

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION)	
OF WEIRS CREEK SOLAR, LLC TO)	CASE NO.
TRANSFER A CONSTRUCTION)	2025-00356
CERTIFICATE PURSUANT TO KRS)	
278.710(3))	

**WEIRS CREEK SOLAR, LLC’S RESPONSES TO SITING BOARD STAFF’S FIRST
REQUEST FOR INFORMATION**

Comes now Weirs Creek Solar, LLC (“Weirs Creek” or “the Applicant”), by counsel, and does hereby tender its Responses to Siting Board Staff’s First Request for Information entered November 25, 2025.

Filed: December 11, 2025

COMMONWEALTH OF KENTUCKY

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ELECTRIC GENERATION AND TRANSMISSION SITING

IN THE MATTER OF:

THE ELECTRONIC APPLICATION)	
OF WEIRS CREEK SOLAR, LLC TO)	CASE NO.
TRANSFER A CONSTRUCTION)	2025-00356
CERTIFICATE PURSUANT TO KRS)	
278.710(3))	

VERIFICATION OF LESTER MORALES

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

Comes now Lester Morales, Senior Project Manager of NextEra Energy Resources, Inc., being first duly sworn, and states that he has supervised the preparation of certain responses of Weirs Creek Solar, LLC to the Siting Board Staff's First Request for Information in the above-referenced case, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.



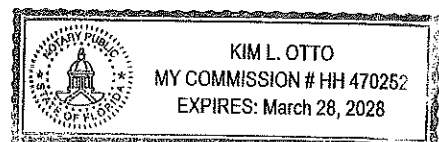
Lester Morales

Subscribed and sworn to before me on this 9th day of December 2024.



Notary ID:

Expires:



Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 1: Identify the company that will employ the individuals that are, or will be, responsible for ensuring compliance with the statements in the application and any conditions imposed by the Siting Board during construction and operation of the project.

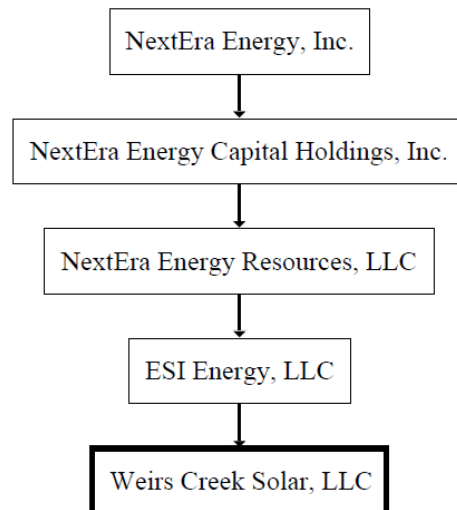
Response 1: As noted in Case No. 2025-00356,¹ Weirs Creek does not have resources or employees of its own. There has been no change in this since the December 3, 2024 Order. All individuals will be employed by NextEra Energy Resources, LLC ("NEER") or NextEra Energy Resources Operating Services, LLC ("NEER Operating Services").

¹ Case No. *Electronic Application of Weirs Cree Solar, LLC for a Certificate to Construct an Approximately 150 - Megawatt Merchant Solar Electric Generating Facility in Webster County and Hopkins County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, December 3, 2024 Order (Ky. SB Dec. 3, 2024).

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 2: Provide the current corporate structure of NextEra Energy Resources, LLC (NEER), including its parent company.

Response 2:



Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 3: Provide the entire corporate structure, or membership interests, of Weirs Creek Solar. Please see the response to Item 2.

Response 3: Please see the response to Item 2.

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 4: Confirm that NEER will remain the parent company for the battery energy storage system (BESS) portion of the project. If not confirmed, explain the owner of the BESS.

Response 4: Confirmed.

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 5: Confirm that NEER will retain control over both phases of the Project. If not confirmed, explain the response.

Response 5: Confirmed.

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 6: Confirm that no entities with an ownership interest in Weirs Creek Solar have any environmental violations. If so, disclose those environmental violations.

Response 6: As disclosed in Case No. 2024-00099,² NEER is the parent entity of many corporations that provide renewable energy. One of NEER's subsidiaries, that is the sole member of Weirs Creek, ESI Energy, LLC ("ESI") entered into a settlement agreement related to violations of the Migratory Bird Treaty Act. The settlement is related to western wind operations. In April 2022, ESI entered into an agreement with the United States Department of Fish and Wildlife Service and the United States Department of Justice to resolve a dispute involving alleged accidental eagle mortalities associated with two wind energy facilities in Wyoming and New Mexico. ESI pled guilty to three misdemeanor violations of the Migratory Bird Treaty Act and as a result paid fines and restitution. ESI also agreed to apply for fifty-one (51) eagle permits at certain wind energy facilities across the United States for a settlement of all past and future eagle mortalities for up to ten years.

The Siting Board reviewed this disclosure and found this environmental violation was not relevant to solar facilities and found Weirs Creek, and NEER, had good environmental compliance history.³

² Case No. 2024-00099, Application, Exhibit 11.

³ Case No. 2024-00099, December 4, 2025 Order.

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 7: Confirm whether NEER has had any environmental violations. If so, disclose those environmental violations.

Response 7: Please see the response to Item 6.

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 8: Explain whether Weirs Creek Solar plans to enter into an Industrial Revenue Bond (IRB) and Payment in Lieu of Taxes agreement (PILOT) with Webster County Fiscal Court and Hopkins County Fiscal Court. If so, explain how bifurcating the project will affect these agreements.

Response 8: As of the filing of these responses, there is no IRB or PILOT agreement with Webster or Hopkins Counties. Weirs Creek plans on having discussions related to such potential agreements in the first quarter of 2026. Weirs Creek will file an update if an IRB or PILOT agreement are negotiated and executed.

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 9: Case No. 2024-00099, Refer Mitigation Measure 29, provide evidence that notice was given to the Webster and Hopkins County Fiscal Court of the intention to bifurcate the ownership and all other aspects of the project.

Response 9: Please see Attachment 1-9 for a copy of the information that was sent to the Webster and Hopkins County Fiscal Courts.

ATTACHMENT
1-9

From: [Morales, Lester](#)
To: judgeexecutive.hopkinscounty.net
Subject: KY-PSC Bifurcation of Solar/BESS Entities Notification
Date: Friday, December 5, 2025 10:33:08 AM
Attachments: [Nebo BESS and Weirs Creek Local Notification Bifurcation DEC05 \(Hopkins County\).pdf](#)

Hi Judge Whitfield,

Hope all is well. Please find attached intent to bifurcate the battery and solar facilities. Weirs Creek Solar LLC is still planning to construct a solar plus battery facility per the approved KYSB construction certificate. However, the battery facility will now have a different off-taker than Weirs Creek and required a new LLC entity name, **Nebo Energy Storage, LLC**. This email serves as the notification of this change per mitigation condition 9 in KY-PSC case# 2025-00356.

Please reach out with any questions.

Lester Morales

Senior Project Manager

NEXtera ENERGY RESOURCES

(Mobile) 561.329.8620

December 3, 2025

Mr. Jack Whitfield, Jr.
Hopkins County Judge Executive
56 North Main Street
Madisonville, KY. 42431

Re: Case No. 2025-00356, *Electronic Application of Weirs Cree Solar, LLC to Transfer a Portion of the Construction Certificate Pursuant to KRS 278.710(3)*, Notification of Ownership Bifurcation Related to Weirs Creek Solar, LLC and Nebo Energy Storage, LLC

Dear Mr. Whitfield:

This letter serves to notify you that Weirs Creek Solar, LLC ("Weirs Creek") is seeking approval from the Kentucky State Board on Electric Generation and Transmission Siting ("KYSB") to bifurcate the Construction Certificate previously issued in Case No. 2024-00099 for Weirs Creek Solar. Weirs Creek Solar is requesting authorization to transfer the battery energy storage system ("BESS") portion of the project to a separate entity, Nebo Energy Storage, LLC ("Nebo").

Background and Proposed Action:

Weirs Creek received a Construction Certificate authorizing the development of a solar facility and an accompanying BESS on December 3, 2024. Weirs Creek is now seeking to retain the portion of the Construction Certificate authorizing the solar facility, which Weirs Creek will continue to construct and operate, and transfer the portion of the Construction Certificate authorizing the BESS to Nebo, which will construct and operate the BESS component of the project.

Reason for Bifurcation:

Weirs Creek and Nebo are seeking the transfer as these entities have entered into two separate energy contracts for each of the project components: one contract for solar energy and one contract for stored BESS energy. NextEra Energy Resources, LLC ("NEER") will remain the parent entity for both entities and thus the upstream operational control and support is not changing.

Project Continuity:

The bifurcation and partial transfer will not alter the scope, design, or environmental impacts of the project as previously approved. Both Weirs Creek and Nebo remain committed to compliance with all conditions of the Construction Certificate and applicable regulations.

Should you have any questions or require additional information regarding this proposed action, please do not hesitate to contact Lester Morales at 561-329-8620 or orlester.morales2@nexteraenergy.com.

Thank you for your consideration,

Lester Morales
Senior Project Manager

Weirs Creek Solar, LLC/Nebo Energy Storage, LLC

From: [Morales, Lester](#)
To: steve.henry@websterco.org
Subject: KY-PSC Bifurcation of Solar/BESS Entities Notification
Date: Friday, December 5, 2025 10:35:09 AM
Attachments: [Nebo BESS and Weirs Creek Local Notification Bifurcation DEC05 \(Webster County\).pdf](#)

Hi Judge Steve Henry,

Hope all is well. Please find attached intent to bifurcate the battery and solar facilities. Weirs Creek Solar LLC is still planning to construct a solar plus battery facility per the approved KYSB construction certificate. However, the battery facility will now have a different off-taker than Weirs Creek and required a new LLC entity name, **Nebo Energy Storage, LLC**. This email serves as the notification of this change per mitigation condition 9 in KY-PSC case# 2025-00356.

Please reach out with any questions.

Lester Morales

Senior Project Manager

NEXtera ENERGY RESOURCES

(Mobile) 561.329.8620

December 3, 2025

Mr. Stephen R. Henry
Webster County Judge Executive
25 US Hwy 41A (PO Box 155)
Dixon, KY 42409

Re: Case No. 2025-00356, *Electronic Application of Weirs Cree Solar, LLC to Transfer a Portion of the Construction Certificate Pursuant to KRS 278.710(3)*, Notification of Ownership Bifurcation Related to Weirs Creek Solar, LLC and Nebo Energy Storage, LLC

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Should you have any questions or require additional information regarding this proposed action, please do not hesitate to contact Lester Morales at 561-329-8620 or orlester.morales2@nexteraenergy.com.

Thank you for your consideration,

Lester Morales
Senior Project Manager

Weirs Creek Solar, LLC/Nebo Energy Storage, LLC

Weirs Creek Solar, LLC
Case No. 2025-00356
Siting Board Staff's First Request for Information

Request 10: Provide an updated site development plan that details the changes that will occur if the transfer is permitted.

Response 10: Please see Attachment 1-10. This is the same site plan that was approved in the December 4, 2024 Order⁴ and there has not been changes to the layout of the project site. The BESS is being placed directly adjacent to the project substation. There are no details to the site plan that will change if the transfer is permitted. The only change will be that Nebo is the holder of a portion of the construction certificate so there can be two off takers for the energy generated by the project.

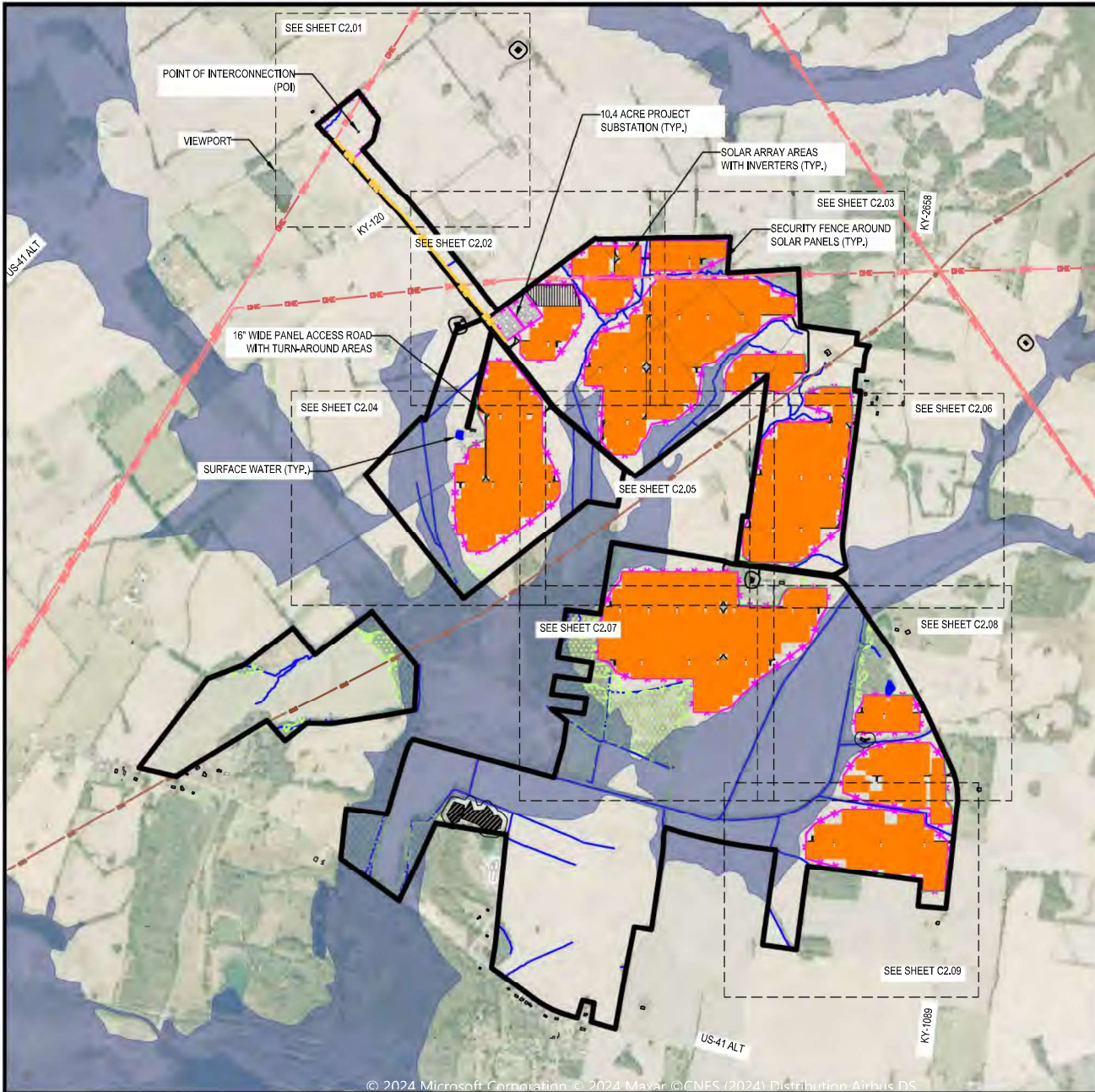
⁴ Case No. 2024-00099, December 4, 2024 Order, Appendix B.

ATTACHMENT 1-10

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2024-00099 DATED DEC 03 2024

ONE PAGE TO FOLLOW



LEGEND

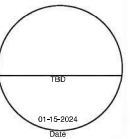
- PROJECT BOUNDARY
- PARCEL BOUNDARY
- NON-PARTICIPATING PARCEL 25' SETBACK
- PROJECT TRANSMISSION LINE
- OVERHEAD ELECTRIC TRANSMISSION LINE
- PIPELINE
- VEGETATIVE SCREEN
- WETLANDS
- STREAM
- FLOODPLAIN ZONE A
- SECURITY FENCE
- SOLAR PANEL AREAS
- SUBSTATION

ECT Environmental Consulting & Technology, Inc.
1408 N. Westshore Blvd., Ste 115
Tampa, Florida 33607
Phone: (813) 289-8338
www.ectinc.com

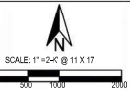


WEIRS CREEK SOLAR HOPKINS & WEBSTER CO. KENTUCKY

PROJECT NO.:	21-0152
DESIGNED BY:	Weirs Creek Solar, LLC
DRAWN BY:	GM
CHECKED BY:	BW
APPROVED BY:	BW
KY SITING BOARD	23-KY-2024



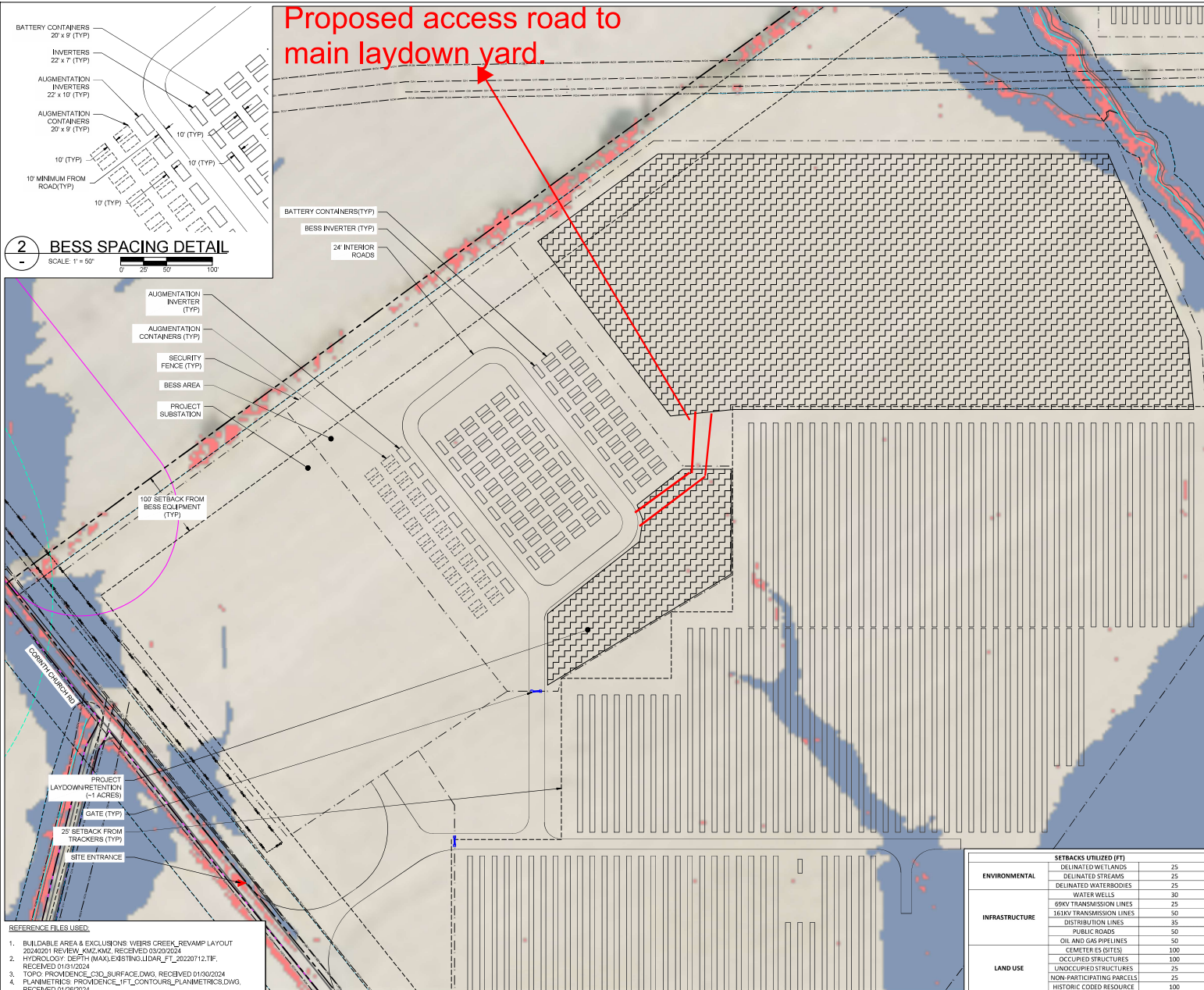
OVERALL SITE LAYOUT



CALL BEFORE YOU DIG
811

C1.02

NOT FOR CONSTRUCTION



1 OVERALL SITE LAYOUT

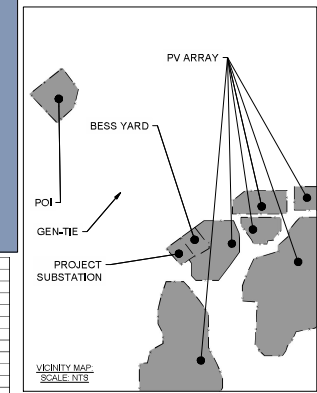
- REFERENCE FILES USED:
1. BUILDABLE AREA & EXCLUSIONS WEIRS CREEK, REVAMP LAYOUT 20240201 REVIEW_KMZ.KMZ, RECEIVED 03/20/2024
 2. HYDROLOGY: DEPTH (MAX), EXISTING, LIDAR_FT_20220712.TIF, RECEIVED 01/31/2024
 3. TOPO: PROMIDENCE_C3D_SURFACE.DWG, RECEIVED 01/30/2024
 4. PLANIMETRICS: PROVIDENCE_LFT_CONTOURS_PLANIMETRICS.DWG, RECEIVED 01/29/2024

- SHEET NOTES:
1. LOCATIONS SHOWN ARE FOR GENERAL GUIDANCE ONLY. SLOPES OF THE SITE ARE NOT DETECTED AND LOCATIONS MUST BE VERIFIED ON SITE BEFORE INSTALLATION.
 2. EQUIPMENT QUANTITY AND RATINGS ARE PROVIDED BY CLIENT AND ARE TO BE CONFIRMED BY ENGINEER-OF-RECORD.
 3. 1 FT CONTOUR INTERVAL DISPLAYED.

SYSTEM SPECIFICATIONS:

SYSTEM AC RATING AT POI (MM)	75.00
STORAGE DURATION (HOURS)	4
SYSTEM STORED CAPACITY (MMWh)	300.00
INVERTER RATING (MVA)	3.125
QUANTITY OF INVERTERS	24
TRANSFORMER RATING (MVA)	3.125
QUANTITY OF TRANSFORMERS	24
BATTERY ENCLOSURES	96
BATTERY ENCLOSURE CAPACITY (MMWh)	3.125
BATTERY AUGMENTATION BLOCKS	36
AUGMENTATION INVERTER QUANTITY	9
INTERCONNECTION VOLTAGE (KV)	161
GEN-TIE LINE LENGTH (MILES)	1.9
BUILDABLE AREA (ACRES)	23
FENCED AREA (ACRES)	6
FENCING LENGTH (L.F.)	2047
ROADS (L.F.)	1377
MAX DESIGN TEMPERATURE SOURCE	ASHRAE 2% DB TEMP MAX
MAX DESIGN TEMPERATURE (°C)	32.2°
MIN DESIGN TEMPERATURE SOURCE	PER NEC 690.7(A)(3) & 110.3(B)
MIN DESIGN TEMP FOR STRING SIZING (°C)	-17°

- LEGEND
- PROPERTY LINE
 - FENCE LINE
 - PROPOSED ROAD
 - OVERHEAD ELECTRICAL
 - ASSUMED RIGHT OF WAY (ROW)
 - SETBACK
 - BUILDABLE AREA
 - DELINEATED AQUATIC RESOURCES
 - GATE
 - SITE ACCESS
 - SLOPE > 10%
 - FLOOD DEPTH > 8"
 - PROJECT LAYDOWN



SETBACKS UTILIZED (FT)

ENVIRONMENTAL	DELINEATED WETLANDS	25
	DELINEATED STREAMS	25
	DELINEATED WATERBODIES	25
	WATER WELLS	30
INFRASTRUCTURE	69KV TRANSMISSION LINES	25
	161KV TRANSMISSION LINES	50
	DISTRIBUTION LINES	35
	PUBLIC ROADS	50
	OIL AND GAS PIPELINES	50
LAND USE	CEMETERIES (SITES)	100
	OCCUPIED STRUCTURES	100
	UNOCCUPIED STRUCTURES	25
	NON-PARTICIPATING PARCELS	25
	HISTORIC CODED RESOURCE	100

REVAMP
ENGINEERING, INC.

428 17th St.
3rd Floor
Oakland, CA 94612
www.revamp-eng.com

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ENGINEER'S STAMP

PRELIMINARY - NOT FOR CONSTRUCTION

CLIENT
Nextera Energy
RESOURCES

PROJECT NAME
WEIRS CREEK BESS

SITE LOCATION
WEBSTER & HOPKINS COUNTY, KY
37.41417°, -87.66808°

DRAWING ISSUE

4	04/12/2024
5	09/29/2024
6	BESS LAYOUT

DRAWN BY: PF CHECKED BY: TZ

PROJECT NO.: 22226

DRAWING TITLE
OVERALL SITE LAYOUT

DRAWING NUMBER
E201