

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. On January 16, 2025, the Attorney General filed its First Request for Information. 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 the Attorney General’s First Request for Information (“Attorney General’s First Request”). The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information.” The attachment provided in response

to the Attorney General's First Request, Items 4, 5, and 6 contains the title of all employees at Shelby Energy and their salary. The attachment provided in response to the Attorney General's First Request, Item 19(c) contains the names and hours worked by each employee of Shelby Energy. If disclosed, this response would reveal the personal information of the 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 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 attachment provided in the response to the Attorney General's First Request, Items 4, 5, and 6 contains the job titles and salaries of all Shelby Energy employees. Shelby Energy only employees a small number of employees. Shelby Energy is requesting the Commission allow confidential treatment of the job titles because if the job titles are disclosed, it would allow anyone to determine whose salary is whose. The public disclosure of such sensitive, personal information would constitute a clearly unwarranted invasion of personal privacy and should be protected from disclosure pursuant to KRS 61.878(1)(a).

5. The attachment provided in the response to the Attorney General's First Request, Item 19(c) contains the name and number of hours worked for several years. Shelby Energy is requesting confidential treatment for the names because allowing the names to be disclosed would

disclose personal information. This would be an unwarranted invasion of personal privacy and the names in this attachment should be protected from disclosure pursuant to KRS 61.878(1)(a).

6. The employee information contained in the attachments provided in response to the Attorney General's First Request, Items 4, 5, 6, and 19(c) 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.

7. 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.

8. Shelby Energy is providing a redacted version of the attachments in the public record with the notation of confidential treatment. 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, with highlights.

9. 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.

10. 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 30th day of January, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on January 30, 2025, 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.