

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

In the Matter of:

ELECTRONIC APPLICATION OF)
HUMMINGBIRD ENERGY LLC FOR A)
CERTIFICATE OF CONSTRUCTION)
FOR AN APPROXIMATELY 200)
MEGAWATT MERCHANT ELECTRIC)
SOLAR GENERATING FACILITY AND)
NONREGULATED ELECTRIC)
TRANSMISSION LINE IN FLEMING)
COUNTY, KENTUCKY PURSUANT TO)
KRS 278.700 AND 807 KAR 5:110)

Case No. 2022-00272

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Hummingbird Energy LLC (“Hummingbird”), 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 4, 2023 Request for Information.

The Siting Board’s request number 1 asks for details about and copies of the leases or purchase agreements, including options, separate agreements, or deeds Hummingbird has entered into in connection with the proposed solar facility, including the agreements for each Project parcel. Hummingbird is seeking protection of personal information contained in the leases, easements, and purchase agreements (together, the “Site Control Documents”) under 807 KAR 5:001, Section 4(10)(a)(7); and financial information contained in the Site Control Documents under KRS 61.878(1)(c)(1).

Specifically, Hummingbird is seeking protection of phone numbers and email addresses for landowners that have executed Site Control Documents with Hummingbird. 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. Hummingbird has redacted the address and email address for the landowners, but not the physical address. The physical addresses have already been made public through the nature of requesting siting approval.

Hummingbird is also requesting confidential protection of the financial information contained in the Site Control Documents, specifically the payments made to landowners. Per KRS 61.878(1)(c)(1) records confidentially disclosed to the Siting Board that are generally recognized as confidential or proprietary, which if disclosed would permit an unfair competitive advantage, should be deemed as confidential and protected from public disclosure. If the payments made to landowners were divulged, it would place Hummingbird at a competitive disadvantage.

Per 807 KAR 5:001, Section 13(2)(a)(2), requests that this information be kept confidential for a period of forty (40) years, the anticipated lifetime of the project, from the date of the order granting this motion.

Wherefore, Hummingbird 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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