

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SOUTH KENTUCKY RURAL)	
ELECTRIC COOPERATIVE CORPORATION FOR A GENERAL)	CASE NO.
ADJUSTMENT OF RATES, APPROVAL OF DEPRECIATION)	2021-00407
STUDY, AND OTHER GENERAL RELIEF)	

MOTION FOR CONFIDENTIAL TREATMENT

Comes now South Kentucky Rural Electric Cooperative Corporation (“South Kentucky”), 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 South Kentucky in response to the requests for information propounded by Commission Staff and the Kentucky Attorney General (“AG”) in the above-styled matter. In support of this request, South Kentucky states as follows:

1. On December 14, 2021, South Kentucky filed its Application in this matter. On January 19, 2021, and January 20, 2021, Commission Staff and the AG, respectively, propounded requests for information upon South Kentucky. South Kentucky is filing responses to these requests for information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, South Kentucky requests that the Commission afford confidential treatment to certain proprietary, personal, confidential, sensitive, and commercially valuable information (“Confidential Information”). The Confidential Information for which South Kentucky seeks relief is as follows:

3. *Wage and Salary Information in response to AG 2-10 d and e and AG 2-21 c..*

AG 2-10 d and e request South Kentucky provide the job title and bonus information for the years 2012 through 2022. AG 2-21 c requests the breakdowns by position for the four vacant positions included in the proposed revenue requirement. South Kentucky provides the requested information in response to AG 2-10 d and e, and AG 2-21 c with redactions to the identifying position title since the referenced individuals are not executive-level employees. The public disclosure of such sensitive information, which is undoubtedly of a personal nature, would constitute a clearly unwarranted invasion of personal privacy. Moreover, because South Kentucky competes with numerous other employers with respect to the acquisition and retention of a skilled workforce, the public disclosure of the delicate and protected employee compensation information would unfairly harm South Kentucky's competitive position in the marketplace for utility management and other skilled workers. The items for which South Kentucky requests confidential treatment warrant protection from open viewing and distribution. The employee-specific wage and salary information provided is clearly private and commercially valuable. For the response to AG 2-10 d and e, South Kentucky is providing an attachment which redacts the job title for the bonus compensation information. For response AG 2-21 c, South Kentucky provides a chart within the narrative response which redacts the job title for the position. In accordance with the provisions of 807 KAR 5:001, Section 13(2), South Kentucky is filing one unredacted copy of the Confidential Information with the confidential information highlighted, separately under seal.

4. South Kentucky has previously filed similar Motions for Confidential Treatment in this case in conjunction with the filing of requested information almost identical to that contained in AG 2-10 d and e and AG 2-21 c. These motions have not yet been ruled upon by the Commission

5. All of the above Confidential Information is proprietary information that is retained by South Kentucky on a “need-to-know” basis. The Confidential Information is distributed within South Kentucky only to those holding select positions who must have access for business reasons, and it is generally recognized as confidential and proprietary in all lines of commercial business generally, and the utility industry specifically.

6. The Kentucky Open Records Act and applicable precedent exempt 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 South Kentucky’s competitive position in the marketplace, to the detriment of South Kentucky and its members. Additionally, the Confidential Information is not publicly available and its confidentiality is critical to South Kentucky’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.

7. South Kentucky 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.

8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), South Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for ten (10) years.

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

WHEREFORE, based on the foregoing, South Kentucky 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 3rd day of March, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of South Kentucky RECC's Motion for Confidential Treatment is being electronically transmitted to the Commission on March 3, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission orders, no paper copies of this filing will be made.

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