

COMMONWEALTH OF KENTUCKY

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF	)	
SEBREE SOLAR II, LLC FOR A CERTIFICATE	)	
TO CONSTRUCT AN APPROXIMATELY 150	)	
MEGAWATT MERCHANT SOLAR ELECTRIC	)	CASE NO. 2022-00131
GENERATING FACILITY IN HENDERSON	)	
COUNTY, KENTUCKY PURSUANT TO	)	
KRS 278.700, ET SEQ. AND 807 KAR 5:110	)	

**SEBREE SOLAR II, LLC'S
MOTION FOR CONFIDENTIAL TREATMENT**

Comes now Sebree Solar II, LLC ("Sebree Solar II"), 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 II respectfully states as follows:

1. On April 8, 2025, Sebree Solar II filed its Application for a Declaratory Order regarding construction financing in the above-styled proceeding.
2. A final order on Sebree Solar II's Application was entered on June 11, 2025. 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 II is filing the required information, which contains the amount of the financing and the portion related to Sebree Solar II. 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 II 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 II for construction. Disclosure of the amount of financing would severely prejudice Sebree Solar II'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(l)(c)(1).

4. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Sebree Solar II 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 II on a "need-to-know" basis and is not publicly available. Because the Confidential Information is critical to Sebree Solar II'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 II 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 15th day of October 2025.

Respectfully submitted,

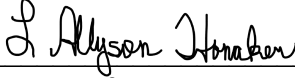


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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on October 15, 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 Sebre Solar II, LLC