

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF LICKING VALLEY RURAL)
ELECTRIC COOPERATIVE CORPORATION FOR A GENERAL)
ADJUSTMENT OF RATES PURSUANT TO STREAMLINED) CASE NO.
PROCEDURE PILOT PROGRAM ESTABLISHED IN CASE NO.) 2020-00338
2018-00407)

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Licking Valley Rural Electric Cooperative Corporation (“Licking Valley”) by counsel, pursuant to KRS 61.878, 807 KAR 5:001 Section 13 and other applicable law, and respectfully moves the Commission to afford confidential treatment to certain information and documents filed by Licking Valley in response to the requests for information propounded by Commission Staff in the above-styled matter. In support of this request, Cumberland Valley states as follows:

1. On December 18, 2020, Licking Valley filed its Application in this matter. On January 27, 2021 Commission Staff and the Attorney General, by and through his Office of Rate Intervention (“AG”) propounded requests for information upon Licking Valley. Licking Valley is filing responses to these requests for information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, Licking Valley requests that the Commission afford confidential treatment to the following proprietary, personal, confidential, sensitive, and commercially valuable information (collectively, the “Confidential Information”):

a. the recent wage and salary study conducted by a third-party consultant containing specific employee identity and cooperative-wide compensation information (job titles, salaries, compensation adjustments and/or similar information), a copy of which is being filed under seal tendered contemporaneously herewith in response to Item 7 of the Commission Staff's request for information;

b. the recent benefit study conducted by a third-party consultant containing confidential and proprietary information that is also being filed under seal tendered contemporaneously herewith in response to Item 7 of the Commission Staff's request for information.

3. Each item for which Licking Valley requests confidential treatment warrants protection from open viewing and distribution. The wage and salary and benefits information provided in response to Item 7 of Commission Staff's request for information is clearly private and commercially valuable, and if disclosed could provide individuals seeking future employment with Licking Valley an unreasonable commercial advantage by knowing Licking Valley's pay scale and benefits costs. Likewise, this information could present a commercial advantage to other employers located in Licking Valley's general service area who might compete with Licking Valley for similarly skilled current and prospective Licking Valley employees. All of the Confidential Information is proprietary information that is retained by Licking Valley on a need-to-know basis and is only distributed within Licking Valley to those people holding select positions who must have access for business purposes. The Confidential Information is generally recognized as confidential and proprietary in the utility industry and elsewhere.

4. 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 public disclosure of the Confidential Information would potentially harm Licking Valley's competitive position in the marketplace, to the detriment of Licking Valley and its customers. Additionally, the Confidential Information is publicly unavailable and its confidentiality is critical to Licking Valley's effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

5. Licking 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.

6. Contemporaneously with this motion, Licking Valley is filing an electronic, redacted version of its responses to the relevant requests for information. By subsequent hand-delivery, within thirty days of the state of emergency being lifted for COVID-19 Licking Valley intends to tender one (1) hardcopy, redacted original of each response and, in a separate sealed envelope marked confidential, one (1) unredacted copy of the Confidential Information.

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

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

WHEREFORE, on the basis of the foregoing, Licking 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 11th day of February, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on February 11, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a copy of the filing in paper medium will be filed with the Commission within thirty days of the current state of emergency for COVID-19 being lifted.

Mark David Goss

Counsel for Licking Valley R.E.C.C.