

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GREEN RIVER ELECTRIC CORPORATION'S) CASE NO.
NOTICE OF RATE ADJUSTMENT) 90-152

O R D E R

This matter arising upon petition of Green River Electric Corporation ("Green River") filed August 22, 1990 for confidential protection of the wage, salary, and benefit information filed in response to the Commission's Order of August 8, 1990 on the grounds that the information is confidential, proprietary and otherwise privileged, and protected from public disclosure pursuant to 807 KAR 5:001, Section 7, and it appearing to the Commission as follows:

In response to Item 2 of the Commission's Order of August 19, 1990, Green River has filed a schedule showing the compensation paid to each of its employees during the test year. The schedule does not identify the employee by name or position but, instead, assigns a number to each employee and provides the number of hours worked by the employee during the test year and the employee's rate of compensation. The information sought to be protected is not customarily disclosed to the public nor is the information available to all employees of Green River.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to

cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Green River maintains that disclosure of this information would give competing employers an unfair advantage over Green River and would otherwise be detrimental to the operation of Green River. The petition, however, does not demonstrate how competing employers could use the information to the detriment of Green River to gain an unfair advantage. Therefore, the petition should not be granted on that basis.

Green River also maintains that, to the extent persons familiar with Green River's operations can ascertain wage and salary information about individual employees from the information sought to be protected, public disclosure of that information is an invasion of privacy of those individual employees.

KRS 61.878(1)(a) exempts from disclosure "information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." This provision is intended to exempt from public disclosure any information contained in public records that relates the details of an individual's private life. The information is exempt from disclosure when the individual's privacy interest in the information outweighs the public's interest in the information.

Salaries and wages are matters of private interest which fall within this category. However, the exhibit does not identify the individuals either by name or otherwise and disclosure of the information does not invade the privacy interest of any employee of Green River. Therefore, the petition should not be granted on that basis.

This Commission being otherwise sufficiently advised,

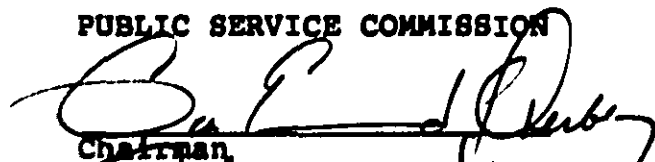
IT IS THEREFORE ORDERED that:

1. The petition for confidential protection of the wages, salaries, and benefit information of each Green River employee furnished in response to the Commission's Order of April 8, 1990 be and is hereby denied.

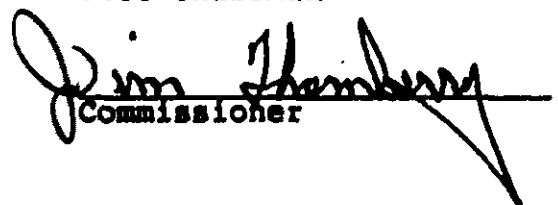
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration of which time it shall be placed in the public record.

Done at Frankfort, Kentucky, this 18th day of September, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director