

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

**APPLICATION OF CUMBERLAND VALLEY                    )**  
**ELECTRIC, INC. FOR A GENERAL                    )**           **CASE NO. 2016-00169**  
**ADJUSTMENT OF RATES                                )**

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Cumberland Valley Electric, Inc. (“Cumberland Valley”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and respectfully moves the Kentucky Public Service Commission (“Commission”) to afford confidential treatment to a portion of Cumberland Valley’s Response to Commission Staff’s Fourth Request for Information. In support of its request, Cumberland Valley states as follows:

1. On June 6, 2016, Cumberland Valley tendered to the Commission an Application for the adjustment of its rates. On November 3, 2016, Commission Staff propounded its Fourth Request for Information upon Cumberland Valley. Request No. 8 of Commission Staff’s Fourth Request for Information pertains to a wage and salary survey/compensation plan drafted by Intandem, LLC (the “Intandem Report”), and specifically requests “complete tables showing all levels for the five job factors [(Expertise, Leadership, Accountability, Problem Solving, and Intercommunication)] and a complete point allocation table that shows all levels.”

2. Contemporaneous with the filing of this Motion, Cumberland Valley is tendering documentation responsive to Commission Staff’s Request No. 8 (the “Confidential Information”). The Confidential Information is proprietary information that is retained by Cumberland Valley on

a “need-to-know” basis. The Confidential Information is distributed within Cumberland Valley only to those employees who must have access for business reasons, and it is generally recognized as confidential and proprietary in the energy industry and in business generally.

3. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. *See* KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky.App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The Confidential Information includes detailed classification and evaluation system benchmarks and parameters to be utilized by Cumberland Valley in connection with its wage and salary plan. This information, which was obtained by Cumberland Valley from its retained expert consultant, represents proprietary work product that requires confidentiality in order to retain its commercial value. Additionally, public disclosure of these sensitive documents would unnecessarily provide interested parties and Cumberland Valley’s competitors with access to exclusive information and the cooperative’s internal employment/compensation strategies. Such public disclosure could unfairly harm Cumberland Valley’s competitive position in the marketplace, to the detriment of Cumberland Valley and its customers. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. Cumberland Valley does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

5. In accordance with the provisions of 807 KAR 5:001, Cumberland Valley is filing, in paper medium only and under seal with the Confidential Information denoted, one (1)

unredacted copy of its Response to Request No. 8 of Commission Staff's Fourth Request for Information. Redacted versions of the Response are being filed by Cumberland Valley both electronically and in paper medium.

6. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Cumberland Valley respectfully requests that the Confidential Information be withheld from public disclosure for ten (10) years.

7. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Cumberland Valley will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Cumberland Valley respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for a period of ten (10) years.

Dated this 18<sup>th</sup> day of November, 2016.

Respectfully submitted,



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*Co-Counsel for Cumberland Valley Electric, Inc.*


**CERTIFICATE OF SERVICE AND FILING**

The undersigned certifies that the foregoing is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on November 18, 2016; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original in paper medium of the foregoing will be filed with the Commission within two (2) business days of the electronic filing.

The undersigned further certifies that, in accordance with 807 KAR 5:001, Section 4(8), the foregoing is being contemporaneously provided via electronic mail to:

Hon. Angela M. Goad  
Hon. Rebecca W. Goodman  
Hon. Kent Chandler  
Assistant Attorneys General  
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This 18<sup>th</sup> day of November, 2016.

  
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*Counsel for Cumberland Valley Electric, Inc.*