

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

In the Matter of:

ELECTRONIC APPLICATION OF	)	
BLUE GRASS ENERGY COOPERATIVE	)	CASE NO.
CORPORATION FOR A GENERAL	)	2025-00103
ADJUSTMENT OF RATES PURSUANT	)	
TO 807 KAR 5:0078	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Blue Grass Energy Cooperative Corporation (“Blue Grass 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 Blue Grass Energy in its Application in the above-styled matter. In support of this request, Blue Grass Energy states as follows:

1. On May 1, 2025, Blue Grass Energy filed its Application for a General Adjustment of Rates Pursuant to 807 KAR 5:0078.

2. Blue Grass Energy requests the Commission to afford confidential protection to certain information being filed by Blue Grass Energy 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 Blue Grass Energy to provide its current vegetative management contracts which Blue Grass Energy provided as Exhibit 8 to the Application. If disclosed, this response would reveal Blue Grass Energy’s vegetative management contracts which would give a

competitive advantage to competitors. It would also hinder Blue Grass Energy's ability to negotiate these types of contracts in the future which could result in higher vegetation management costs for Blue Grass Energy and its members.

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 Blue Grass Energy's competitive position in the marketplace which would be to the detriment of Blue Grass Energy and its members. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Blue Grass Energy'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 8 to the Application contains negotiated contracts with third party vendors. The public disclosure of these contracts would harm Blue Grass Energy in the negotiation of new vegetative management contracts in the future because companies would know the price Blue Grass Energy is willing to pay and raise prices.

5. The contracts provided in the attachment to Exhibit 8 of the Application clearly contain confidential commercially valuable information. The Confidential Information is proprietary information that is retained by Blue Grass Energy on a "need-to-know" basis and is only distributed by Blue Grass 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.

6. Blue Grass 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.

7. Blue Grass Energy 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), Blue Grass Energy is filing one copy of the Confidential Information separately under seal, without highlights since confidential protection for the entire document is being sought and therefore no redacted version is being filed in the public record. The filing of the Confidential Information is noted in the public version of Exhibit 8 of the Application.

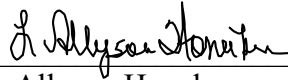
8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Blue Grass Energy respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

9. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Blue Grass 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, Blue Grass Energy respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for an indefinite period.

This the 1<sup>st</sup> day of May, 2025.

Respectfully submitted,



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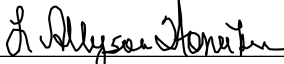
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### **CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on May 1, 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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*Counsel for Blue Grass Energy Cooperative  
Corporation*