

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CUMBERLAND VALLEY	)	
ELECTRIC, INC. FOR COMMISSION APPROVAL	)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE	)	CASE NO.
AND NECESSITY TO INSTALL AN ADVANCED	)	2018-00056
METERING INFRASTRUCTURE (AMI) SYSTEM	)	
PURSUANT TO KRS 807 KAR 5:001 AND KRS 278.020	)	

ORDER

On February 1, 2018, Cumberland Valley Electric, Inc. (“Cumberland Valley”) filed a petition requesting that the Commission grant confidential protection to portions of its application, including exhibits, (“Application”) for a Certificate of Public Convenience and Necessity (“CPCN”). On February 23, 2018, Cumberland Valley filed a motion to withdraw one document filed as an exhibit to the Application, which Cumberland Valley inadvertently filed without first redacting certain information. Cumberland Valley requests that the designated materials be held confidential for a period of ten years. The designated materials consist of the total cost and individual component pricing for the advanced metering infrastructure (“AMI”) system that Cumberland Valley proposes to install. Cumberland Valley asserts that public disclosure of the pricing information could permit an unfair advantage to Cumberland Valley’s competitors and to competitors of the AMI system vendor.

The Commission notes that KRS 61.878 covers a broad range of types of records that are exempt from public disclosure, and that Cumberland Valley failed to indicate which subpart of KRS 61.878 applies to its request. It appears that Cumberland Valley seeks confidential treatment under KRS 61.878(1)(c)(1), which exempts records which, if publicly disclosed, would permit an unfair commercial advantage to competitors.

Based upon a review of the motions and designated materials, the Commission finds that the designated materials do not meet the criteria for confidential treatment under 807 KAR 5:001, Section 13, or KRS 61.878(1)(c)(1), and that Cumberland Valley's request for confidential treatment of the designated material should be denied. The Commission further finds that Cumberland Valley's motion to withdraw and replace documents and its motions for confidential treatment should be denied. The Commission will fully and specifically address the cost impact in its final determination of this matter. Cumberland Valley's member customers have a right to know the evidence upon which the Commission relied in determining whether to approve construction of the proposed AMI system. In addition, Cumberland Valley is a utility that provides retail electric service within a certified territory in which, pursuant to KRS 278.016 to KRS 278.018, no other retail electric supplier can furnish retail electric service. Thus, Cumberland Valley has not shown that it has competitors. Finally, the Open Records Act, KRS 61.878(1)(c)(1), exempts from public disclosure records that are "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." Here, Cumberland Valley is the entity disclosing the records, not the vendor. Any assertion of an unfair commercial advantage to competitors of the vendor would have to be asserted by the vendor, not by Cumberland Valley.

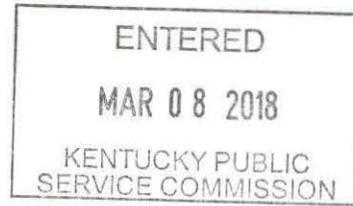
IT IS THEREFORE ORDERED that:

1. Cumberland Valley's motion for confidential treatment filed on February 1, 2018, is denied.
2. Cumberland Valley's motion to withdraw and replace documents and for confidential treatment, filed on February 23, 2018, is denied.
3. Within 20 days of the date of entry of this Order, Cumberland Valley shall file a revised version of the designated materials for which confidential protection was denied, reflecting as unredacted the information that has been denied confidential treatment.

4. The material for which Cumberland Valley's requests for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 20 days from the date of entry of this Order in order to allow Cumberland Valley to seek a remedy afforded by law.

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By the Commission



ATTEST:

  
Executive Director

Case No. 2018-00056

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