

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

In the Matter of:

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

ORDER

On December 18, 2025, Weirs Creek Solar, LLC (Weirs Creek Solar) filed a motion, 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 manufacturer panel safety studies related to weather (Studies).

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 motion, Weirs Creek Solar argued that if the proprietary commercial information in the manufacturer studies were made publicly available, it would be determinantal to Weirs Creek Solar and the manufacturer, as the solar industry is highly competitive and the Studies represent internal company data.

Having considered the motion and the material at issue, the Siting Board finds that the Studies are generally recognized as confidential or proprietary; they therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:110, Section 5, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Weirs Creek Solar’s December 18, 2025 motion for confidential treatment is granted.

⁴ 807 KAR 5:110, Section 5(2)(d).

⁵ KRS 61.878(1)(a).

⁶ KRS 61.878(1)(i).

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, Weirs Creek 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, Weirs Creek 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 Weirs Creek 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.

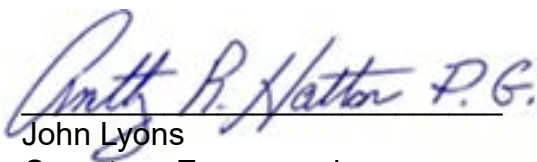
6. The Siting Board shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Weirs Creek Solar to seek a remedy afforded by law.

Entered on this 16th day of September, 2026.

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING



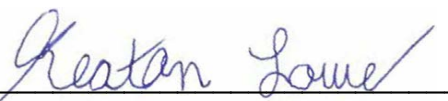
Angie Hatton
Chair, Public Service Commission



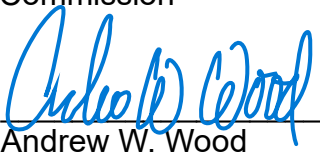
John Lyons
Secretary, Energy and
Environment Cabinet, or his
designee



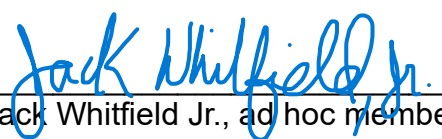
Mary Pat Regan
Vice Chair, Public Service
Commission



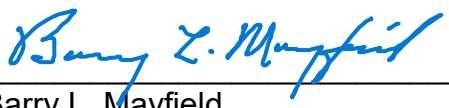
Jeff Noel
Secretary, Cabinet for Economic
Development, or his designee



Andrew W. Wood
Commissioner, Public Service
Commission



Jack Whitfield Jr., ad hoc member *by AH permission*



Barry L. Mayfield
Commissioner, Public Service
Commission

Herb McKee, 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 2024-00099

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