

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TAYLOR)	
COUNTY RURAL ELECTRIC COOPERATIVE)	CASE NO.
CORPORATION FOR A GENERAL)	2023-00147
ADJUSTMENT OF RATES)	

ORDER

On June 19, 2023, Taylor County Rural Electric Cooperative Corporation (Taylor RECC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for a period of ten years for a wage and salary study conducted by a third-party consultant provided in response to Commission Staff's First Request for Information (Staff's First Request), Item 19.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."¹ Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.² The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³ KRS 61.878(1)(c)(1) provides an exception to the requirement for public disclosure of records that are "generally recognized as

¹ KRS 61.872(1).

² See KRS 61.871.

³ 807 KAR 5:001, Section 12(2)(c).

confidential and proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”⁴

In support of its motion, Taylor RECC argued that a wage and salary study conducted by a third-party consultant provided in response to Staff’s First Request, Item 19 is proprietary and only available to certain parties within the organization. Taylor RECC further argued that disclosure of personal information would constitute an invasion of personal privacy and could put Taylor RECC at a competitive disadvantage in the hiring and retention of employees.

Having considered the motion and the material at issue, the Commission finds that a wage and salary study conducted by a third-party consultant provided in response to Staff’s First Request, Item 19, is generally recognized as confidential or proprietary; it 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). The Commission has previously found that wage and salary studies should be granted confidential treatment and disclosure could put competitors at an advantage for hiring and retaining employees.⁵

IT IS THEREFORE ORDERED that:

1. Taylor RECC’s 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 ten years or until further Order of this Commission.

⁴ KRS 61.878(1)(c)(1).

⁵ See Case. No. 2018-00129, *Application of Inter-County Energy Cooperative Corporation for a General Adjustment of Existing Rates* (Ky. PSC Sept. 7, 2022), Order at 4–5.

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. Taylor 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.

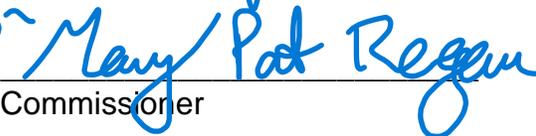
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Taylor RECC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Taylor 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 Taylor RECC to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

*by KAC
w/permission*

Commissioner

ENTERED

SEP 20 2023 rcs

KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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