

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

**IN THE MATTER OF:**

<b>ELECTRONIC ALLEGED FAILURE OF CLARK</b>	)	<b>CASE NO.</b>
<b>ENERGY COOPERATIVE, INC. TO COMPLY</b>	)	<b>2023-00005</b>
<b>WITH KRS 278.160(2)</b>	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Clark Energy Cooperative, Inc., (“Clark Energy”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and respectfully moves the Kentucky Public Service Commission (“Commission”) to afford confidential treatment to certain portions of Exhibit A to Clark Energy’s response to the Commission’s February 16, 2023 Order in the above-styled case. In support of this motion, Clark Energy respectfully states as follows:

1. On February 16, 2023, the Commission issued an Order to investigate the alleged failure of Clark Energy to comply with KRS 278.160(2) (“February 16<sup>th</sup> Order”).
2. The Commission February 16<sup>th</sup> Order directed Clark Energy to provide all instances for which it has records where it had transferred one customer’s account to another customer’s account at a different service address. Clark Energy reviewed three years’ worth of reports (approximately 200 pages of reports per year) to determine which transfers fit the criteria from the Commission’s February 16<sup>th</sup> 2023 Order.
3. Clark Energy has included as Exhibit A to its Response to the Commission’s February 16<sup>th</sup> Order, a list of the accounts requested by the Commission.

4. Pursuant to Commission regulation and in accordance with law, Clark Energy requests that the Commission afford confidential treatment the customer names contained in Exhibit A.

5. Customer names are personal and confidential information that is generally viewed as confidential in the utility industry. The information associated with the customer accounts is retained by Clark Energy on a need-to-know basis and is only distributed within Clark Energy to those holding select positions and who must have access to such information for business reasons.

6. If the customer names associated with the transfers in questions, were to be publicly released, would give the public personal and sensitive information regarding a customer's account, assistance received, etc.

7. Pursuant to KRS 61.878(1)(a), the customer names would be considered "public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy."

8. Clark 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.

9. In accordance with the provisions of 807 KAR 5:001, Clark Energy is filing, under seal with its confidentiality denoted, one (1) unredacted copy of its responses containing Confidential Information.

10. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Clark Energy respectfully requests that the Confidential Information be withheld from public disclosure indefinitely since it contains customer identifying information.

11. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Clark 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, Clark Energy 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 8<sup>th</sup> day of March, 2023.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that foregoing was submitted electronically to the Commission on March 8, 2023 and that there are no parties that have been excused from electronic filing. Pursuant to prior Commission orders, no paper copies of this filing will be submitted.



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*Counsel for Clark Energy Cooperative, Inc.*