

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

In the Matter of the Application of AEUG Madison)
Solar, LLC for a Construction Certificate to Construct) **Case No. 2020-00219**
a Merchant Electric Generating Facility)

PETITION FOR CONFIDENTIALITY

AEUG Madison Solar, LLC (“AEUG Madison”), 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 documents it filed as a part of its Responses to the Wells Engineering’s Initial Request 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).

AEUG Madison’s Response to Item 16 of the Siting Board Staff’s Request provides a breakdown of the estimated costs of the project, including contingencies. 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).

AEUG Madison could be at a significant competitive disadvantage if it were to disclose the total anticipated cost of the project. In addition to other reasons, vendors providing services to AEUG Madison may use the projected costs as a guide for increasing their bids for services. The Siting Board has recently granted confidential treatment for similar requests by solar developers. *See Turkey Creek Solar, LLC*, Case No. 2020-00040 (Ky. PSC Sept. 22, 2020).

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

Respectfully submitted,



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