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March 21, 2018

RECEIVED

MAR 22 2018

PUBLIC SERVICE
COMMISSION

Ms. Gwen R. Pinson,
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

Re: The Application of Cumberland Valley Electric, inc. for Commission
Approval for a Certificate of Public Convenience and Necessity to Install
An Advanced Metering Infrastructure (AMI) System Pursuant to KRS 807
KAR 5:001 AND KRS 278.020

Case No. 2018-00056

Dear Ms. Pinson:

Tendered herewith is an original and ten (10) copies of Cumberland Valley
Electric, Inc.'s Revised Motion for Confidential Treatment of Certain Information
Contained in its Application for a Certificate of Public Convenience and Necessity.

Should you have any questions or need additional information, please contact my
office at 606-546-3811, Phauser@barbourville.com.

Respectfully submitted,



W. Patrick Hauser

WPH/dd

Enclosures

Cc: Mr. Ted Hampton
Cumberland Valley Electric, Inc.

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

MAR 22 2018

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

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

**CUMBERLAND VALLEY ELECTRIC, INC.'S
REVISED MOTION FOR CONFIDENTIAL TREATMENT OF
CERTAIN INFORMATION CONTAINED IN ITS APPLICATION
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Comes now Cumberland Valley Electric, Inc. (hereinafter "Cumberland Valley"), by and through counsel and respectfully moves the Kentucky Public Service Commission ("Commission") pursuant to KRS 61.878, 807 KAR 5:001, Section 13, and other applicable law to afford confidential treatment to certain information it has previously requested to be given confidential treatment by the Commission.

I. INTRODUCTION

Cumberland Valley states that by Order of the Commission, dated March 8, 2018, it was denied confidential protection for portions of its original application for a CPCN filed on February 1, 2018 and the Commission also denied its motion to withdraw one document filed as exhibit to its application due to it being inadvertently filed without first redacting certain information. In support of this motion, Cumberland Valley states as follows:

1. Cumberland Valley stated in its first motion for confidential treatment that if, "The Confidential Information, if openly disclosed, could permit an unfair advantage to competitors of Cumberland Valley and/or the Vendor, which in this case is Silver Spring Networks ("Silver Spring") partnering with National Rural Telecommunications Cooperative ("NRTC")."
2. Further, Cumberland Valley stated that, "The information which has been marked for confidential treatment involves competitively bid products and services which could be bid again in the future, and therefore Confidential Information could be used by competitors to the detriment of Cumberland Valley and Silver Spring. Cumberland Valley and Silver Spring have agreed to keep pricing for products and services confidential."
3. In addition to the above, Cumberland Valley states that it entered into a confidentiality agreements with all of its vendors which submitted proposals for its Advanced Metering Infrastructure (AMI) System in order to protect the vendors' pricing and other proposal content which each requested to be treated as proprietary and confidential. In further support of its motion herein, Cumberland Valley Electric submits the letter of Charles D. Divone, Esq., counsel for NRTC, requesting that its information be kept confidential (See Exhibit A attached hereto).

II. INFORMATION PROTECTED BY KRS 61.878(1)(c)(1)

4. KRS 61.878(1) protects "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.”

5. Cumberland Valley’s vendor, NRTC, and its business partners compete in the automated meter market. The information sought to be protected is considered to be proprietary and, if disclosed, would subject the vendor to unfair competition.
6. As such, the Confidential Information is generally and should be recognized as confidential and proprietary.

**III. THE COMMISSION HAS PREVIOUSLY GRANTED THE
PROTECTION SOUGHT BY CUMBERLAND VALLEY**

7. Cumberland Valley respectfully refers the Commission to the following cases in which the Commission either granted or did not deny confidential protection to the Cooperative’s respective vendors:

Case No. 2014-00436 Nolin Rural Electric Cooperative Corporation

Case No. 2014-00376 Kenergy Corp.

IV. CONCLUSION

8. Based on the above, Cumberland Valley is entitled to confidential protection of its vendor’s proprietary information. If the Commission disagrees that Cumberland Valley is entitled to the confidential protection, due process requires the Commission to hold an evidentiary hearing prior to requiring Cumberland Valley to file unredacted information in this case. *Utility Regulatory Com’n v. Kentucky Water Service Co., Inc.*, 642 S.W2d 591 (Ky. App. 1982).

WHEREFORE, Cumberland Valley respectfully requests that the Commission classify and protect as confidential the redacted Amendment to Current Approved Work Plan filed as Exhibit 1 to its Motion to Withdraw and Replaced Documents and Motion for Confidential Treatment filed with the Commission on February 23, 2018. If the Commission chooses not to treat the provided information as confidential, Cumberland Valley requests that it hold an evidentiary hearing or informal conference prior to requiring the requested Confidential Information to be filed unredacted in this matter.



W. PATRICK HAUSER

Attorney at Law

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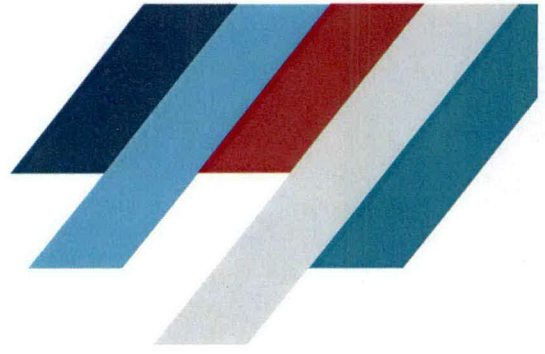
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Attorney for Cumberland Valley Electric, Inc.



March 19, 2018

Ms. Gwen R. Pinson
Executive Director
Commonwealth of Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Dear Ms. Pinson:

National Rural Telecommunications Cooperative ("NRTC") is aware that Cumberland Valley Electric, Inc. ("CVE") has submitted to the Kentucky Public Service Commission (the "Commission") the required Application for a Certificate of Public Convenience and Necessity ("CPCN") associated with their proposed deployment of an automated metering infrastructure ("AMI") solution on their electric distribution system. NRTC submitted a proposal that was accepted by CVE to provide an AMI system. CVE committed to vendors submitting proposals that it would maintain confidentiality of the vendor's pricing and other proposal content that was marked "proprietary and confidential".

Items considered proprietary or confidential include trade secrets, commercially sensitive or proprietary information, research, development, inventions, processes, methods, specifications, protocols, designs, drawings, diagrams, knowhow, engineering, marketing data, techniques, documentation, customer information, pricing information, business opportunities, software and related documentation, hardware information, services and products (current and future) and product roadmaps.

Public disclosure of this confidential information would create an unfair commercial advantage by permitting NRTC's competitors access to this confidential and proprietary information. In addition, disclosure of this information would put NRTC in jeopardy of violating confidentiality agreements that it has made with its business partners.

Please consider this letter as NRTC's request to the Commission to honor, protect and permit the redaction of this confidential information.

Sincerely,

Charles D. Divone
General Counsel
National Rural Telecommunications Cooperative
2121 Cooperative Way, Suite 600
Herndon, VA 20170



Member driven. Technology focused.

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