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November 6, 2008

Stephanie Stumbo, Executive Director
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602

RECEIVED
NOV 7 2008
PUBLIC SERVICE
COMMISSION

Re: Shelby Energy Cooperative, Inc.
CASE NO. 2008-00277

Dear Ms. Stumbo:

Enclosed please find one original and ten (10) copies, plus one additional copy of the first page of Shelby Energy Cooperative, Inc.'s Reply to Complainant's Response Filed October 31, 2008. Please file the original and ten copies with the Commission and return to me the file-stamped copy. For your convenience I have enclosed a self-addressed stamped envelope.

Please do not hesitate to call me if you have any questions or if you require additional information.

Yours truly,

MATHIS, RIGGS & PRATHER, P.S.C.



Donald T. Prather

DTP/mew
Enclosures
Cc: Debra Martin
DTP/sec/PSC/Stansbury/psc filing letter

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

BRUCE WILLIAM STANSBURY)
)
COMPLAINANT)
)
V.)
)
SHELBY ENERGY COOPERATIVE, INC.)
)
DEFENDANT)

CASE NO. 2008-00277

**REPLY TO COMPLAINANT'S RESPONSE FILED
OCTOBER 31, 2008**

Comes Shelby Energy Cooperative, Inc. ("Shelby Energy"), by counsel, and for its Reply to the Response filed by the Complainant ("Stansbury") to Shelby Energy's Motion to Strike and Motion to Reconsider Denial of Confidentiality states as follows:

1. Stansbury did not respond to Shelby Energy's Motion to Strike his Response and this Motion should be granted.
2. Shelby Energy wishes to note that Stansbury's attorney did not mail a copy of his Response to either Shelby Energy or Shelby Energy's attorney of record in this case.
3. Shelby Energy does not possess sufficient information to determine whether or not the information for which confidentiality is sought was obtained from employee medical or personnel records and, if it was not obtained from confidential records, the sources of that information.
4. Shelby Energy treats employee medical and personnel records as being highly confidential. Medical and personnel records are locked in cabinets. Only the Human Resources Manager, her back-up, and the President and CEO have access to personnel and medical records.
5. Assuming the source of the confidential information was Shelby Energy's confidential records, Shelby Energy can only speculate regarding the manner in which access to those confidential records was obtained.

6. The color blind employee does not recall the identity or number of co-workers whom he may have told he was color blind. Whether or not a person is color blind is irrelevant under the American's With Disabilities Act, assuming the employee is able to satisfactorily and safely perform his duties with a given medical condition. The involved employee probably told co-workers about the alcohol issue because they would have inquired about his absence from his field work. He failed an alcohol breath test one time. Shelby Energy policy does not require that an employee be fired under these circumstances. This employee voluntarily completed the employee assistance program and has not tested positive for alcohol since that time (approximately 2 years).

7. The individual with the alleged "glass eye" does not have a glass eye and is not blind in either eye. He temporarily lost sight in one eye years ago in a farming accident when a piece of barbed wire broke loose and punctured his eyeball. Sight in that eye was restored to 20/20 vision after a lens implant (essentially an internal contact lens) sealed the puncture wound and replaced damaged surface tissue.

8. The information regarding the alleged sexual harassment is not common knowledge at Shelby Energy. In any event, the harassment was not sexual in nature. The involved male employee denies he told Stansbury about the incident report being removed from his file. The female employee did not know the incident report had been removed from her file, and therefore could not have told anyone.

9. The named employees did undergo arm/leg surgery and thumb surgery. The American's With Disabilities Act requires an employer to make reasonable accommodations where possible so that an affected employee can work. Shelby Energy acted in accordance with the law and asks only that the employee provide a physician's release to perform their job without restrictions.

10. Irrespective of the source, the private employee medical and personnel information should not be posted on a government public website. The information in question is clearly personal information where public disclosure would constitute an unwarranted invasion of personal privacy. Disclosure on a limited basis to one or more trusted co-workers does not grant permission for the public display of that information for all the world to see. The Commission can consider the merits of Stansbury's Complaint without these matters being viewable by the public.

WHEREFORE, for the foregoing reasons, Shelby Energy respectfully requests that the information remain confidential, and that the Commission dismiss this matter

because all issues raised in it can and presumably will be addressed in the management audit which is now being scheduled.

Respectfully submitted,
Mathis, Riggs & Prather, P.S.C.

By:  _____

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing was this 6~~th~~ day of November, 2008 mailed via first class mail to the following:

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