

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION)	
OF SOUTH KENTUCKY RURAL)	CASE NO.
ELECTRIC COOPERATIVE)	2024-00402
CORPORATION FOR A GENERAL)	
ADJUSTMENT OF RATES)	

MOTION FOR CONFIDENTIAL TREATMENT

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

1. On January 3, 2025, South Kentucky filed its Notice of Intent to file a general adjustment of rates and filed its Application on February 3, 2025. Commission Staff issued its First Request for Information (“Staff’s First Requests”) to South Kentucky on February 10, 2025. South Kentucky is filing responses to those requests for information contemporaneously herewith.

2. South Kentucky requests the Commission to afford confidential protection to certain information being filed by South Kentucky 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 18 which contains a wage and salary study, conducted by a third-party consultant which contains personal identifying information of South Kentucky 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 South Kentucky's competitive position in the marketplace which would be to the detriment of South Kentucky. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to South Kentucky'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 18 contains private, cooperative-wide compensation information for all individuals employed by South Kentucky 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 South Kentucky 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 South Kentucky 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 18 of Staff's First Request clearly contain private information and is commercially valuable. The Confidential Information is proprietary information that is retained by South Kentucky on a "need-to-know" basis and is only distributed by South Kentucky 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. South Kentucky 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. South Kentucky 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), South Kentucky 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 South Kentucky's response to Item 18.

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

This the 3rd day of March, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on March 3, 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 South Kentucky RECC