

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

In the Matter of:

Electronic Application of Golden Solar,)
LLC for Certificate of Construction for)
an approximately 100 Megawatt)
Merchant Electric Solar Generating)
Facility in Caldwell County, Kentucky)

Case No.
2020-00243

Golden’s Petition for Confidential Treatment of Information

Golden Solar, LLC (“Golden”) respectfully submits this Petition pursuant to 807 KAR 5:001 § 13 and 807 KAR 5:110 § 5 for confidential treatment of certain information responsive to the initial requests for information in this case. In support of this Petition, Golden states as follows:

1. On this date, Golden filed with the Siting Board its Responses to Siting Board Staff’s First Request for Information (“1 ESB ___”).
2. Golden seeks confidential treatment for the attachment provided in response to 1 ESB 37. 1 ESB 37 requests information about communication with neighboring landowners. Responsive communications (“Communications”) and the related attachments provided therein have been provided separately and only under seal as instructed by 807 KAR 5:001, § 13(2)(a)(3)(b) since the entirety of the documents are confidential. This is done in lieu of the otherwise required highlighting and redactions. The information in the documents for which Golden here seeks confidential treatment is not publicly disseminated, and public disclosure of this information should not be done for various reasons discussed in the following paragraphs.

3. The neighboring landowners identified in the Communications are subject to the provisions of 807 KAR 5:001, § 4 (10)(a), which require privacy protection for filings that include an individual's first name or first initial and last name in combination with the individual's address and telephone number, if that individual is not a party and has not requested to be a party. 807 KAR 5:001, § 4 (10)(a)(7). The individuals listed in the Communications have not filed any request for intervention or otherwise have requested to be parties. Additionally, the Communications include the first and last names of the individual non-party property owners, as well as their address, telephone number and email address, therefore subjecting these documents to 807 KAR 5:001, § 4 (10)(a)(7), as no request for intervention by these individuals has been made.

4. Also, the Communications also contain objections and questions from neighboring landowners and should also be provided confidential treatment out of respect for the privacy of the exchange. First, these contain contact information; the issued notices do not warn or alert the individuals that any communication they send directly to Golden itself will be posted; posting such an objection publicly may have the effect of discouraging individuals from objecting either because they hesitated to have their opinions posted publicly or they felt that their objection had already been raised; and, posting such an objection may have the effect of exposing objectors to Web-enabled harassment because they spoke up or the particulars of how they expressed their objection. These individuals have not requested to be publicly involved in this matter and should not have their personal (and protected) information shared as a result.

5. Under KRS 61.878(1)(a) (i), public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy are exempt from disclosure; under KRS 61.878(1)(i), preliminary drafts, notes,

correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency, are also exempt from disclosure. Public disclosure of the information in the Communications may cause harm to neighboring landowners for the above-listed reasons; these records qualify as exemptions under KRS 61.878.

6. If the Siting Board's tentative assessment is that any of the information identified herein is not exempt from disclosure as confidential commercial information, it must hold an evidentiary hearing to protect Golden's due process rights and permit an opportunity to supply the Siting Board with a complete record to enable it to reach a decision with regard to this confidentiality request.

7. In compliance with 807 KAR 5:001, §§ 8(3) and 13(2)(a)(3), Golden is filing with the Siting Board one copy of the identified attachments under seal and entirely unredacted. The unredacted copies are filed under seal pursuant to the instructions regarding confidential filings in the 3/24/20 Order issues in KY. PSC Case No. 2020-00085.

8. Section 13(2)(a)(2) of 807 KAR 5:001 provides that a motion for confidential treatment shall state the time period in which the material should be treated as confidential and the reasons for this time period. Golden respectfully submits that five (5) years from the date of the filing of the Application is a reasonable period of time for the material in these attachments to be treated as confidential in the light of competitive conditions in the merchant solar industry.

WHEREFORE, Golden respectfully requests that the Siting Board grant confidential treatment of the information described herein and filed under seal.

Respectfully submitted,

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