

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GRAYSON RURAL ELECTRIC	)	
COOPERATIVE CORPORATION FOR AN	)	CASE NO.
ADJUSTMENT OF RATES	)	2018-00272

ORDER

On November 30, 2018, Grayson Rural Electric Cooperative Corporation (Grayson RECC) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection to the information contained in its response to No. 16 to the Attorney General’s Initial Data Request (Response).

As a basis for its request, Grayson RECC states that the information contained in its Response contains personal identifier information referenced in the minutes of the board of directors meetings. Grayson RECC states that these minutes contain information of a personal nature wherein the public disclosure thereof would constitute a clearly unwarranted invasion of privacy and reflect correspondence with private individuals, reference the financial situation of members of Grayson who are not employees and who are not in any way associated with the management or direction of the cooperative other than at annual members meetings, and may otherwise be prohibited from disclosure under certain rules.

Grayson RECC explains the confidential information is merely the personal identifier such as names of the individuals involved. The specific instances of information include personal debts of the named individuals such as charge-offs, notice of

bankruptcy, the names of persons who have interacted with the Grayson RECC whether requesting lines be installed or removed or interacted with Grayson RECC in such a way that they would not think that their names would be revealed in a public document. The confidential information is retained by Grayson RECC as part of the normal course of business in the recording of the minutes of its board of directors meeting. Grayson RECC's president and CEO and other employees will inform the board of directors of situations involving members such as charge-offs, notice of bankruptcies, complaints to the co-op. The redacted information only strikes the names of the individuals and still reveals the substance of the statements and Grayson RECC claims the redacted names are not persons who work for the co-op, receive compensation from the co-op, or are in any way affiliated with Grayson RECC's board of directors.

Having considered the petition and the material at issue, the Commission finds that the information contained in its Response 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)(a).

IT IS THEREFORE ORDERED that:

1. Grayson RECC's petition for confidential protection for the information contained its Response to No. 16 to the Attorney General's Initial Data Request is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

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

4. Grayson RECC shall inform the Commission 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, Grayson RECC 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 Grayson RECC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Grayson RECC to seek a remedy afforded by law.

By the Commission

ENTERED  
MAR 13 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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