

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF)
FLEMING-MASON ENERGY COOPERATIVE,) Case No. 2023-00223
INC. FOR A GENERAL ADJUSTMENT OF RATES)

FLEMING-MASON ENERGY COOPERATIVE, INC.
MOTION FOR CONFIDENTIAL TREATMENT.

Comes now Fleming-Mason Energy Cooperative, Inc. (“Fleming-Mason”) by counsel, and pursuant to 807 KAR 5:001 Section 13, KRS 61.878, and hereby moves the Commission for an Order granting confidential treatment to certain information and documents produced (or to be produced) by Fleming-Mason in response to the Commission Staff’s First Requests for Information filed August 15th, 2023. In support of this Motion, Fleming-Mason requests confidential treatment for the following information and documents on the following grounds:

REQUEST NO. 16. Schedule containing budgeted and actual wages.

The budgeted and actual wages can easily be associated with individual employees, and therefore, is a disclosure of personal information and an unwarranted invasion of privacy. Fleming-Mason employees have reasonable expectation that their salary and wage information is private and confidential. Further, disclosure of such information would place Fleming-Mason at a disadvantage in the workforce market. Because Fleming-Mason competes with numerous other employers with respect to the acquisition and retention of a skilled workforce, the public disclosure of protected employee compensation information would unfairly harm Fleming-Mason’s

competitive position in the marketplace for utility management and other skilled workers. This information for which Fleming-Mason requests confidential treatment warrants protection from open viewing and distribution.

Under 807 KAR 5:001 Section 13 the schedule is clearly confidential pursuant to KRS 61.878(a) and (c). As the confidential information in the document is so pervasive that redaction would be impractical, Fleming-Mason requests to be permitted to file the entire excel document containing the executive salaries, under seal as confidential information.

Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Fleming-Mason respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years. However, Fleming-Mason reserves the right to extend this timeframe if necessary.

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

REQUEST NO. 17, Salary, wage and benefit study.

Fleming-Mason is awaiting a completed study regarding salary, wage and benefits from a third party consultant. Fleming-Mason anticipates the study to be completed within one to two weeks and will provide the study upon receipt. It is anticipated that the Confidential Information contained in the study includes private, cooperative-wide current and historical compensation information for all individuals employed by Fleming-Mason. The public disclosure of such sensitive information of a personal nature, would constitute a clearly unwarranted invasion of personal privacy. Furthermore disclosure of the study to similar employers similarly situated as Fleming-Mason would disadvantage Fleming-Mason in the area of employee recruitment and

retention.

Under 807 KAR 5:001 Section 13 the study is clearly confidential pursuant to KRS 61.878(a) and (c). As the confidential information in the document will be so pervasive that redaction would be impractical, Fleming-Mason requests to be permitted to file the entire excel document containing the executive salaries, under seal as confidential information.

Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Fleming-Mason respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years. However, Fleming-Mason reserves the right to extend this timeframe if necessary.

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

REQUEST NO. 20. Executive Officer Salaries.

Executive salaries are personal information of the executive officers, and disclosure of such would constitute an unwarranted invasion of personal privacy.

Under 807 KAR 5:001 Section 13 individual salaries are clearly confidential pursuant to KRS 61.878(a). As the confidential information in the document is so pervasive that redaction would be impractical, Fleming-Mason requests to be permitted to file the entire excel document containing the executive salaries, under seal as confidential information.

Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Fleming-Mason respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years. However, Fleming-Mason reserves the right to extend this timeframe if

necessary.

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

REQUEST NO. 29. Test year compensation and benefits.

The compensation and benefits broken out for directors, managers, supervisors, and other employees, can easily be associated with individual employees, and therefore, is a disclosure of personal information and an unwarranted invasion of privacy. Further, disclosure of such information would place Fleming-Mason at a disadvantage in the workforce market.

Under 807 KAR 5:001 Section 13 employee compensation and benefits are clearly confidential pursuant to KRS 61.878(a) and (c). As the confidential information in the document is so pervasive that redaction would be impractical, Fleming-Mason requests to be permitted to file the entire excel document containing the executive salaries, under seal as confidential information.

Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Fleming-Mason respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years. However, Fleming-Mason reserves the right to extend this timeframe if necessary.


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

This 31st day of August, 2023.

Respectfully submitted,

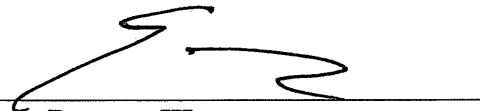
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EARL ROGERS III
ATTORNEY FOR FLEMING-MASON
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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Kentucky Public Service Commission for filing on August 31st, 2023; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; by virtue of the Commission's Order of July 22, 2021, in case number 2020-00085, no paper copies of this filing will be made.

A handwritten signature in black ink, appearing to read 'Earl Rogers III', is written over a horizontal line. The signature is stylized with a large initial 'E' and a long horizontal stroke.

EARL ROGERS III
ATTORNEY FOR
FLEMING-MASON ENERGY COOPERATIVE, INC.