

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF)	
FARMERS RURAL ELECTRIC)	CASE NO.
COOPERATIVE CORPORATION)	2025-00107
FOR A GENERAL ADJUSTMENT OF RATES)	

MOTION FOR CONFIDENTIAL TREATMENT

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

1. On April 1, 2025, Farmers filed its Notice of Intent to file a general adjustment of rates and filed its Application on May 5, 2025. Commission Staff issued its First Request for Information (“Staff’s First Requests”) to Farmers on April 16, 2025. Farmers is filing responses to those requests for information contemporaneously herewith.

2. Farmers requests the Commission to afford confidential protection to certain information being filed by Farmers 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 Farmers 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 Farmers' competitive position in the marketplace which would be to the detriment of Farmers. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Farmers' 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 Farmers 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 Farmers 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 Farmers 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 Staff's First Request, Item 18 clearly contains private information and is commercially valuable. The Confidential Information is proprietary information that is retained by Farmers on a "need-to-know" basis and is only distributed by Farmers 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. Farmers 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. Farmers 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), Farmers 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 Farmers' response to Item 18.

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

This the 19th day of May, 2025.

Respectfully submitted,

Heather S. Temple

L. Allyson Honaker
Heather S. Temple
Meredith Cave
HONAKER LAW OFFICE PLLC
1795 Alysheba Way, Suite 6202
Lexington, Kentucky 40509
(859) 368-8803
allyson@hloky.com
heather@hloky.com
meredith@hloky.com

Counsel for Farmers Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on May 19, 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 Farmers Cooperative, Inc.