

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NOLIN RURAL ELECTRIC	)	
COOPERATIVE CORPORATION FOR A	)	CASE NO.
GENERAL RATE INCREASE	)	2016-00367
	)	

ORDER

This matter arises on petitions filed on December 29, 2016, February 16, 2017, March 15, 2017, March 21, 2017, and April 21, 2017 by Nolin Rural Electric Cooperative Corporation (Nolin RECC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for ten years for the petitions filed on February 16, 2017, and March 15, 2017, and for an indefinite period for the petitions filed on December 29, 2016, March 21, 2017, and April 21, 2017.

In support of its petitions filed on December 29, 2016,, March 21, 2017, and April 21, 2017, Nolin RECC states that public disclosure of the designated materials contained in Application Exhibits No. 1, No. 2, No. 6 and No. 8; and Nolin Responses to Staff's First Request for Information Items 21a, 22c, 22d, 22e and 27 (Responses), and Attachments 8A, 53B, 53C and 55A to the Responses (collectively, December 29, 2016, March 21, 2017, and April 21, 2017 Petition Responses) because the disclosure of the information contained in the referred to documents is prohibited by KRS 61,278(1)(a), and because the information is of a personal nature where the public disclosure thereof would

constitute a clear and unwarranted invasion of personal privacy and should remain confidential for an indefinite period.

In support of its petition filed on February 16, 2017, Nolin RECC states that public disclosure of the designated materials listed below would result in competitive injury and disclosure of unwarranted personal information in violation of KRS 61.878 and should remain confidential for ten years.

- (i) the Excel filed tendered contemporaneously in response to Item No. 16 of Staff's Second Request for Information;
- (ii) the attachments tendered with responses to Item Nos. 11(a) and 11(b) of the Attorney General's First Request; and
- (iii) the computations and example charges/bid costs contained on three (3) specific pages within the privatization contract entered into by and between Nolin RECC and the United States of America concerning operations at Fort Knox (Fort Knox Agreement), tendered in response to Item No. 36(c) of the Attorney General's First Request for Information. (collectively, February 16, 2017 Petition Responses)

In support of its petition filed on March 15, 2017, Nolin RECC states that public disclosure of the designated materials listed below filed in response to the Attorney General's March 2, 2017 Supplemental Request for Information and in response to Commission Staff's Third Request (Staff's Third Request) for Information would result in competitive injury and disclosure of unwarranted personal information in violation of KRS 61.878 and should remain confidential for ten years.

- (i) The specific employee identity and cooperative-wide compensation information contained in whole or in part in
  - a. the Excel file labeled Revised Exhibit 1 in response Item No. 2 of Staff's Third Request;
  - b. the Excel file labeled Revised Attachment 16A in response to Item No. 2 of Staff's Third Request;
  - c. the Excel file labeled Revised Exhibit 6 in response to Item No. 16 of Staff's Third Request;
  - d. the Excel file labeled Revised Attachment 8A in response to Item No. 17 of Staff's Third Request;
  - e. the narrative in response to Item No. 18(b) of Staff's Third Request;
  - f. the Excel file labeled Attachment 8A in response to Item No. 8 of the Attorney General's Supplemental Request; and
  - g. the Excel file labeled Attachment 7A and Attachment 7B in response to Item No. 7 of the Attorney General's Supplemental Request.
- (ii) the specific pricing terms of the Utility Energy Services Contract and related Energy Conservation Opportunity agreements by and between Nolin RECC and the United States of America operations at Fort Knox, contained in
  - a. Attachments 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, and 16A in response to Item Nos. 15 and 16 of the Attorney General's Supplemental Request. (collectively, March 15, 2017 Petition Responses)

Having considered the petitions and the materials at issue, the Commission finds that the designated materials described in Nolin RECC's December 29, 2016, February 16, 2017, March 15, 2017, March 21, 2017, and April 21, 2017 petitions meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878.

IT IS THEREFORE ORDERED that:

1. Nolin RECC's December 29, 2016, February 16, 2017, March 15, 2017, March 21, 2017, and April 21, 2017 petitions for confidential protection are granted.
2. The designated materials in Nolin's December 29, 2016, March 21, 2017, and April 21, 2017 petitions shall not be placed in the public record or made available for public inspection for an indefinite period or until further Orders of this Commission.
3. The designated materials in Nolin's February 16, 2017 Petition Responses and March 15, 2017 Petition Responses shall not be placed in the public record or made available for public inspection for ten years or until further Orders of this Commission.
4. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. Nolin RECC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
6. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Nolin RECC shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS

61.878. If Nolin RECC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

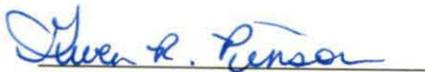
7. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Nolin RECC to seek a remedy afforded by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED  
MAR 13 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Allison Coffey  
Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*Mark David Goss  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*Cheryl G Thomas  
Vice President Office Services  
Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*Michael L Miller  
President & CEO  
Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*M. Evan Buckley  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*Mechonda O'Brien  
Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*James R Adkins  
Jim Adkins Consulting  
1041 Chasewood Way  
Lexington, KENTUCKY 40513-1731

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*John J Scott  
108 East Poplar Street  
PO Box 389  
Elizabethtown, KENTUCKY 42702-0389

\*Sara Roberson  
Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*Mr. Alan Zumstein  
Certified Public Accountant  
1060 Ramblewood Way  
Lexington, KENTUCKY 40509

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204