

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of Adjustment of Rates)
of Shelby Energy Cooperative, Inc.)

Case No. ~~2016-00434~~

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SECOND MOTION FOR CONFIDENTIAL
TREATMENT OF SPECIFIED MATERIALS

PUBLIC SERVICE
COMMISSION

Pursuant to 807 KAR 5:001, Section 13 and KRS 61.878, Shelby Energy Cooperative, Inc. (“Shelby Energy”) respectfully moves the Kentucky Public Service Commission (the “Commission”) to designate as confidential material portions of Shelby Energy’s Response to the Commission Staff’s First Request for Information. The specific information which Shelby Energy is requesting be afforded confidential treatment are Exhibits DD (Compensation Plan), EE (Wage and Salary Survey Data), and FF (Shelby Energy Wage and Salary Plan) (hereinafter “Confidential Information”).

In support of this motion, Shelby Energy states that Exhibit DD and most of Exhibit FF is copyrighted and/or private work product of HR Enterprises, Inc., the disclosure of which would violate applicable copyright law and permit unfair commercial advantages to competitors of HR Enterprises, Inc.

In further support of this motion, Shelby Energy states that the remainder of Exhibit FF and all of Exhibit EE is Confidential Information which pertains to wages and salaries of employees and, as such, constitutes information of a personal nature where the public disclosure thereof would constitute a clear and unwarranted invasion of personal privacy.

Additionally, information relating to the wages and salaries of employees, and Shelby Energy’s methods of calculating them, would unnecessarily provide interested parties and Shelby Energy’s competitors with access to information regarding employee compensation and benefits. If competing utilities know what Shelby Energy pays to its employees, including the benefits afforded to employees, it will be easy for those competing utilities to attempt to hire away Shelby Energy’s employees and management. Such public disclosure would unfairly harm Shelby

Energy's competitive position in the market place for utility management and a skilled utility workforce, all to the detriment of Shelby Energy and its members.


The Commission has previously recognized the confidential nature of this type of information in a prior proceeding, namely *In the Matter of Application of Water Service Corporation of Kentucky for a General Adjustment in Existing Rates, Order Regarding Request for Confidential Treatment* (entered April 5, 2016), Case No. 2015-00382.

The time period for these materials to be treated as confidential should be indefinitely.

WHEREFORE, Shelby Energy respectfully requests that Exhibits DD, EE and FF be declared by the Commission as confidential and that such treatment continue indefinitely. If this information becomes publicly available or otherwise no longer warrants confidential treatment, Shelby Energy will notify the Commission pursuant to 807 KAR 5:001, Section 13(10).

Respectfully submitted,

MATHIS, RIGGS, PRATHER & RATLIFF, P.S.C.

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