

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

**In the Matter of:** )  
 )  
**APPLICATION OF RUSSELLVILLE SOLAR LLC** )  
**FOR CERTIFICATE OF CONSTRUCTION FOR: AN** )  
**APPROXIMATELY 173-MEGAWATT MERCHANT** ) **Case No. 2021-00235**  
**ELECTRIC SOLAR GENERATING FACILITY IN** )  
**LOGAN COUNTY, KENTUCKY PURSUANT TO** )  
**KRS 278.700, ET SEQ., AND 807 KAR 5:110** )

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**PETITION FOR CONFIDENTIALITY**

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Russellville Solar LLC (“Russellville Solar”), by counsel, and pursuant to 807 KAR 5:110, Section 5, respectfully requests the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) to grant confidential protection to certain information identified in its Motion to Expedite Issuance of Final Order.

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).

The Kentucky Open Records Act exempts certain records from the requirement of public inspection. *See* KRS 61.878. 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).

In its Motion to Expedite Issuance of Final Order, Russellville Solar identifies commercially sensitive dates related to the Power Purchase Agreement with the Tennessee Valley Authority (“TVA”). Both TVA and Russellville Solar treat this specific information as confidential and do not publicly announce that specific information. Disclosure of that information could provide an unfair commercial advantage to Russellville Solar’s competitors.

Accordingly, Russellville Solar respectfully requests that the confidential information contained in its Motion to Expedite Issuance of Final Order through December 31, 2023.

Respectfully submitted,



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