

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)	

MOTION FOR CONFIDENTIAL TREATMENT

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 response to the Attorney General’s First Request for Information (“Attorney General’s First Request”). 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. On May 19, 2025, the Attorney General’s First Request was filed and Cumberland Valley is providing responses contemporaneously with this motion.

2. Cumberland Valley requests the Commission to afford confidential protection to certain information provided in response to the 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 Items 7, 8, and 9 contains the salary information for all employees of Cumberland Valley. The attachment to the response to Item 10, contains a local wage and salary comparison conducted by a third-party consultant. 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 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 in response to the Attorney General's First Request, Items 7, 8, and 9 contains the wage and salary information for all employees of Cumberland Valley. Cumberland Valley is requesting confidential treatment of the titles of the positions due to the small size of the utility. If the titles of the positions are disclosed, all employees and members of the public would be able to discern which salary belongs to each individual and should therefore be granted protection pursuant to KRS 61.878(1)(a). Cumberland Valley has not redacted the title of executive employees.

5. The attachment provided in response to the Attorney General's First Request, Item 10 contains private salary information of Cumberland Valley's employees and how it compares to

the salaries in the service territory of Cumberland Valley. This survey was completed by a third-party. The public disclosure of such sensitive, personal information would constitute a clearly unwarranted invasion of personal privacy and should be afforded protection pursuant to KRS 61.878(1)(a). Moreover, release of this information could competitively harm Cumberland Valley 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 Cumberland Valley and its competitive position in the marketplace, not to mention the personal harm to the individual employees whose private, personal information would be disclosed.

6. The contracts provided in the attachment to the response to the Attorney General's First Request 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.

7. 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.

8. Cumberland Valley is requesting confidential protection for the entirety of the document provided as the attachment to response for the Attorney General's First Request, Item 10 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.

Cumberland Valley is providing the attachment for the response to the Attorney General's First Request, Items 7, 8, and 9 with highlights since only the titles of the individuals is the subject to the request for confidential treatment. The filing of the Confidential Information is noted in the public response.

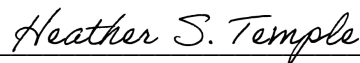
9. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Cumberland Valley respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

10. 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 29th day of May, 2025.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on May 29, 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 Cumberland Valley Electric, Inc.