

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO ALLEGED)	
VIOLATIONS OF KRS 278.160, 807 KAR 5:006,)	
AND COMMISSION ORDERS BY SALT RIVER)	
ELECTRIC COOPERATIVE CORP., SALT RIVER)	Case No.
ELECTRIC COOPERATIVE CORP.'S BOARD OF)	2020-00347
DIRECTORS: JIMMY LONGMIRE, CHAIRMAN;)	
A.C. "HAPPY" CAHOE, VICE CHAIRMAN; LINDA)	
WEST, SECRETARY; GAYLE TROUTMAN,)	
TREASURER; DARRELL TINGLE, DIRECTOR;)	
AND GARRY MANN, AND SALT RIVER ELECTRIC)	
COOPERATIVE CORP.'S PRESIDENT AND)	
CHIEF EXECUTIVE OFFICER, TIM SHARP)	

MOTION FOR CONFIDENTIAL TREATMENT
AND PERMISSION TO DEVIATE FROM FILING REQUIREMENT

Comes now Salt River Electric Cooperative Corporation ("Salt River Electric"), by counsel, pursuant to KRS 61.878, 807 KAR 5:001 Sections 13 and 22, and other applicable law, and respectfully moves the Commission to: (i) grant confidential protection to certain information contained in Salt River Electric's Response to Commission Staff's First Request for Information in this matter; and (ii) permit Salt River Electric to deviate from filing requirements governing the submission of redacted and paper-medium copies of certain confidential information submitted to the Commission. In support of this motion, Salt River Electric states as follows.

1. The Commission initiated this matter by Order entered October 22, 2020. On November 6, 2020, Commission Staff propounded its First Request for Information. Salt River Electric is filing its Response to Commission Staff's First Request for Information

contemporaneously herewith, and portions of that submission contain confidential information (the “Confidential Information”).

2. The Confidential Information consists of personal, sensitive, account-specific member information including member names, account numbers, telephone numbers, physical and email addresses, and balance information. The protection of this type of personal information is specifically contemplated by the Commission’s regulations at 807 KAR 5:001 Section 4(10) (concerning privacy protections for filings), as well as the Kentucky Open Records Act at KRS 68.878(1)(a) (exempting from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy”). The Confidential Information is not publicly available and is not disseminated within Salt River Electric except to those employees and professionals with a legitimate business need to know; indeed, Salt River Electric’s members rightfully expect this type of private information will remain private. For these reasons, and because the harm that is likely to result from the indiscriminate dissemination of private member information far outweighs any possible benefit that could be achieved in connection with these proceedings, Salt River Electric respectfully requests that the Confidential Information be afforded confidential protection.

3. Salt River Electric’s Response to Commission Staff’s First Request for Information contains Confidential Information at Item 1, Pages 3-4 and 6-33, and at Item 2, Pages 2-32. Confidential Information is also contained in and throughout the electronic Excel file (“Member Contact Spreadsheet”) submitted with Salt River Electric’s Response. In light of the pervasive nature of the confidential information within the Member Contact Spreadsheet and its sheer size, Salt River Electric requests that the entire electronic file be afforded confidential treatment consistent with 807 KAR 5:001 Section 13(2)(a)3.b. Additionally, Salt River Electric requests

permission not to file a redacted or paper-medium copy of the Member Contact Spreadsheet, thereby deviating from 807 KAR 5:001 Section 13(2)(a)(3) and the Commission's March 24, 2020 Order in *In the Matter of: Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No. 2020-00085. Again, due to the scope of the Confidential Information reflected in the spreadsheet, the electronic nature of the file and the amount of data contained therein, Salt River Electric asserts good cause exists to permit the requested deviation.

4. Contemporaneously with the filing of this motion, Salt River Electric is filing one (1) copy of the Confidential Information by email to PSCED@ky.gov with a read receipt. Redacted versions of the pages containing Confidential Information (excluding the Member Contact Spreadsheet) are being filed with the Commission via its Electronic Filing System. Except with respect to the Member Contact Spreadsheet, Salt River Electric intends to submit redacted and unredacted copies in paper-medium of the Confidential Information within thirty (30) days of the Governor lifting the state of the emergency related to COVID-19. Salt River Electric intends to also then submit under seal a confidential version of the Member Contact Spreadsheet via compact disc or USB storage device. Salt River Electric believes this is a reasonable manner of proceeding and requests permission to do so in light of the circumstances presented.

5. In accordance with the provisions of 807 KAR 5:001 Section 13, Salt River Electric respectfully requests that the Confidential Information be withheld from public disclosure indefinitely, as its private character will not change at any particular future time. If and to the extent the Confidential Information becomes generally available to the public, Salt River Electric will notify the Commission and have its confidential status removed. 807 KAR 5:001 Section 13(10)(b).

WHEREFORE, Salt River Electric respectfully requests that the Commission enter an order: (i) classifying and protecting the Confidential Information indefinitely; and (ii) permitting Salt River Electric to deviate from filing requirements with respect to the submission of redacted and paper-medium copies of the Member Contact Spreadsheet, as described herein.

This 13th day of November, 2020.

Respectfully submitted,

DINSMORE & SHOHL LLP

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Counsel to Salt River Electric

CERTIFICATION

I hereby certify that the electronic version of this filing made with the Commission on November 13, 2020, is a true and accurate copy of the paper document that will be submitted to the Commission within 30 days of the Governor lifting the state of the emergency pursuant to the Commission's Orders in Case No. 2020-00085, and the electronic version of the filing has been transmitted to the Commission. A copy of this filing has been served electronically on all parties of record for whom an email address is given in the online Service List for this proceeding, and there are currently no parties that the Commission has excused from participation by electronic means.

/s/ Edward T. Depp
Counsel to Salt River Electric