

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

IN THE MATTER OF:

ELECTRONIC APPLICATION OF SEBREE)
SOLAR LLC FOR A CERTIFICATE TO)
CONSTRUCT AN APPROXIMATE 250)
MEGAWATT MERCHANT SOLAR ELECTRIC) Case No. 2021-00072
GENERATING FACILITY AND AN)
APPROXIMATELY 4.5 MILE NONREGULATED)
ELECTRIC TRANSMISSION LINE IN)
HENDERSON COUNTY, KENTUCKY PURSUANT)
TO KRS 278.700 AND 807 KAR 5:110)

SEBREE SOLAR LLC’S
MOTION FOR CONFIDENTIAL TREATMENT

Comes now Sebree Solar, LLC (“Sebree Solar”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and requests the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) afford confidential treatment to certain portions of its Compliance Filing to Siting Board. Sebree Solar respectfully states as follows:

1. On November 27, 2024, Sebree Solar filed its Application for a Declaratory Order regarding construction financing in the above-styled proceeding.
2. A final order on Sebree Solar’s Application was entered on December 20, 2024. As part of the final order, the Siting Board ordered Sebree Solar to file within 20 days of the transaction closing, certain information regarding the final financing. Sebree Solar is filing the required information, which contains the amount of the financing and the portion related to Sebree Solar. Collectively this information is hereinafter referred to as the “Confidential Information.”

3. The Confidential Information has sensitive, proprietary commercial information concerning construction financing that could be detrimental to Sebree Solar in future negotiations if made public regarding the price for constructing similar projects. Such disclosure would also give a considerable advantage to other companies who are currently negotiating with solar companies, including Sebree Solar for construction. Disclosure of the amount of financing would severely prejudice Sebree Solar's ability to do business on a level playing field with competitors. Therefore, the Confidential Information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

4. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Sebree Solar is filing one copy of the Confidential Information separately under seal. The Confidential Information is being provided in a form with the amounts of the financing redacted and is filing an unredacted copy of the Confidential Information is being provided to the Siting Board under seal with the financing amounts highlighted.

5. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1). Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). Furthermore, the Confidential Information is retained by Sebree Solar on a "need-to-know" basis and is not publicly available. Because the Confidential Information is critical to Sebree Solar's effective execution of business decisions and strategy it satisfies both the statutory and common law standards for being afforded confidential treatment.

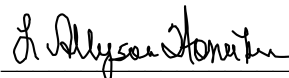
6. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Sebree Solar respectfully requests that the Confidential Information in the responses be withheld from public

disclosure for a period of ten years. This will assure that the Confidential Information will be less likely to include information that continues to be commercially sensitive so as to impair the interests of Sebree Solar if publicly disclosed. Sebree Solar reserves the right to seek an extension of the grant of confidential treatment if it is necessary to do so in the future.

WHEREFORE, on the basis of the foregoing, Sebree Solar respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and to so afford such protection from public disclosure to the amount of financing, which is filed herewith under seal, for the periods set forth herein.

This 16th day of January 2025.

Respectfully submitted,

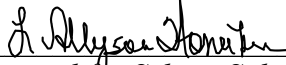


L. Allyson Honaker
Heather S. Temple
HONAKER LAW OFFICE PLLC
1795 Alysheba Way, Suite 1203
Lexington, KY 40509
(859) 368-8803
allyson@hloky.com
heather@hloky.com

Counsel for Sebree Solar, LLC

CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on January 16, 2025, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.



Counsel for Sebree Solar, LLC