

**COMMONWEALTH OF KENTUCKY  
BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

In the Matter of:

Electronic Application of Inter-County )	
Energy Cooperative Corporation for a )	
Certificate of Public Convenience and )	Case No. 2022-00350
Necessity Authorizing the Installation of a )	
New Advanced Metering Infrastructure )	
(AMI) System )	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now, Inter-County Energy Cooperative Corporation (“Inter-County Energy” or the “Company”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain portions of Inter-County Energy’s Application and related exhibits filed in the above-captioned proceeding, respectfully states as follows:

1. Contemporaneously with this Motion, Inter-County Energy has filed an Application requesting an Order from the Commission for a Certificate of Public Convenience and Necessity (“CPCN”) prior to the installation of a new advanced metering infrastructure (“AMI”) system.

2. Inter-County Energy has also provided, as exhibits to its Application, certain documents that contain information about the bids involved in the request for proposal (“RFP”) for the installation of the AMI system. Specifically, Exhibit 1 to the Application includes cost comparisons of bids received in a presentation presented to the

Board of Directors; Exhibit 2 to the Application includes the costs included in the bid of Landis+Gry; Exhibit 3 is an Excel spreadsheet containing the bid information from all bids received from the RFP and Exhibit 4 is a proposed contract with Landis+Gyr that has not been fully executed at this time and contains pricing information for the AMI system. These items are referred to herein collectively as the “Confidential Information.”

3. KRS 61.878(1)(c) protects "records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." KRS 61.878(1)(c)(1); 807 KAR 5:001 8 Section 13(2)(a)(1). Inter-County operates in a competitive environment in the wholesale power market and in the credit market. The Confidential Information is generally recognized as confidential or proprietary and public disclosure of the Confidential Information would permit an unfair commercial advantage to Inter-County Energy’s competitors. *See* KRS 61.878(1)(c).

4. The Confidential Information consists of information about bids received from third-party vendors for the AMI system in response to Inter-County Energy’s RFP. The Confidential Information also includes cost comparisons of the bids received and other details about the AMI system offerings contained in the third-party vendors’ bids. In addition, Exhibit 4 is a proposed contract that has not been fully executed at the time of filing the Application and contains pricing information for the AMI system. If the contract does not get fully executed for any reason, the release of the information could give other third-party vendors pricing information for the project. If the Confidential Information is disclosed in conjunction with the remainder of Inter-County Energy’s Application, the

Confidential Information would permit Inter-County's competitors an unfair commercial advantage and could hinder Inter-County's ability to receive bids in future RFP processes. This could result in Inter-County Energy receiving fewer bids and ultimately having to pay a higher cost for products in the future which would harm both Inter-County Energy and its end-use members.

5. The Confidential Information is proprietary information that is retained by Inter-County Energy on a "need-to-know" basis and that is not publicly available. The Confidential Information is distributed within Inter-County Energy only to those employees who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

6. Inter-County Energy 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. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Inter-County Energy is filing one (1) copy of the unredacted Application and exhibits separately under seal with the Confidential Information highlighted or otherwise denoted.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Inter-County Energy respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years.

9. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment., Inter-County Energy will

notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Inter-County Energy respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for a period of indefinitely.

This 24<sup>th</sup> day of October, 2022.

Respectfully submitted,



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