

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.
RENEWED MOTION FOR CONFIDENTIAL TREATMENT
RE: COMPENSATION PLAN REPORT

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 renews its Motion before the Commission for an Order granting confidential treatment of the Compensation Plan Report produced by Fleming-Mason in response to the Commission Staff’s First Requests for Information filed August 15th, 2023, in particular Item 17.

Fleming-Mason would note that at the time Fleming-Mason’s response to Commission Staff’s Request for Information was tendered and filed on August 31st, 2023, Fleming-Mason had not yet received its Compensation Plan Report requested in Item 17. Fleming-Mason indicated as such in its Response. Simultaneously with the filing of Fleming-Mason’s Response to Request for Information on August 31st, 2023, Fleming-Mason filed a Motion for Confidentiality as to various documents, including the yet received Compensation Plan Report.

The Compensation Plan Report was received by Fleming-Mason in September 2023 and was tendered to the Commission under seal (via email) on October 16th, 2023.

By Order of the Commission entered October 18th, 2023, Fleming-Mason's Motion for Confidentiality as to Item 17 was denied subject to reconsideration at such time as the Compensation Plan Report was filed of record and the Fleming-Mason renewed its Motion.

Fleming-Mason having now received the Compensation Plan Report and filed the document under seal, the issue of confidentiality is ripe for determination and therefore this Motion for Confidentiality is renewed.

The Confidential Information contained in the Compensation Plan Report includes private, cooperative-wide current and 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 Report 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 Report 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 document, 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 19th day of October, 2023.

Respectfully submitted,


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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 October 19th, 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.


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