

COMMONWEALTH OF KENTUCKY
BEFORE THE ELECTRIC GENERATION
AND TRANSMISSION SITING BOARD

In the Matter of:

ELECTRONIC APPLICATION OF BRIGHT)
MOUNTAIN SOLAR, LLC FOR A)
CERTIFICATE OF CONSTRUCTION FOR AN)
UP TO 80 MEGAWATT MERCHANT)
ELECTRIC SOLAR GENERATING FACILITY)
AND AN APPROXIMATELY 4 MILE)
NONREGULATED ELECTRIC)
TRANSMISSION LINE IN PERRY COUNTY,)
KENTUCKY, PURSUANT TO KRS 278.700,)
ET SEQ. AND 807 KAR 5:110, ET SEQ.)

Case No. 2022-00274

BRIGHT MOUNTAIN SOLAR, LLC'S
MOTION FOR CONFIDENTIAL TREATMENT

Comes now Bright Mountain Solar, LLC (“Bright Mountain” or “Applicant”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13, and 807 KAR 5:110, and seeks confidential treatment of certain information contained in its Application for a Certificate to Construct an 80 Megawatt Merchant Solar Electric Generating Facility and an Approximately 4 Miles Nonregulated Electric Transmission Line in Perry County, Kentucky, filed with the Kentucky Electric Generation and Transmission Siting Board’s (“Siting Board”) on September 15, 2023. Specifically, Bright Mountain seeks confidential treatment for the unredacted portions of its Socioeconomic Report (redacted version filed at Tab 10, Attachment I).

As the Public Service Commission (“PSC”) knows, KAR 5:001, Section 13(1) provides that “all material on file with the commission shall be available for examination by the public *unless the material is confidential.*” (emphasis added). Relatedly, KRS 61.878(1)(a) provides for

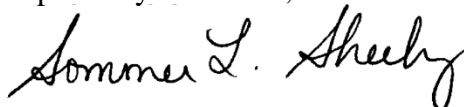
protection of “[p]ublic records containing information of a personal nature,” and KRS 61.878(1)(c)(1) provides for confidential treatment of:

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 permit an unfair commercial advantage to competitors of the entity that disclosed the records.

With that, Bright Mountain seeks confidential treatment of the redacted information in its Socioeconomic Report, Tab 10, Attachment I. Confidential treatment is necessary because of the proprietary economic information contained in its Socioeconomic Report, which includes Bright Mountain’s estimated costs and capital expenditures for components of and the whole of the Project. Possession of such information would be highly advantageous to competitors, who may use it to undercut Bright Mountain’s position. The Siting Board has routinely afforded confidential treatment of this information in prior applications, in recognition of its proprietary nature.

Accordingly, as required by KAR 5:001, Section 13(2)(a)(2), Bright Mountain respectfully requests that the unredacted version of its Tab 10, Attachment I be treated as confidential indefinitely.

Respectfully submitted,



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