

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION)	
OF SOUTH KENTUCKY RURAL)	CASE NO.
ELECTRIC COOPERATIVE)	2024-00402
CORPORATIONFOR 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 the Attorney General 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. The Attorney General issued its First Request for Information (“Attorney General’s First Requests”) to South Kentucky on March 14, 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 the Attorney General’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 attachments to responses to Items 6 and 7 contains salary information for non-executive employees. The attachment provided in response to Item 23(d) contains right of way (ROW) bid proposals. Finally, the attachment provided in response to Item 53(k) contains the bids received for circuit cutting for several years.

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). The public disclosure of the Confidential Information would harm South Kentucky’s competitive position in the marketplace. 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 attachments provided response to the Attorney General’s First Request, Items 6 and 7 contain salary information of non-executive employees of South Kentucky. The public disclosure of such sensitive, personal information would constitute a clearly unwarranted invasion of personal privacy which is protected by 61.878(1)(a). 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 attachments provided in response to the Attorney General's First Request, Items 23(d) and 53(k) contains requests for proposal and bid pricing information which, if disclosed, would create an economic disadvantage for South Kentucky and therefore should be granted confidential treatment pursuant to 61.878(1)(c)(1). South Kentucky operates in a competitive environment especially with regards to obtaining contractors to perform ROW management. The information contained in the attachments provided in response to the Attorney General's First Request, Items 23(d) and 53(k) is generally recognized as confidential or proprietary and public disclosure of the information would permit an unfair commercial advantage to South Kentucky's competitors.

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 requests 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 responses to Items 6, 7, 23, and 53.

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 11th day of April, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on April 11, 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.

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