

COMMONWEALTH OF KENTUCKY
BEFORE THE ELECTRIC GENERATION
AND TRANSMISSION SITING BOARD

In the Matter of:

ELECTRONIC APPLICATION OF CRAB RUN)
SOLAR PROJECT, LLC FOR A CERTIFICATE)
OF CONSTRUCTION FOR AN UP TO 45)
MEGAWATT MERCHANT ELECTRIC)
SOLAR GENERATING FACILITY IN)
MARION COUNTY, KENTUCKY)

Case No. 2025-00276

CRAB RUN SOLAR PROJECT, LLC'S
MOTION FOR CONFIDENTIAL TREATMENT OF
MATERIAL FINANCIAL TERMS OF LEASE

Comes now Crab Run Solar Project, LLC (“Crab Run Solar” 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 February 16, 2026 in response to the Kentucky Electric Generation and Transmission Siting Board’s (“Siting Board”) January 30, 2026 Data Requests.

Specifically, Data Request (DR) 1 states: “Submit a copy of the lease or purchase agreements, including options, separate agreements, or deeds which Crab Run Solar 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[.]

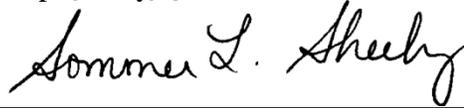
With that, Crab Run Solar seeks confidential treatment of the redacted information provided in response to DR1.

Concurrently herewith, Crab Run Solar 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 January 30, 2026 Data Requests.

Confidential treatment of this information is necessary because the leases contain sensitive financial information that competitors could use to obtain a competitive advantage against Crab Run Solar. 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 Crab Run Solar 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), Crab Run Solar respectfully requests that the information provided in response to DR 1 be provided confidential treatment indefinitely.

Respectfully submitted,



Sommer L. Sheely
Kara H. Herrnstein
Lila M. Appaya
BRICKER GRAYDON WYATT LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
E-mail: ssheely@bricker.com
kherrnstein@bricker.com
lappaya@bricker.com

Counsel for Crab Run Solar Project, LLC