

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF BIG)	
SANDY RURAL ELECTRIC COOPERATIVE)	
CORPORATION FOR A GENERAL ADJUSTMENT)	CASE NO.
OF RATES)	2024-00287

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Big Sandy Rural Electric Cooperative Corporation (“Big Sandy”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and the Kentucky Public Service Commission’s (“Commission”) January 31, 2025 Order, and for its motion requesting Commission afford confidential treatment for attachments filed with the Responses to the Attorney General’s First Request for Information (“AG’s First Request), and respectfully states as follows:

1. On October 1, 2024, Big Sandy filed an application for a general adjustment of rates. On November 1, 2024, the Attorney General’s Office issued its First Request for Information. Big Sandy filed responses to the AG’s First Request on November 15, 2024 and requested confidential treatment of certain information regarding right-of-way bids.

2. The Commission issued an Order on January 31, 2025 denying Big Sandy’s motion for confidential treatment, but granted leave to refile the motion with corrected information. Big Sandy is filing the updated redacted versions of the information as well as filing highlighted versions of the information under seal.

3. Big Sandy requests the Commission to afford confidential protection to certain information in Attachment OAG DR1-24d filed in the response to the AG's First Request, Item 24(d).. The public version of the Excel Spreadsheet uploaded separately entitled, "OAG DR1-24d Bids for 2023 Work" listed non-winning bidders as only Contractor B, Contractor C, etc. The confidential version provided under seal, has the contractor names included and highlighted. In addition, the pdf attachment containing the 2022 ROW bid information is redacted in the public version and highlighted in the version being filed under seal. These items are referred to herein collectively as the "Confidential Information" for which protection is sought under KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).

4. The information provided in response to OAG DR 1-24d is proprietary, confidential, sensitive, and commercially valuable information. The Confidential Information if disclosed would permit Big Sandy's competitors an unfair commercial advantage and is protected under KRS 61.878(1)(c)(1).

5. Big Sandy operates in a competitive environment, especially with regards to obtaining contractors to perform right-of-way management. The Confidential Information is generally recognized as confidential or proprietary and public disclosure of the Confidential Information would permit an unfair commercial advantage to Big Sandy's competitors and could cause harm to the non-winning bidders who submitted bids to Big Sandy. See KRS 61.878(1)(c).

6. The information provided in response to Items 24(d) of the Attorney General's First Request clearly contain private information and is commercially valuable. The Confidential Information is proprietary information that is retained by Big Sandy on a "need-to-know" basis and is only distributed by Big Sandy 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.

7. 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 Big Sandy's competitive position in the marketplace which would be to the detriment of both Big Sandy and its end-use members and could also cause competitive harm to the non-winning bidders. Additionally, the Confidential Information is not available publicly and its confidentiality is critical to Big Sandy'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.

8. Big Sandy 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.

9. Big Sandy has redacted the pdf attachment regarding the 2022 ROW bids, removing the portion of the documents that contain personal, proprietary, and confidential information. Big Sandy is providing a highlighted version of the pdf document for the 2022 ROW bids under seal. Big Sandy replaced the contractor names in the Excel spreadsheet attachment for the 2023 ROW bids in the public version, since the items cannot be redacted from the Excel spreadsheet. Big Sandy is providing an Excel spreadsheet, under seal that lists the non-winning bidders' names and is highlighted to mark the information for which confidential protection is being requested. The

filing of the Confidential Information is noted in the public version of Big Sandy's responses to Item 24d.

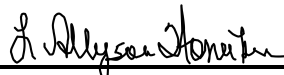
10. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Big Sandy respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years. However, Big Sandy reserves the right to extend this timeframe if necessary.

11. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Big Sandy 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, Big Sandy respectfully requests that the Commission classify and protect as confidential the Confidential Information described herein for a period of ten years.

This 4th day of February, 2025.

Respectfully submitted,

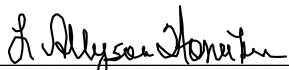


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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on February 4, 2025, and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission Orders, no paper copies of this filing will be made.



Counsel for Big Sandy RECC