

**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)**

SECOND 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 leases it filed as a part of its Responses to the Siting Board Staff’s and Harvey Economics Second Requests for Information.

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).

Item 1 of the Siting Board Staff’s Second Request for Information and Harvey Economics’ Second Request for Information request copies of leases. These leases contain highly sensitive information that should be kept confidential.

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 could be at a significant competitive disadvantage if it were to disclose the leases that it has entered into with the property owners. If these leases are publicly disclosed, other competitors in the energy sector and other potential lessors would be able to learn of terms contained within those leases. Glover Creek has further redacted highly sensitive information that would not be relevant for the Siting Board’s decision under KRS 278.710.

For the foregoing reasons, Glover Creek respectfully requests confidential treatment of the entire leases and amendments thereto for a permanent period of time.

Respectfully submitted,



M. TODD OSTERLOH
JAMES W. GARDNER
STURGILL, TURNER, BARKER & MOLONEY, PLLC
333 W. Vine Street, Suite 1500
Lexington, Kentucky 40507
Telephone No.: (859) 255-8581
Fax No. (859) 231-0851
tosterloh@sturgillturner.com
jgardner@sturgillturner.com

ATTORNEYS FOR GLOVER CREEK SOLAR, LLC