

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GRAYSON RURAL)	
ELECTRIC COOPERATIVE CORPORATION OF)	CASE NO.
GRAYSON, KENTUCKY, FOR COMMISSION)	2017-00419
APPROVAL PURSUANT TO 807 KAR 5:001)	
AND KRS 278.020 FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
INSTALL AN ADVANCED METERING)	
INFRASTRUCTURE (AMI) SYSTEM)	

ORDER

This matter is before the Commission upon an October 24, 2017 petition filed by Grayson Rural Electric Cooperative Corporation (“Grayson”), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, 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 Grayson’s application. Grayson contends that public disclosure of this information would create an unfair advantage to competitors of Grayson and to Landis+Gyr, the meter vendor because this information contains competitively bid products and services which could be bid again in the future and such information could be used by competitors to the detriment of Grayson and Landis+Gyr. Grayson asserts that it has agreed with Landis+Gyr to keep pricing and services associated with the proposed AMI project confidential. Grayson further requests that this information be kept confidential for a period of 10 years, which would allow sufficient time for the bid prices to become outdated and no longer a detriment to Grayson or Landis+Gyr.

Having reviewed the petition and being otherwise sufficiently advised, the Commission finds that Grayson has failed to establish that the information identified in its petition is entitled to confidential treatment pursuant to KRS 61.878(1)(c)(1).¹ In particular, we find that Grayson has failed to demonstrate that the subject information is generally recognized as confidential or proprietary. We note that similar cost information was provided in Grayson's 2015–2018 Construction Work Plan.² To the extent that Grayson had previously provided similar cost information, it cannot now be argued that the specific bid price submitted by Landis+Gyr would subject Grayson to any competitive disadvantage in procuring AMI meters in the future. The Commission also finds that Grayson 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 Grayson. Grayson does not clearly define who its competitors would be nor does Grayson describe how the disclosure of such information would enable such competitors to have an unfair commercial advantage over Grayson for similar types of products and services in the future. This is particularly relevant where, as here, the members of Grayson have the right to know the costs of

¹ KRS 61.878(1)(c)(1) provides as follows:

The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;

² PSC Staff Opinion 2014-016A.

the metering products and services that Grayson 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. Lastly, we note that the exclusion to the Open Records requirement under KRS 61.878(1)(c)(1) cannot be claimed by Grayson on behalf of Landis+Gyr given that Landis+Gyr is not the entity that is disclosing the information that is sought to be kept confidential.

IT IS THEREFORE ORDERED that:

1. Grayson's October 24, 2017 petition for confidential treatment is denied.
2. Within 20 days of the date of this Order, Grayson 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 Grayson to seek any remedy afforded by law.

By the Commission

ENTERED
APR 17 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2017-00419

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