

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

In the Matter of:

| | | |
|--------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF GLOVER |) | |
| CREEK SOLAR, LLC FOR A CONSTRUCTION |) | |
| CERTIFICATE TO CONSTRUCT AN |) | |
| APPROXIMATELY 55 MEGAWATT |) | CASE NO. |
| MERCHANT ELECTRIC SOLAR GENERATING |) | 2020-00043 |
| FACILITY IN METCALFE COUNTY, |) | |
| KENTUCKY PURSUANT TO KRS 278.700 AND |) | |
| 807 KAR 5:110 |) | |

ORDER

On June 29, 2020, Glover Creek Solar, LLC (Glover Creek) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Siting Board grant confidential protection for an indefinite period of time certain information contained in Glover Creek’s responses to Siting Board Staff’s and Harvey Economics’ Second Requests for Information, Item 1.

In support of its petition, Glover Creek asserts that its response to Item 1 are copies of the leases that Glover Creek has entered into certain landowners associated with the solar development site. Glover Creek argues that that these leases should be kept confidential pursuant to KRS 61.878(1)(c)(1) because the leases contain highly confidential information that, if publicly disclosed, could cause Glover Creek to be at a significant competitive disadvantage in negotiating similar leases in the future. Glover Creek asserts that if these leases are publicly disclosed, other competitors in the energy

sector and other potential lessors would be able to learn of terms contained within those leases.

Having considered the petition and the material at issue, the Siting Board finds that the information contained in Glover Creek's discovery response to Item 1 is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Glover Creek's petition for confidential protection for the information contained in its discovery responses to Siting Board Staff's and Harvey Economics' Second Requests for Information, Item 1, is granted.

2. The designated information contained in Glover Creek's discovery responses to Siting Board Staff's and Harvey Economics' Second Requests for Information, Item 1, shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Siting Board.

3. Use of the material in question in any Siting Board proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Glover Creek shall inform the Siting Board if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Glover Creek shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the

exclusions from disclosure requirements established in KRS 61.878. If Glover Creek is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Siting Board shall deny the request for inspection.

6. The Siting Board shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Glover Creek to seek a remedy afforded by law.

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By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink, appearing to read "Kurt Chen", written over a horizontal line.

Acting Executive Director

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