

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLUE GRASS ENERGY COOPERATIVE)	CASE NO.
CORPORATION'S REQUEST FOR)	2011-00509
REHEARING)	

O R D E R

On November 10, 2011, Blue Grass Energy Cooperative Corporation ("Blue Grass") filed a petition requesting confidential treatment of certain information contained in its response to a Commission Automated Meter Infrastructure ("AMI") Cost and Benefit Survey. The information sought to be protected concerned the total capital costs related to any AMI deployment by Blue Grass. According to the confidentiality petition, Blue Grass maintains that public disclosure of such information "would permit an unfair commercial advantage to competitors of Blue Grass Energy." By letter dated November 14, 2011, the Commission denied Blue Grass's confidentiality request, noting that Blue Grass had failed to state with particularity the reason why the cost information should be protected from public disclosure.

On December 1, 2011, Blue Grass filed a motion for rehearing of the decision denying confidentiality to the AMI cost information. In support of the motion, Blue Grass asserts that it entered into a contractual agreement with Landis-GYR, which was the principal supplier to Blue Grass for Automatic Meter Reading ("AMR") software and hardware equipment. Blue Grass pointed out that the Landis-GYR contract contained a non-disclosure provision prohibiting Blue Grass from divulging information that is

confidential or proprietary, including data concerning the cost of the AMR system itself. Blue Grass maintains that “[t]he confidentiality of such information proves paramount for Landis wherein each bid that Landis makes is unique and specific to the customer to which it is made.” Disclosure of the AMR cost information would thus place Blue Grass in breach of the non-disclosure clause of its agreement with Landis-GYR. Lastly, Blue Grass states that the information sought to be protected is not known outside of the company and is not disseminated within Blue Grass except to those employees with a legitimate business need to know.

The Commission finds that the arguments supporting confidentiality contained in Blue Grass’s motion for rehearing are much more specific than those in its initial petition for confidentiality, which were general and conclusory in nature. Based on these additional and more specific reasons, the Commission finds that Blue Grass has satisfied its burden of proof as required under 807 KAR 5:001, Section 7(2)(d).

IT IS THEREFORE ORDERED that:

1. Blue Grass’s motion for rehearing is granted.
2. Blue Grass’s response to the Commission’s AMI Cost and Benefit Survey concerning total capital costs related to any AMI deployment by Blue Grass is entitled to confidential protection on the grounds relied upon in Blue Grass’s motion and shall be withheld from public inspection.
3. If the information becomes publicly available or no longer warrants confidential treatment, Blue Grass is required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

By the Commission

ENTERED ^A
DEC 20 2011
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2011-00509

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