

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 and the Attorney General in the above-styled matter. In support of this request, Farmers states as follows:

1. Farmers filed an application for a general adjustment of rates on May 5, 2025. On May 28, 2025, Commission Staff issued its Second Request for Information (“Staff’s Second Request”) and on May 29, 2025 the Attorney General by and through the Office of Rate Intervention (“Attorney General”) issued his First Request for Information (“Attorney General’s First Request”). 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 Second Request and the Attorney General’s First Request. The information provided is proprietary, personal, confidential, sensitive,

and commercially valuable information. The response to Staff's Second Request, Item 22 contains a staff evaluation done by the Farmers Board of Directors. The response to the Attorney General's First Request, Item 15(c) contains bids for right of way (ROW) contractors. The response to the Attorney General's First Request, Item 28(a)-(c) and Item 29(a)-(c) contain the salary information for all employees of Farmers. The response to the Attorney General's First Request, Item 31 The which contains a wage and salary comparison conducted by a third-party consultant. This information is collectively referred to as the "Confidential Information."

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 Second Request, Item 21 contains an evaluation of an employee by Farmers Board of Directors. The public disclosure of such sensitive, personal information would constitute a clearly unwarranted invasion of personal privacy. 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 response to the Attorney General's First Request, Item 15(c) contains the request for proposals for ROW maintenance. Farmers operates in a competitive environment especially with regard to obtaining contractors to perform ROW management. If this information was disclosed Farmers would be placed at a disadvantage because the companies bidding would know the other bids Farmers has received.

6. The response to the Attorney General's First Request, Item 28(a)-(c) and Item 29(a)-(c) contain the wage and salary information of non-executive employees. Farmers 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). This is personal and confidential information for those individual employees which would be an invasion of personal privacy and should not be publicly disclosed.

7. The response to the Attorney General's First Request, Item 31 contains local wage and benefit information that was generated for a wage and salary study. Farmers has previously requested confidential treatment for the wage and salary study that was generated by a third party.¹ If the information that was generated for the third-party to conduct the wage and salary study was disclosed it would be a unwarranted invasion of personal privacy. Additionally, the release of this information could competitively harm Farmers because it must compete with other employers in the hiring and retention of employees. Releasing the information to the public would unfairly harm Farmers and its competitive position in the marketplace.

¹ Confidential Motion DR 1 (filed May 19, 2025).

8. The Confidential Information 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.

9. 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.

10. Farmers is requesting confidential protection for the entirety of the documents provided in response to Staff’s Second Request Item 21, Attorney General’s First Request, Item 15(c), and Attorney General’s First Request, Item 31 so pursuant to 807 KAR 5:001, Section 13(2)(a)3.b a redacted version of the Confidential Information is not being filed. The attachments provided in response to the Attorney General’s First Request, Item 28 and Item 29, Farmers is only requesting certain information be granted confidential treatment, so Farmers is filing with highlights. The filing of the Confidential Information is noted in the public version of all the responses.

11. 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.

12. 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 12th day of June, 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 June 12, 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.