

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF	)	
LICKING VALLEY RURAL ELECTRIC	)	
COOPERATIVE CORPORATION FOR A	)	CASE NO.
GENERAL ADJUSTMENT OF RATES	)	2024-00211
AND OTHER GENERAL RELIEF	)	

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LICKING VALLEY RURAL ELECTRIC COOPERATIVE  
CORPORATION’S MOTION FOR CONFIDENTIAL TREATMENT

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

1. On August 8, 2024, Licking Valley filed its Application for a General Adjustment of Rates. On October 2, 2024, Commission Staff issued its Third Request for Information (“Staff’s Third Request”). Licking Valley is filing responses to Staff’s Third Request contemporaneously with this Motion.

2. Licking Valley requests the Commission to afford confidential protection to certain information being filed by Licking Valley in response to Staff’s Third Request, Item 11. The information provided is proprietary, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information.” The

Response to Staff's Third Request, Item 11 requested is a purchase power agreement between Licking Valley and Starshine Energy.

3. The Confidential Information includes material contract terms that if disclosed would place Licking Valley at a commercial disadvantage which would ultimately harm its members. As more renewable energy is generated, and subsequently demanded from end use customers, the price Licking Valley can negotiate for the energy will become extremely important. If the amount Licking Valley is willing to pay is disclosed this will harm future negotiations.

4. The power purchase agreement provided in response to Item 11 of Staff's Third Request is clearly private information and is commercially valuable. The Confidential Information is proprietary information that is retained by Licking Valley on a "need-to-know" basis and is only distributed by Licking Valley 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)(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 Licking Valley's competitive position in the marketplace which would be to the detriment of both Licking Valley and its end-use members. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Licking Valley'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. Licking Valley 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. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Licking Valley is filing one copy of the Confidential Information separately under seal, with the material terms of the agreement highlighted. The filing of the Confidential Information is noted in the public version of Licking Valley's response.

8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Licking Valley respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period. The power purchase agreement has an extension clause and at this time, Licking Valley cannot say if it will negotiate an extension or how long of an extension.

9. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Licking Valley 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, Licking Valley respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for an indefinite period.

Dated this 16<sup>th</sup> day of October, 2024.

Respectfully submitted,

*Heather S. Temple*

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**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on October 16, 2024, 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.

*Heather S. Temple*

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*Counsel for Licking Valley*