

COMMONWEALTH OF KENTUCKY
BEFORE THE ELECTRIC GENERATION
AND TRANSMISSION SITING BOARD

In the Matter of:

ELECTRONIC APPLICATION OF LYNN)
BARK ENERGY CENTER, LLC FOR A)
CERTIFICATE OF CONSTRUCTION FOR AN)
UP TO 200 MEGAWATT MERCHANT)
ELECTRIC SOLAR GENERATING FACILITY)
IN MARTIN COUNTY, KENTUCKY)

Case No. 2024-00104

APPLICANT LYNN BARK ENERGY CENTER, LLC'S
MOTION FOR CONFIDENTIAL TREATMENT OF
MATERIAL FINANCIAL TERMS OF LEASE

Comes now Lynn Bark Energy Center, LLC (“Lynn Bark Energy” 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 filed on August 5, 2024 in response to the Kentucky Electric Generation and Transmission Siting Board’s (“Siting Board”) July 12, 2024 Data Requests.

Specifically, DR 1 states: “Submit a copy of the lease or purchase agreements, including options, separate agreements, or deeds which Lynn Bark Energy has entered into in connection with the proposed solar facility, including the agreements for each of the parcels of the project.”

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.

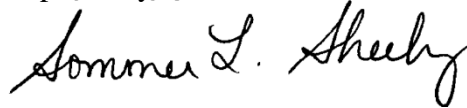
With that, Lynn Bark Energy seeks confidential treatment of the redacted information provided in response to DR1.

Concurrently herewith, Lynn Bark Energy emailed an unredacted, confidential version of the applicable lease to the Electric Generation and Transmission Siting Board and has filed a redacted version on the docket as Attachment A to its responses to the July 12, 2024 Data Requests.

Confidential treatment of this information is necessary because the lease contains sensitive financial information that competitors could use to obtain a competitive advantage against Lynn Bark. Specifically, the documents include information related to lease amounts and payments, escalation terms, the parties' various rights under the agreements, including remedies available for breaches of the agreements, and other economic terms. Public disclosure of these provisions would provide competitive information to (1) developers competing for similar lease terms and (2) landowners who may engage or negotiate with Lynn Bark Energy in future developments.

Information provided in response to DR 1 is generally recognized as confidential or proprietary to developers of all kinds. Accordingly, as required by KAR 5:001, Section 13(2)(a)(2), Lynn Bark respectfully requests that the information provided in response to DR 1 be provided confidential treatment indefinitely.

Respectfully submitted,



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