

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

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

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**MOTION FOR CONFIDENTIAL TREATMENT**

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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 for its motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment for attachments filed with the Responses to the Attorney General’s First Request for Information (Attorney General’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 is filing responses to the Attorney General’s First Request contemporaneously with this Motion.

2. Big Sandy requests the Commission to afford confidential protection to certain information being filed in the attachments to the response to the Attorney General’s First Request, Item 24(d), Attachment OAG DR1-24d and the Excel Spreadsheet uploaded separately entitled, “OAG DR1-24d Bids for 2023 Work.” 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).

3. Big Sandy requests the Commission to afford confidential protection to certain information being filed by Big Sandy in response to the Attorney General’s First Request, Item 24(d) for the ROW bids that were not selected by Big Sandy. The information provided is proprietary, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information.” The Confidential Information if disclosed would permit Big Sandy’s competitors an unfair commercial advantage.

4. KRS 61.878(1)(c)(1) allows conditional protection of records that are generally recognized as confidential or proprietary, and if disclosed would permit an unfair commercial advantage to competitors of the disclosing party.

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. 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 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.

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. Additionally, the Confidential Information is publicly unavailable 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 response, removing the portion of the documents that contain personal, proprietary, and confidential information. Big Sandy is requesting confidential protection for the entirety of the documents pursuant to 807 KAR 5:001, Section 13(2)(a)3.b. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Big Sandy is filing one copy of the Confidential Information separately under seal, without redaction. 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 15th day of November 2024.

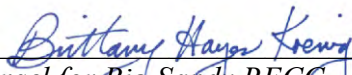
Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on November 15, 2024, 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.

  
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*Counsel for Big Sandy RECC*