

**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	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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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 post-hearing requests for information propounded by 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 May 10, 2022, a hearing was held in this matter. On May 12, 2022, the AG, propounded post-hearing 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 PH-2 and AG PH-3.*

AG PH-2 and 3 request South Kentucky to provide the job title and salary information for the temporary staffing position that has been filled along with the salary information for the Director of Corporate Services position that was recently filled. 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. 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. 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.

5. 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.

6. 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.

7. 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.

8. 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 18<sup>th</sup> day of May, 2022.

Respectfully submitted,

*Mark David Goss*

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Mark David Goss  
L. Allyson Honaker  
GOSS SAMFORD, PLLC  
2365 Harrodsburg Road, Suite B-325  
Lexington, Kentucky 40504  
(859) 368-7740  
mdgoss@gosssamfordlaw.com  
allyson@gosssamfordlaw.com

*Counsel for South Kentucky RECC*

**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 May 18, 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.

*Mark David Goss*

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