

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

**In the Matter of the Application of Glover Creek Solar,)
LLC, for a Construction Certificate to Construct a) Case No. 2020-00043
Merchant Electric Generating Facility)**

FOURTH PETITION FOR CONFIDENTIALITY

Glover Creek Solar, LLC (“Glover Creek”), by counsel and pursuant to 807 KAR 5:001, Section 13, respectfully requests the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) to grant confidential protection to information and documents it filed as a part of its Responses to Item 3 of the Siting Board Staff’s Second Request for Information on Rehearing.

Administrative Regulation 807 KAR 5:110, Section 5 sets forth the procedure by which certain information filed with the Siting Board shall be treated as confidential. Specifically, the party seeking confidential treatment must establish “each basis upon which the petitioner believes the material should be classified as confidential” under the Kentucky Open Records Act. 807 KAR 5:110, Section 5(2)(a)(1).

Glover Creek seeks confidential treatment of financial information related to cost quotes received from vendors related to vegetative buffers and fencing slats. This information is recognized as confidential and proprietary to both Glover Creek and the vendors. In fact, some of the information was provide under the conditions of a Non-Disclosure Agreement.

KRS 61.878(1)(c)(1) exempts from disclosure:

Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would present an unfair

commercial advantage to competitors of the entity that disclosed the records.

This exception “is aimed at protecting records of private entities which, by virtue of involvement in public affairs, must disclose confidential or proprietary records to a public agency, if disclosure of those records would place the private entities at a competitive disadvantage.” 97-ORD-66 at 10 (Ky. OAG Apr. 22, 2008).

Glover Creek and its vendors could be at a significant competitive disadvantage if it were to disclose the total anticipated cost of these aspects of the project. In addition to other reasons, vendors providing services to Glover Creek may use the projected costs as a guide for increasing their bids for services. This request for confidential treatment is based on the same type of information for which confidential treatment was sought in Glover Creek’s third Petition for Confidential Treatment.

For the foregoing reasons, Glover Creek respectfully requests confidential treatment of the aforementioned information for a permanent period of time.

Respectfully submitted,



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