

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE)	
OPERATIONAL CAPACITY AND)	CASE NO.
INFRASTRUCTURE OF GRAYSON RURAL)	2020-00018
ELECTRIC COOPERATIVE CORPORATION)	

ORDER

On January 15, 2024, Grayson Rural Electric Cooperative Corporation (Grayson RECC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for certain documents and portions of certain documents provided to the Commission in response to its recent Order filed on June 13, 2023.¹

In support of its motion, Grayson RECC argued that these documents should be granted confidential treatment under KRS 61.878(1)(c)(1), which exempts from public disclosure “[r]ecords 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.”

In its motion, Grayson RECC sought confidential treatment for an indefinite period for an in-house benefits and health insurance study. The study was conducted by Grayson RECC personnel contacting other electric cooperatives in the state to compare

¹ Order (Ky. PSC June 13, 2023) at 18.

health insurance plans to determine if the premiums paid by Grayson RECC are within the range of those paid by other cooperatives. The information from the other cooperatives, which are not parties to this proceeding, was provided to Grayson RECC confidentially. For this reason, Grayson RECC argued that this information is proprietary and public disclosure would permit an unfair commercial advantage to competitors and is prohibited under KRS 61.878(1)(c)(1).

In addition, Grayson RECC sought confidential treatment for an indefinite period for certain portions of an Excel spreadsheet prepared for Grayson RECC by the National Rural Electric Cooperative Association (NRECA) for the wage and salary study. Grayson RECC had no objection to making public the portion of the spreadsheet that identifies the job positions at Grayson RECC, its corresponding rates of pay and the range of pay identified by the study, but Grayson RECC requested confidentiality for the remainder of the Excel spreadsheet. The remaining information in the spreadsheet is the confidential and proprietary data of NRECA, based upon its own information and models, and was provided to Grayson RECC with the understanding that this information would remain confidential due to its proprietary nature. For this reason, Grayson RECC argued that public disclosure of this proprietary information would permit an unfair commercial advantage to competitors and is prohibited under KRS 61.878(1)(c)(1).

Having considered the motion and the material at issue, the Commission finds that the in-house benefits and health insurance study conducted by Grayson RECC personnel and the identified portions of an Excel spreadsheet prepared by the NRECA for the wage and salary study contain proprietary information prepared by a third party and should be

indefinitely protected from public disclosure.² Grayson RECC's ability to obtain this type of information in the future is dependent on maintaining the confidentiality of such proprietary data.

The designated material therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Grayson RECC's January 15, 2024 motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for indefinite period or until further order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Grayson RECC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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

² See Case No. 2018-00358, *Electronic Application of Kentucky American Water Company for an Adjustment of Rates* (Ky. PSC Mar. 14, 2019), Order at 2.

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 from the date of service of 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION



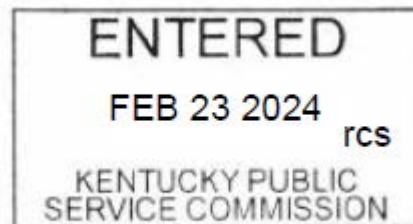
Chairman



Vice Chairman



Commissioner



ATTEST:



Executive Director

*Clayton O Oswald
Taylor, Keller & Oswald, PLLC
1306 West Fifth Street, Suite 100
Post Office Box 3440
London, KENTUCKY 40743-3440

*Hon. Derrick Willis
Attorney at Law
Willis Law Office
P.O. Box 1500
Grayson, KENTUCKY 41143

*Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

*Grayson R.E.C.C.
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143