

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

MOTION FOR CONFIDENTIAL TREATMENT

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 response to the Commission Staff’s First Request for Information (“Staff’s First Request”) and the Attorney General’s First Request for Information (“Attorney General’s First Request”) 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 an adjustment of rates. On September 4, 2025, Commission Staff filed Staff’s First Request, and on September 8, 2025, the Attorney General filed the Attorney General’s First Request. Clark Energy is filing responses to those requests for information contemporaneously with this Motion.

2. Clark Energy requests the Commission to afford confidential protection to certain information being filed by Clark Energy in response to Staff’s First Request and the Attorney General’s First Request. The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. The attachments provided in response to Staff’s First

Request, Item 19 contains multiple wage and salary comparisons conducted by a third-party. The attachment provided in response to the Attorney General's First Request, Items 9 and 10 contains the salary information for all Clark Energy's employees. The attachment provided in response to the Attorney General's First Request, Item 29 contains the names of employees that provide service to a subsidiary. All of this information is collectively referred to as the "Confidential Information." If disclosed, this information would give a competitive advantage to competitors and would be an unwarranted invasion of personal privacy.

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. 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 attachments provided in response to the Staff's First Request, Item 19 contain wage and salary studies that were conducted by a third-party. This information should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1) because the disclosure of the wage and salary studies would harm Clark Energy's place in the marketplace because it must compete with other employers in the hiring and retention of employees. Additionally, the wage and salary

studies were completed by a third-party and that party has not granted permission to disclose the studies.

5. The attachments provided response to Attorney General's First Request, Item 9 and Item 10, contain Excel spreadsheets containing employee wage and salary information. Clark Energy is requesting confidential treatment of the names and 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 could give Clark Energy's competitors recruiting and hiring advantages and therefore this information should not be publicly disclosed.

6. The attachment provided in response to Attorney General's First Request, Item 29 contains a list of employees that provides services to a subsidiary of Clark Energy. Confidential treatment of this information is being requested pursuant to KRS 61.878(1)(a) because disclosure of the names of these employees would be an invasion of personal privacy.

7. 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.

8. Clark Energy is requesting confidential protection for the entirety of the documents being provided in response to Staff's First Request, Item 19. Since confidential treatment is requested for the entirety of these documents, Clark Energy is not providing the documents with highlights. Clark Energy is providing a copy of the response to the Attorney General's First

Request, Item 9, Item 10, and Item 29 with highlights and providing a redacted copy in the public record.

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

10. 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 22nd day of September, 2025.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on September 22, 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