

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND
TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF BANJO CREEK)	
SOLAR LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY 120)	CASE NO.
MEGAWATT ELECTRIC GENERATING FACILITY)	2023-00263
IN GRAVES COUNTY, KENTUCKY PURSUANT)	
TO KRS 278.700 AND 807 KAR 5:110)	

ORDER

On October 26, 2023, Banjo Creek Solar LLC (Banjo Creek) filed a motion requesting the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) reconsider its October 6, 2023 Order denying confidential treatment for the Interconnection System Impact Study generated by the Tennessee Valley Authority (TVA).¹

Banjo Creek filed a motion that requested the Siting Board grant confidential treatment for the Interconnection System Impact Study prepared by the TVA that was filed with its application. On October 6, 2023, the Siting Board issued an Order denying confidential treatment for the Interconnection System Impact Study.² In support of its motion for reconsideration Banjo Creek argued that it is significantly narrowing the scope of the confidentiality request and is asking the Siting Board to grant confidential protection

¹ Banjo Creek's Motion for Reconsideration (filed Oct. 26, 2023).

² Order (Ky. Siting Board Oct. 6, 2023).

to only the cost estimates of the project pursuant to KRS 61.878(1)(c)(1) because it would face a competitive disadvantage if the cost estimates were publicly disclosed.

Having considered the motion and the material at issue, the Siting Board finds that Banjo Creek's motion for reconsideration should be granted. The Siting Board further finds the cost estimates contained in TVA's Interconnection System Impact Study are generally recognized as confidential or proprietary; and therefore, meet the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:110, Section 5, and KRS 61.878 (1)(c)(1). Banjo Creek could face a competitive disadvantage if the cost estimates were disclosed.

IT IS THEREFORE ORDERED that:

1. Banjo Creek's motion for reconsideration is granted.
2. The designated material is granted confidential treatment by this Order and shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:110, Section 5.
4. Banjo Creek shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
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, Banjo Creek 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 Banjo Creek is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission 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 Banjo Creek to seek a remedy afforded by law.

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KENTUCKY STATE BOARD ON ELECTRIC
GENERATION AND TRANSMISSION SITING

Hert Cole

Chairman, Public Service Commission

OH

Vice Chairman, Public Service Commission

Mary Pat Riga

Commissioner, Public Service Commission

*Cory KHC
w/permission*

John Seyous

Secretary, Energy and Environment Cabinet,
or her designee

Sydney Montgomery

Secretary, Cabinet for Economic Development,
or his designee

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

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