

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY	)	
COOPERATIVE, INC. FOR A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO	)	2016-00220
INSTALL AN ADVANCED METERING	)	
INFRASTRUCTURE (AMI) SYSTEM	)	

ORDER

This matter is before the Commission upon a June 27, 2016 petition filed by Clark Energy Cooperative, Inc. ("Clark Energy"), pursuant to 807 KAR 5:001, Section 13, seeking confidential treatment of estimated total cost of its proposed advanced metering infrastructure ("AMI") proposal as well as the cost associated with each component of the AMI project. This information is contained as part of Clark Energy's application. Clark Energy contends that public disclosure of this information would create an unfair advantage to competitors of Clark Energy because this information contains competitively bid products and services which could be used by Clark Energy's competitors to its detriment. Clark Energy requests that this information be kept confidential for a period of 10 years.

This matter is also before the Commission upon a September 1, 2016 petition filed by Clark Energy seeking confidential treatment of certain information contained in Exhibits 1 and 3 attached to Clark Energy's response to Commission Staff's First Request for Information, Items 2 and 5, respectively. Exhibit 1 contains a breakdown of the cost of each component associated with the proposed AMI project. Exhibit 3

contains an economic evaluation of the bids submitted by Landis & Gyr, Sensus, and General Electric. Clark Energy contends that public disclosure of this information would create an unfair advantage to competitors of Clark Energy because this information contains competitively bid products and services which could be used by Clark Energy's competitors to its detriment. Clark Energy requests that this information be kept confidential for a period of 10 years.

Having reviewed the petitions and being otherwise sufficiently advised, the Commission finds that Clark Energy has failed to establish that the information identified in its petitions is entitled to confidential treatment pursuant to KRS 61.878(1)(c)(1). In particular, we find that Clark Energy has failed to demonstrate that the subject information is generally recognized as confidential or proprietary. We note that the cost information with respect to the proposed AMI meters has previously been disclosed in Clark Energy's 2016 – 2019 Construction Work Plan.<sup>1</sup> The Commission also finds that Clark Energy has failed to demonstrate with any particularity how a public disclosure of the information sought to be kept confidential would permit an unfair commercial advantage to competitors of Clark Energy. Clark Energy does not clearly define who its competitors would be nor does Clark Energy describe how the disclosure of such information would enable such competitors to have an unfair commercial advantage over Clark Energy for similar types of products and services in the future. This is particularly relevant where, as here, the members of Clark Energy have the right to

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<sup>1</sup> PSC Staff Opinion 2016-003.

know the costs of the assets that Clark Energy is proposing to purchase and they have a right to know the evidence upon which the Commission relied in determining that such costs are fair, just, and reasonable.

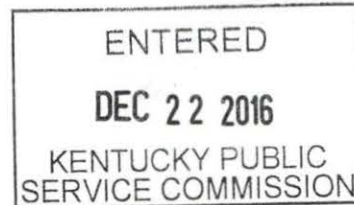
IT IS THEREFORE ORDERED that:

1. Clark Energy's June 27, 2016 and September 1, 2016 petitions for confidential treatment are denied.

2. Within seven days of the date of this Order, Clark Energy shall file revised pages reflecting as unredacted the information that has been denied confidential treatment.

3. The materials denied confidential treatment shall be withheld from public inspection for 20 days from the date of this Order to allow Clark Energy to seek any remedy afforded by law.

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Jalina R. Mathews". The signature is written in a cursive style.

Executive Director

\*John S Pumphrey  
Grant, Rose & Pumphrey  
51 South Main Street  
Winchester, KENTUCKY 40391

\*Clark Energy Cooperative, Inc.  
2640 Ironworks Road  
P. O. Box 748  
Winchester, KY 40392-0748

\*Todd Peyton  
Clark Energy Cooperative, Inc.  
2640 Ironworks Road  
P. O. Box 748  
Winchester, KY 40392-0748