

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE)	
OPERATIONAL CAPACITY AND)	CASE NO.
INFRASTRUCTURE OF GRAYSON RURAL)	2020-00018
ELECTRIC COOPERATIVE CORPORATION)	

**MOTION FOR CONFIDENTIAL TREATMENT OF CERTAIN
INFORMATION AND DOCUMENTS PROVIDED BY
GRAYSON RECC IN RESPONSE TO DATA REQUESTS**

Comes now Grayson Rural Electric Cooperative Corporation, by and through the undersigned counsel, and hereby requests that the Commission grant confidential treatment to certain information and documents provided to the Commission as responses to data requests propounded by the auditor, Liberty Consulting Group. As grounds for this motion, Grayson Rural Electric Cooperative Corporation (“Grayson”) states as follows:

In this audit, Grayson has responded to 80 data requests from the Liberty Consulting Group. Furthermore, Grayson has produced a large amount of documents responsive to the data requests. The vast majority of the documents produced contain no information that could be classified as confidential, however, for the reasons stated herein, confidential treatment is requested for the following:

1. Request number 34 asks for Grayson’s OSHA safety reports for 2018 and 2019. Those reports contain personal and health information that would be protected from disclosure by the Health Insurance Portability and Accountability Act (HIPPA). Accordingly, Grayson asks that it be permitted to redact the name, address, job title, date of birth and other personal information of each employee identified on the OSHA safety reports.

2. Request number 51 asks for the average regular hourly cost of a construction crew lineman. Grayson requests confidentiality for this answer in that it is a disclosure of the wages of a set of employees within the Cooperative's organization. While the rate included in the answer includes fringe and other benefits, disclosure of the rate amounts to disclosing the income of a set of employees. Such a disclosure can affect the competitive footing of Grayson when negotiating with contractors for similar work. Furthermore, the pay rate of a class of employees is personal information and such a disclosure would amount to an invasion of privacy of Grayson's linemen.

3. Request number 53 asks for the current regular-time and overtime costs of a contractor-provided lineman. Grayson requests confidentiality of the rates due to its competitive bidding policies and its agreements with contractors. Grayson believes that disclosure of this information would place it and its members at a competitive disadvantage in the future when it publishes requests for bids to perspective bidders since this would put such bidders on notice of the amounts of the most recent winning bid.

4. Request number 54 seeks each job performed from 2018 – 2020 relating to improving reliability. Grayson requests confidentiality for its response, because it contains a number of names of individual members of the Cooperative, as well as the name of the circuit on which each such member resides. Disclosure of this information would be an invasion of privacy of the members' personal information.

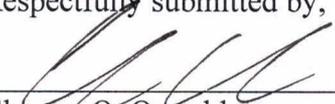
5. Request number 78 asks for Grayson's emergency response plan. The plan contains personal information of employees and directors of Grayson, as well as that of related organizations. Disclosure of this information would be an invasion of privacy, since the document contains the telephone numbers, including personal numbers of those individuals. Furthermore, the document contains Grayson's detailed plans with respect to various emergencies, and the

disclosure of these plans could limit the effectiveness of the plan in the event of threats from outside the organization, such as terrorism. Accordingly, Grayson seeks confidentiality for its emergency response plan in full.

KRS 61,878 provides that records confidentially disclosed to an agency which are generally recognized as confidential or proprietary or which, if openly disclosed, would permit an unfair commercial advantage to competitors of the discloser shall be granted confidential treatment. Pursuant to said statute and 807 KAR 5:001, Section 13, Grayson moves the Commission to grant confidential treatment to the information and documents as set forth above. As required by the regulation, these documents are being submitted to the Commission marked "confidential." Grayson further requests that the documents and information be granted confidentiality in perpetuity.

For the foregoing reasons, Grayson Rural Electric Cooperative Corporation seeks confidential treatment for the documents and information as stated in this motion.

Respectfully submitted by,



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