

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

In the Matter of the Application of Horseshoe Bend)
Solar, LLC, for a Construction Certificate to Construct) **Case No. 2020-00190**
a Merchant Electric Generating Facility)

SECOND PETITION FOR CONFIDENTIAL TREATMENT

Applicant Horseshoe Bend Solar, LLC (“Horseshoe Bend”), 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 certain information filed as a supplemental response to Item 4 of the Post-Hearing Data Requests.

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).

KRS 61.878(1)(j) permits non-disclosure of “correspondence with private individuals.” This is particularly true when the communications are “under conditions in which the candor of the correspondents depends on assurances of confidentiality.” 00-ORD-168, at 2. As described in the supplemental response, the underlying communication relates to the noise level from a neighboring property owner of a solar facility in Virginia. The individual who provided the note the project may not have knowledge that their communications would be subject to public

disclosure. This is not a circumstance where the private individuals were communicating with a public agency to provide input on how they believed the agency should handle a certain matter.

Similarly, KRS 61.878(1) protects “information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” The information on which confidential treatment is requested contains information of a personal nature. Specifically, an individual providing comment may not want to be publicly identified. Accordingly, out of an abundance of caution, Horseshoe Bend respectfully requests confidential protection in perpetuity of the identity of the individual who provided the note mentioned in the narrative supplemental response to Item 4 of the Post-Hearing Data Requests.

For the foregoing reasons, Horseshoe Bend respectfully requests confidential treatment of this information for a permanent period of time.

Respectfully submitted,



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