive disadvantage; they therefore meet the criteria for confidential

⁴ 807 KAR 5:110, Section 5(2)(d).

⁵ KRS 61.878(1)(a).

⁶ KRS 61.878(1)(i).

treatment and are exempted from public disclosure pursuant to 807 KAR 5:110, Section 4, 807 KAR 5:110, Section 5, KRS 61.878(1)(a), and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Wood Duck Solar's October 14, 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, Wood Duck Solar 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, Wood Duck Solar 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 Wood Duck 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.

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 Wood Duck Solar to seek a remedy afforded by law.

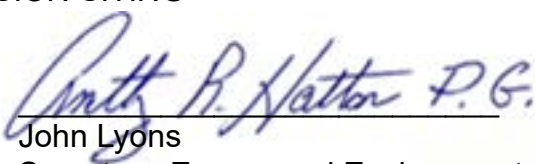
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Entered on this 16th day of September, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING



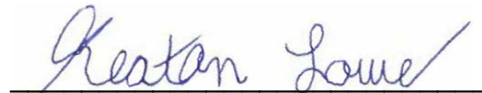
Angie Hattori
Chair, Public Service Commission



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



Mary Pat Regan
Vice Chair, Public Service Commission

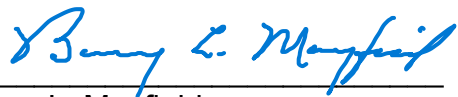


Jeff Noel
Secretary, Cabinet for Economic
Development, or his designee



Andrew W. Wood
Commissioner, Public Service Commission

Tommy Gumm, Chair Joint Planning
and Zoning, ad hoc member



Barry L. Mayfield
Commissioner, Public Service Commission

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 2024-00337

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