

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

In the Matter of:

ELECTRONIC APPLICATION OF BLUE MOON)	
ENERGY, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	
70 MEGAWATT MERCHANT ELECTRIC)	Case No. 2021-00414
SOLAR GENERATING FACILITY AND)	
NONREGULATED ELECTRIC)	
TRANSMISSION LINE IN HARRISON)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110.)	

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Blue Moon Energy, LLC (“Blue Moon Energy”), by and through counsel, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, and seeks confidential treatment for certain information filed in response to the Kentucky Electric Generation and Transmission Siting Board (“Siting Board”)’s March 31, 2022 Request for Information.

The Siting Board’s request number 7 asks for details about and copies of the leases and other agreements executed between Blue Moon Energy and property owners. Blue Moon Energy is seeking protection of the leases and other agreements due to personal information, and confidential and proprietary information contained in the leases under 807 KAR 5:001, Section 4(10)(a)(7); 807 KAR 5:110, Section 5; and KRS 61.878(1)(c)(1).

Specifically, Blue Moon Energy is seeking protection of phone numbers and email addresses for landowners that have executed leases with Blue Moon Energy. Per 807 KAR 5:001, Section 4(10)(a)(7), the address, phone number, or email address of an individual who is not a party and has not requested to be a party should be redacted and kept confidential. The physical addresses have already been made public through the nature of requesting siting approval.

Pursuant to 807 KAR 5:110, Section 5, the agreements contain highly sensitive information, the terms of which should be kept confidential. Those terms include the lease amount, escalation of lease payments, termination rights, handling of taxes, remedies available to the parties of the lease for nonperformance of the terms, and other critical terms. Disclosure of these terms would place Blue Moon Energy at a significantly unfair commercial advantage to competitors of Blue Moon. Competitors include both other development companies as well as those either competing with Blue Moon for leases or those landowners involved in this and other projects where Blue Moon will be in negotiations over similar terms. This type of information is generally recognized as confidential or proprietary, whether in the context of solar developers or developers in general. Disclosure of these leases and related agreements would violate both the spirit and letter of KRS 61.878.

Per 807 KAR 5:001, Section 13(a)(2)(2), Blue Moon requests that this information be kept confidential for a period of five (40) years, the term of the agreements, from the date of the order granting this motion.

Wherefore, Blue Moon Energy, LLC respectfully requests the above referenced information be granted the appropriate status and protections due such confidential information.

Respectfully submitted,



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