

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CUMBERLAND VALLEY)	
ELECTRIC, INC. FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
FACILITIES ACCORDING TO THE APPLICANT'S)	2011-00442
01/01/2012 ~ 12/31/2015 CONSTRUCTION WORK)	
PLAN)	

**PETITION OF CUMBERLAND VALLEY ELECTRIC, INC.
FOR CONFIDENTIAL PROTECTION OF RESPONSES TO CERTAIN
DATA REQUEST OF THE COMMISSION STAFF**

Cumberland Valley Electric, Inc. ("CVE") hereby petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection for the items described herein, which CVE provided in its Response of Cumberland Valley Electric, Inc. To The Commission Staff's First Request for Information to CVE which was filed with the Commission on March 5, 2012. In support of this Petition, CVE states as follows:

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c))

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for the exemption and, therefore, maintain the confidentiality of the information, a party must establish that the material is of a kind generally recognized to be confidential or proprietary, and the disclosure of which would permit an

unfair commercial advantage to competitors of the party seeking confidentiality.

2. The Commission Staff's Question 4(a) asks whether the replacement of the CVE radio system is supported by a study "by a reputable engineering firm with experience in radio communications. . . ." Provide the study and the name of the engineering firm. In its March 5, 2012 filing and Response CVE provided, as Appendix A, the Communication Assessment Report prepared by Power System Engineering, Inc. This document contained information confidential to CVE and Power System Engineering, Inc. and may include methods, designs, and specifications that are proprietary to Power System Engineering, Inc. that may arm competitors with information with which they could erode Power System Engineering, Inc.'s competitive position as a consultant for electric utilities, independent power producers and commercial and industrial electric users.
3. The Commission Staff's Question 4(b) asks whether "[t]he many benefits of an accurate and modern AM/FM/GIS system are well documented in the industry. . . ." Provide that documentation or the sources of such. In its March 5, 2012 filing and Response CVE provided, as Appendix B, the GIS Overview with an outline of information to support GIS Financing for Inclusion in 2012-2015 Construction work Plan or CWP Amendments. The disclosure of budgeting information would reveal CVE's budget strategies and processes, the public disclosure of which would reveal to competitors how CVE prepares its budgetary information which will inure a significant

benefit to CVE's competitors by permitting third parties to manipulate the information for its advantage.

4. Cumberland Valley Electric, Inc. herewith files with the Commission one copy electronically and one original paper copy of its Redacted Response without the confidential information.

WHEREFORE, Cumberland Valley Electric, Inc. respectfully requests that the Commission grant confidential protection for the information at issue and Order that the information contained in the Response of Cumberland Valley Electric, Inc. To The Commission Staff's First Request for Information to CVE filed on March 5, 2012 be redacted to the extent that it is in Exhibit A and Exhibit B of the Redacted Response of Cumberland Valley Electric, Inc. filed herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Patrick Hauser", is written over a horizontal line. The signature is stylized and cursive.

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