

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION)	
OF SHELBY ENERGY)	CASE NO.
COOPERATIVE, INC.)	2024-00351
FOR A GENERAL ADJUSTMENT)	
OF RATES)	

MOTION FOR CONFIDENTIAL TREATMENT

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

1. On November 1, 2024, Shelby Energy filed its Notice of Intent to file a general adjustment of rates and filed its Application on December 5, 2024. Prior to filing the Application, Commission Staff issued its First Request for Information (“Staff’s First Requests”) to Shelby Energy on November 5, 2024. Shelby Energy is filing responses to those requests for information contemporaneously herewith.

2. Shelby Energy requests the Commission to afford confidential protection to certain information being filed by Shelby Energy in response to Staff’s First Requests. The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information.” The response to

Staff's First Request, Item 19 which contains a wage and salary study, conducted by a third-party consultant which contains personal identifying information of Shelby Energy employees. If disclosed, this response would reveal to the public the compensation paid to employees.

3. 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 Shelby Energy's competitive position in the marketplace which would be to the detriment of Shelby Energy. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Shelby Energy's effective execution of business decisions and strategy. The information is also personal to the employees and would be an unwarranted invasion of privacy if disclosed. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. The response to Staff's First Request, Item 19 contains private, cooperative-wide compensation information for all individuals employed by Shelby Energy in the form of a wage and salary study that was completed by a third-party. The public disclosure of such sensitive, personal information would constitute a clearly unwarranted invasion of personal privacy. Moreover, release of this information could competitively harm Shelby Energy because it must compete with other employers for the hiring and retention of employees, which is a skilled workforce. Releasing the information to the public would unfairly harm Shelby Energy and its competitive position in the marketplace, not to mention the personal harm to the individual employees whose private, personal information would be disclosed.

5. The employee-specific wage and salary information provided in response to Item 19 of Staff's First Request clearly contain private information and is commercially valuable. The Confidential Information is proprietary information that is retained by Shelby Energy on a "need-to-know" basis and is only distributed by Shelby Energy 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.

6. Shelby Energy 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. Shelby Energy is requesting confidential protection for the entirety of the documents pursuant to 807 KAR 5:001, Section 13(2)(a)3.b. For that reason, a redacted version of the Confidential Information is not being filed. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Shelby Energy is filing one copy of the Confidential Information separately under seal, without highlights since confidential protection for the entire document is being sought. The filing of the Confidential Information is noted in the public version of Shelby Energy's response to Item 19.

8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Shelby Energy respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

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

This the 19th day of December, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on December 19, 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

Counsel for Shelby Energy Cooperative, Inc.