

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

In the Matter of:

ELECTRONIC APPLICATION OF TELESTO)
ENERGY PROJECT LLC FOR A CERTIFICATE OF)
CONSTRUCTION FOR AN APPROXIMATELY 110)
MEGAWATT MERCHANT ELECTRIC SOLAR) Case No. 2022-00096
GENERATING FACILITY IN HARDIN COUNTY,)
KENTUCKY PURSUANT TO KRS 278.700 AND)
807 KAR 5:110)

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Telesto Energy Project LLC (“Telesto 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 August 8, 2022, Request for Information.

The Siting Board’s request number 77 asks for details about, and copies of the leases and other agreements executed between Telesto Energy and property owners. Telesto 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, Telesto Energy is seeking protection of phone numbers and email addresses for landowners that have executed leases with Telesto 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 extremely 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 Telesto Energy at a significantly unfair commercial advantage to competitors of Telesto Energy. Competitors include both other development companies as well as those either competing with Telesto Energy for leases or those landowners involved in this and other projects where Telesto Energy 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), Telesto Energy requests that this information be kept confidential for a period of five (40) years, from the date of the order granting this motion.

Wherefore, Telesto 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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