

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
TAYLOR COUNTY RURAL ELECTRIC)	CASE NO.
COOPERATIVE CORPORATION FOR)	2023-00147
A GENERAL ADJUSTMENT OF RATES)	

MOTION FOR CONFIDENTIAL TREATMENT

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

1. On May 1, 2023, Taylor County filed its Notice of Intent to file a general adjustment of rates and filed its Application on June 6, 2023. Prior to filing the Application, Commission Staff issued its First Request for Information (“Staff’s First Requests”) to Taylor County on May 11, 2023. Taylor County is filing responses to those requests for information contemporaneously herewith.

2. Taylor County requests the Commission to afford confidential protection to certain information being filed by Taylor County in response to Staff’s First Requests. The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information”. The Confidential

Information for which Taylor County seeks confidential protection is a wage and salary study conducted by a third-party consultant which contains personal identifying information of Taylor County employees. This personal information would reveal to the general public the compensation paid to Taylor County employees. The Confidential Information is being provided in response to Staff's First Request Item No. 19. Taylor County's response to Item 19 contains an Excel spreadsheet that contains wage and salary information for Taylor County employees and comparisons.

3. The Confidential Information includes private, cooperative-wide compensation information for all individuals employed by Taylor County. The public disclosure of such sensitive, personal information would constitute a clearly unwarranted invasion of personal privacy. Moreover, release of this information could competitively harm Taylor County. Taylor County must compete with other employers for the hiring and retention of employees, which is a skilled workforce. Releasing the Confidential Information to the public would unfairly harm Taylor County and its competitive position in the marketplace, not to mention the personal harm to the individual employees whose private, personal information would be disclosed.

4. The employee-specific wage and salary information provided in response to Item 19 of Staff's First Request clearly private information and is commercially valuable. The Confidential Information is proprietary information that is retained by Taylor County on a "need-to-know" basis and is only distributed by Taylor County only to those holding select positions who must have access for business reasons, and it is generally recognized as confidential and proprietary in the utility industry and elsewhere.

5. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including 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). As stated above, the public disclosure of the Confidential Information would potentially harm Taylor County's competitive position in the marketplace which would be to the detriment of both Taylor County and its end-use members. Additionally, the Confidential Information is publicly unavailable and its confidentiality is critical to Taylor County'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. Taylor County does not object to limited disclosure of the Confidential Information described herein, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

7. Because the Confidential Information is so pervasive and it is not practical for Taylor County to redact because virtually every portion of the Excel spreadsheet contains personal, proprietary and confidential information, Taylor County is requesting confidential protection for the entire Excel workbook pursuant to 807 KAR 5:001, Section 13(2)(a)3.b. For that reason, a redacted version of the Confidential Information is not being filed. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Taylor County is filing one copy of the Confidential Information separately under seal, without highlights since confidential protection for the entire document is being sought. The filing of the Confidential Information is noted in the public version of Taylor County's response to Request 19.

8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Taylor County respectfully requests that the Confidential Information be withheld from public disclosure

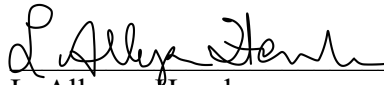
for a period of ten (10) years. However, Taylor County reserves the right to extend this timeframe if necessary.

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

WHEREFORE, on the basis of the foregoing, Taylor County 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 19th of June, 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on June 19, 2023 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.



Counsel for Taylor County RECC