

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

In the Matter of:

ELECTRONIC APPLICATION OF	)	
CLARK ENRGY COOPERATIVE, INC.	)	CASE NO.
FOR A GENERAL ADJUSTMENT OF	)	2025-00230
RATES PURSUANT TO 807 KAR 5:0078	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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

1. On August 12, 2025, Clark Energy filed its Application for a General Adjustment of Rates Pursuant to 807 KAR 5:0078.
2. Clark Energy requests the Commission to afford confidential protection to certain information being filed by Clark 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 Clark Energy to provide its current vegetative management contracts which Clark Energy provided as Exhibit 8 to the Application. If disclosed, this response would reveal Clark Energy’s vegetative management contracts which would give a competitive advantage to competitors. It would also hinder Clark Energy’s ability to negotiate these types of contracts in the

future which could result in higher vegetation management costs for Clark 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 Clark Energy's competitive position in the marketplace which would be to the detriment of Clark Energy and its members. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Clark 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 Clark Energy in the negotiation of new vegetative management contracts in the future because companies would know the price Clark 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 Clark Energy on a "need-to-know" basis and is only distributed by Clark 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. Clark 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. Clark 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), Clark 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), Clark Energy respectfully hat 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, Clark 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, Clark Energy respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for an indefinite period.

This the 12<sup>th</sup> day of August, 2025.

Respectfully submitted,

*Heather S. Temple*

L. Allyson Honaker  
Heather S. Temple  
Meredith Cave  
HONAKER LAW OFFICE PLLC  
1795 Alysheba Way, Suite 1203 Lexington,  
Kentucky 40509  
(859) 368-8803  
allyson@hloky.com  
heather@hloky.com  
meredith@hloky.com

*Counsel for Clark Energy Cooperative, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on August 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 Clark Energy Cooperative, Inc.*