

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 filed the responses on June 12, 2025. On September 25, 2025, the Commission issued an order denying confidential treatment for Farmers response to the Attorney General’s First Request, Item 31 but allowed leave to refile a request with more information.

2. Farmers requests the Commission to afford confidential protection to certain information being filed by Farmers in response to the Attorney General's First Request, Item 31. 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 Attorney General's First Request, Item 31 required Farmers to provide information that was generated by Farmers to provide to its third-party consultant, Intandem, LLC, that was hired to conduct a wage and salary study. The response to Item 31 contains information obtained from East Kentucky Power Cooperative, Inc. ("EKPC") and the other EKPC Owner-Member cooperatives regarding the salaries of employees at those cooperatives. Farmers provided the confidential wage and salary study that was generated based on this information in response to Commission Staff's First Request for Information, Item 18. The Commission granted confidential treatment for the third-party wage and salary study.¹ Requiring the information developed by

¹ Case No. 2025-00107, May 29, 2025 Order (Ky. PSC May 29, 2025).

Farmers for the wage and salary to be disclosed, but not allowing disclosure of the report would negate the confidential protection of the wage and salary study. Additionally, the information is from other cooperatives that have not consented to the disclosure of the salary information of their employees. Also the release of this information will competitively harm Farmers because it must compete with other employers in the hiring and retention of highly skilled and specialized employees. For all of these reasons, Farmers is requesting confidential treatment of the information it developed to provide for the Intandem, LLC report pursuant to KRS 61.878(1)(c)(1).

5. 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.

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 provided in response to 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 filing of the Confidential Information is noted in the public version of all the responses.

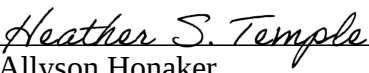
8. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Farmers respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

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 16th day of October, 2025.

Respectfully submitted,


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 October 16, 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.