

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

IN THE MATTER OF:

<b>THE ELECTRONIC APPLICATION OF</b>	)	
<b>WEIRS CREEK SOLAR, LLC FOR A</b>	)	
<b>CERTIFICATE TO CONSTRUCT AN</b>	)	
<b>APPROXIMATELY 150 MEGAWATT</b>	)	
<b>MERCHANT SOLAR ELECTRIC</b>	)	<b>CASE NO.</b>
<b>GENERATING FACILITY IN WEBSTER</b>	)	<b>2024-00099</b>
<b>COUNTY AND HOPKINS COUNTY,</b>	)	
<b>KENTUCKY PURSUANT TO KRS 278.700</b>	)	
<b>ET SEQ. AND 807 KAR 5:110</b>	)	

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**WEIRS CREEK SOLAR LLC’S**  
**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Weirs Creek Solar, LLC (“Weirs Creek”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and requests the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) afford confidential treatment to certain portions of its Notice of Compliance with Mitigation Measures. Weirs Creek respectfully states as follows:

1. On June 6, 2024, Weirs Creek filed its Application in the above-styled proceeding seeking a Construction Certificate to construct an approximately 150 megawatt ground-mounted solar photovoltaic electric generating facility (the “Facility”) covering approximately 2,260 acres of land in Webster and Hopkins County, Kentucky and an approximately 0.85-mile nonregulated transmission line. The Siting Board issued an Order on December 3, 2024 granting a Construction Certificate that contained forty-one (41) Mitigation Measures and that Weirs Creek must comply

with during the construction and operation of the Facility. Contemporaneously with this Motion, Weirs Creek is providing notice of compliance with pre-construction mitigation measures.

2. As part of Weirs Creek's compliance with Mitigation Measure 39, it must provide a plan to ensure the solar infrastructure will not be affected by weather. In order to show compliance, Weirs Creek is providing the racking manufacturers' safety studies related to weather. Collectively these documents are hereinafter referred to as the "Confidential Information."

3. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1). Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). Furthermore, the Confidential Information is retained by Weirs Creek on a "need-to-know" basis and is not publicly available. The third-party manufacturer of the studies has classified these documents confidential because of the highly competitive nature of the solar industry.

4. The Confidential Information has sensitive, proprietary commercial information that could be detrimental to the third-party manufacturer, and Weirs Creek, if made public. The solar industry is highly competitive. Manufacturers of solar components must protect their internal data or it could be used by a competitor for an unfair advantage. Additionally, the third-party in this case did not consent to the disclosure of the information. Therefore, the Confidential Information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

4. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Weirs Creek is filing one copy of the Confidential Information separately under seal. Since confidential treatment is being requested for the entirety of the document, Weirs Creek is not including highlights in the version submitted nor is it providing a redacted copy in the record. Weirs Creek did not in the public record a confidential document was being filed.

5. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Weirs Creek respectfully requests that the Confidential Information in the responses be withheld from public disclosure for an indefinite period.

WHEREFORE, on the basis of the foregoing, Weirs Creek respectfully requests the Siting Board to enter an Order granting this Motion for Confidential Treatment and to so afford such protection from public disclosure the third-party study on components of the solar installation.

This 18<sup>th</sup> day of December 2025.

Respectfully submitted,

*Heather S. Temple*

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**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on December 18, 2025, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

*Heather S. Temple*  
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