

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

In the Matter of:

ELECTRONIC APPLICATION OF	)	
CUMBERLAND VALLEY ELECTRIC,	)	CASE NO.
INC. FOR A GENERAL ADJUSTMENT	)	2024-00388
OF RATES PURSUANT TO 807 KAR 5:0078	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Cumberland Valley Electric, Inc. (“Cumberland 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 Cumberland Valley in its Application in the above-styled matter. In support of this request, Cumberland Valley states as follows:

1. On Marcy 24, 2025, Cumberland Valley filed its Application for a General Adjustment of Rates Pursuant to 807 KAR 5:0078.
2. Cumberland Valley requests the Commission to afford confidential protection to certain information being filed by Cumberland Valley as part of its application. The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information.” 807 KAR 5:078, Section 3(6) required Cumberland Valley to provide its current vegetative management contracts which Cumberland Valley provided as Exhibit 7 to the Application. If disclosed, this response

would reveal Cumberland Valley's vegetative management contracts which would give a competitive advantage to competitors.

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 Cumberland Valley's competitive position in the marketplace which would be to the detriment of Cumberland Valley. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Cumberland 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.

4. The attachment provided as Exhibit 7 to the Application contains negotiated contracts with a third party. The public disclosure of these contracts would harm Cumberland Valley in the negotiation of new vegetative management contracts in the future because companies would know the price Cumberland Valley is willing to pay and raise prices.

5. The contracts provided in the attachment to Exhibit 7 of the Application clearly contains confidential commercially valuable information. The Confidential Information is proprietary information that is retained by Cumberland Valley on a "need-to-know" basis and is only distributed by Cumberland 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.

6. Cumberland 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. Cumberland Valley 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), Cumberland Valley 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 Exhibit 7 of the Application.

8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Cumberland Valley 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, Cumberland 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, Cumberland Valley respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for an indefinite period.

This the 24<sup>th</sup> day of March, 2025.

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 March 24, 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*

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*Counsel for Cumberland Valley Electric, Inc.*