

**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)
)**

MOTION FOR RECONSIDERATION

AEUG Madison Solar, LLC (“AEUG Madison”), by counsel and pursuant to KRS 278.400, respectfully requests the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) to reconsider its Order dated April 14, 2022, denying confidential treatment of its response to Item 2 of the Siting Board Staff’s Post-Hearing Data Request. In support of this Motion, AEUG Madison states as follows:

On May 14, 2021, AEUG Madison submitted its response to the Siting Board’s Post-Hearing Data Request along with a Petition for Confidential Treatment for the draft version of its landscaping screening plan. AEUG Madison argued that KRS 61.878 specifically exempts “preliminary drafts” from public disclosure.” Ky. Rev. Stat. § 61.878(1)(i). On April 14, 2022, the Siting Board denied AEUG’s Petition stating that AEUG Madison never addressed “the harm in public disclosure, merely that the information is proprietary and that there is correspondence in the documents.”

The Siting Board’s explanation for denying confidentiality of the draft landscaping screening plans lacked any discussion about the preliminary nature of the draft. AEUG Madison fully articulated in its Petition for Confidential Treatment that the vegetation plan was a draft and

was not final, AEUG Madison would continue to revise the draft, and that the preliminary disclosure of draft information would result in a proprietary disadvantage for the company.¹ Therefore, it clearly fits the exemption for public disclosure because it is a “preliminary” document.

The Siting Board has previously granted confidential treatment for similar documents. On July 30, 2021, the Siting Board afforded AEUG Fleming Solar, LLC (“AEUG Fleming”) confidential treatment for its draft viewshed mitigation study. AEUG Fleming presented similar arguments as AEUG Madison in its April 20, 2021, Second Petition for Confidential Treatment relating to the protection of preliminary information from disclosure.² In that matter, the Siting Board held the preliminary study as confidential.³

AEUG Madison moves the Siting Board to grant confidential treatment of preliminary documents consistently. KRS 61.878(1)(i) authorizes the Siting Board to give movants confidential treatment for preliminary documents. Therefore, AEUG Madison requests reconsideration of the Siting Board’s Order and confidential treatment of its draft landscaping screening plan.

In further support of this Motion, AEUG Madison is contemporaneously filing the buffering plan that it submitted to the Madison County Planning and Zoning Commission. It is not AEUG Madison’s intention to curtail the public from fully reviewing all relevant documents surrounding this project. AEUG Madison simply asks that draft, not-final documents remain confidential. To promote project transparency, the filing of the December 2021 buffering plan will

¹ For the purposes of this Petition for Reconsideration, AEUG Madison adopts and incorporates its arguments from its May 14, 2021, Petition for Confidential Treatment.

² In the Matter of the Application of AEUG Fleming Solar, LLC for a Construction Certificate to Construct a Merchant Electric Generating Facility, Case No. 2020-00219, Petition for Confidential Treatment (April 20, 2021).

³ In the Matter of the Application of AEUG Fleming Solar, LLC for a Construction Certificate to Construct a Merchant Electric Generating Facility, Case No. 2020-00219, Order at 4 (July 30, 2021).

provide the public a more complete review of its plan for vegetative buffering around the project site.

AEUG Madison respectfully requests the Siting Board to reconsider its decision partially denying its Petition for Confidential Treatment surrounding the draft landscaping screening plan. This plan is preliminary and should be treated as confidential pursuant to KRS 61.878(1)(i). As previously noted, AEUG Madison will publicly file a copy of its December 2021 buffering plan that it presented to the Madison County Planning and Zoning Commission to allow the public an opportunity to review its landscaping plans at the project site.

Respectfully submitted,



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