

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

In the Matter of:

| | | |
|---------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF RHUDES |) | |
| CREEK SOLAR, LLC FOR A CERTIFICATE OF |) | |
| CONSTRUCTION FOR AN APPROXIMATELY |) | |
| 100 MEGAWATT MERCHANT ELECTRIC SOLAR |) | |
| GENERATING FACILITY AND A RELATED 138 |) | CASE NO. |
| KV NONREGULATED ELECTRIC |) | 2021-00127 |
| TRANSMISSION LINE APPROXIMATELY 1 1/2 |) | |
| MILES IN LENGTH IN HARDIN COUNTY, |) | |
| KENTUCKY PURSUANT TO KRS 278.700 AND |) | |
| 807 KAR 5:110 |) | |

ORDER

On November 9, 2021, Rhudes Creek Solar, LLC (Rhudes Creek Solar) filed a petition for confidentiality, pursuant to 807 KAR 5:110, Section 5, and KRS 61.878, requesting that the Siting Board grant confidential treatment for an indefinite period items it has provided in response to Siting Board Staff's First Request for Information (Staff's First Request), Items 6 and 13. The designated material in Rhudes Creek Solar's response to Staff's First Request, Item 6 is more specifically described as public meeting sign-in sheets, which contain street addresses, phone numbers, and email addresses of local citizens who attended the meeting. The designated material in the response to Staff's First Request, Item 13 is more specifically described as estimated project-specific cost information.

In support of its motion, Rhudes Creek Solar argued that public disclosure of the public meeting sign-in sheets, without redacting the telephone numbers, addresses, and emails, would result in an unwarranted invasion of the attendees' personal privacy, and

thus is exempt from public disclosure pursuant to KRS 61.878(1)(a). Rhudes Creek Solar further argued that public disclosure of the estimated project cost information would result in an unfair disadvantage for Rhudes Creek Solar, and thus the designated material was exempt from public disclosure pursuant to KRS 61.878(1)(c). In support of its argument, Rhudes Creek Solar explained that potential vendors could use the estimated project costs as a guide to increase their bids for services. Rhudes Creek pointed to recent Orders in which the Siting Board granted confidential treatment to similar information.

Having considered the motion and the designated material at issue, the Siting Board finds that the telephone numbers, street addresses, and email addresses contained in the responses to Staff's First Request, Item 6, would result in an unwarranted invasion of personal privacy if publicly disclosed, and therefore is exempt from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:110, Section 5. The Siting Board further finds that the designated material in the response to Staff's First Request, Item 13 is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:110, Section 5.

IT IS THEREFORE ORDERED that:

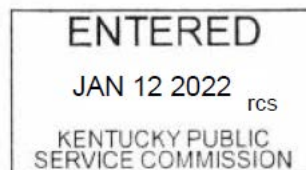
1. Rhudes Creek Solar's petition for confidentiality is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Order of this Siting Board.
3. Use of the designated material granted confidential treatment by this Order in any Siting Board proceeding shall comply with 807 KAR 5:110, Section 5.

4. Rhudes Creek Solar shall inform the Siting Board 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, Rhudes 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 Rhudes 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 Rhudes Creek Solar to seek a remedy afforded by law.

By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink that reads "Linda E. Bridwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
and Transmission Siting

Case No. 2021-00127

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