

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

In the Matter of:

ELECTRONIC APPLICATION OF	)	
CLOVER CREEK SOLAR PROJECT LLC	)	
D/B/A NEW FRONTIERS SOLAR PARK	)	
FOR A CERTIFICATE OF CONSTRUCTION	)	
FOR AN APPROXIMATELY 100	)	
MEGAWATT MERCHANT ELECTRIC	)	Case No. 2024-00253
SOLAR GENERATING FACILITY AND	)	
NONREGULATED ELECTRIC	)	
TRANSMISSION LINE IN BRECKINRIDGE	)	
COUNTY, KENTUCKY PURSUANT TO	)	
KRS 278.700 AND 807 KAR 5:110	)	

**PETITION FOR CONFIDENTIAL TREATMENT**

Clover Creek Solar Project LLC d/b/a New Frontiers Solar Park (the “Applicant” or “New Frontiers”) respectfully submits this Petition pursuant to 807 KAR 5:110 § 5 and KRS 61.878(1)(c)(1) for confidential treatment for certain information responsive to the Kentucky Electric Generation and Transmission Siting Board (“Siting Board” or “Board”) Staff’s First Request for Information filed December 9, 2024. In support of this Petition, New Frontiers states as follows.

The Siting Board’s request number 1 seeks copies of the leases or purchase agreements, including options, separate agreements, or deeds (collectively, the “Site Control Agreements”) New Frontiers has entered into in connection with the proposed solar facility, including the agreements for each project parcel. New Frontiers seeks confidential protection for material terms contained in the Site Control Agreements pursuant to KRS 61.878(1)(c)(1).<sup>1 2</sup> The publicly filed

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<sup>1</sup> New Frontiers has redacted personal information of individuals contained in the project’s Site Control Agreements in compliance with 807 KAR 5:001, §4(10)(a)(7).

<sup>2</sup> Please note that personal information has also been redacted pursuant to 807 KAR 5:001, §4(10)(a)(7) in the email attachment to Siting Board request number 25 regarding communications with local schools.

Site Control Agreements have been redacted and stamped as REDACTED Resp. to 1 RFI 01, with an unredacted copy containing personal information and material terms provided to the Siting Board under seal.

New Frontiers is requesting confidential protection of the material terms contained in the project's Site Control Agreements. Material terms include information such as the lease amounts; escalation of lease payments; remedies available to the parties for nonperformance of terms; economic terms other than leases rates and related escalations such as signing payments, crop damage calculations, construction rent amounts, extension fees, and holdover rent amounts; the structure of the lease term including the outside date for rent commencement; and treatment of taxes related to the transaction. 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 commercial advantage to competitors, should be deemed as confidential and protected from public disclosure. New Frontiers' Site Control Agreements reveal commercially sensitive information regarding the internal ability and workings of New Frontiers and its affiliates – in particular, how they evaluate certain land areas for projects, evaluate potential networks, and respond to various issues that arise in merchant solar projects, including negotiated prices and terms for property rights. The price terms negotiated and form provisions, and related acquisition strategy then demonstrate innovative and proprietary processes developed through experience and used by New Frontiers and its affiliates to develop these facilities and networks. If the Site Control Agreements' material terms were divulged, it would cause competitive injury by placing New Frontiers at a competitive disadvantage.

In compliance with 807 KAR 5:110, § 5 and 807 KAR 5:001 § 13(2)(a)(3), New Frontiers is filing with the Siting Board one copy of the identified documents entirely unredacted and with

highlighting of the material for which confidential treatment is sought. The unredacted copies are filed under seal pursuant to the instructions regarding confidential filings in the March 24, 2020 Order issued in KY. PSC Case No. 2020-00085; redacted pages have been publicly filed with the electronic copy of New Frontiers' Response to the Siting Board's Request for Information.

Per 807 KAR 5:001, § 13(2)(a)(2), New Frontiers requests that this information be kept confidential for a period of thirty-five (35) years, the anticipated lifetime of the project, from the date of the order granting this motion, in light of competitive conditions in the merchant solar industry.

Wherefore, Clover Creek Solar Project LLC d/b/a New Frontiers Solar Park respectfully requests that the Siting Board grant confidential treatment of the information described herein, both filed under seal and shown as redacted in the publicly-filed Response to the Siting Board's First Request for Information.

Respectfully submitted,



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