

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUE GRASS ENERGY	)	CASE NO.
COOPERATIVE CORPORATION FOR AN	)	2014-00339
ADJUSTMENT OF RATES	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On March 3, 2015, and March 9, 2015, Blue Grass Energy Cooperative Corporation ("Movant") moved pursuant to KRS 61.878(1)(a), KRS 61.878(1)(c), and 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motions, Movant states that the information it is requesting to be held confidential is contained in its responses to the Attorney General's Second Request for Information ("AG's Second Request"), Item 27, and the Attorney General's Clarification Questions to Supplemental Responses ("AG's Supplemental Requests"), Item 8. The information is more particularly described as wage bonus compensation of employees and officers. Movant states that the information contains materials that if publicly disclosed would likely result in competitive injury to Movant due to the competitive utility market for qualified employees as well as an invasion of personal privacy for the employees pursuant to KRS 61.878(1)(a), KRS 61.878(1)(c), and 807 KAR 5:001, Section 13.

Having carefully considered the petitions requesting confidential treatment and the materials at issue, the Commission finds that:

1. The materials contained in Movant's responses to the AG's Second Request, Item 27, and the AG's Supplemental Request, Item 8, excluding vice president bonus information, meet the criteria for confidential protection as set forth in KRS 61.878(1)(a) and KRS 61-878(1)(c) and should not be placed in the public record for an indefinite period of time, or until further Orders of this Commission.

2. The Commission has previously held that executive officer salary information is not entitled to confidential protection.<sup>1</sup> Movant has not demonstrated any basis to hold vice president bonus information confidential. The Commission accordingly finds that Movant has not met its burden to demonstrate the information is entitled to confidential protection, and its request should therefore be denied.

IT IS THEREFORE ORDERED that:

1. Movant's petition for confidential protection is hereby granted in part and denied in part.

2. The materials contained in Movant's responses to the AG's Second Request, Item 27, and the AG's Supplemental Request, Item 8, excluding vice president bonus information, meet the criteria for confidential protection as set forth in KRS 61.878(1)(a) and KRS 61.878(1)(c) and shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. The materials regarding vice president bonus information does not meet the criteria for confidential protection, and the request for confidential protection for this information is therefore denied.

---

<sup>1</sup> Case No. 2014-00371, *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates* (Ky. PSC Jan. 20, 2016).

4. The materials denied confidential protection shall not be placed in the public record for the period permitted to request rehearing or bring an action for review.

5. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. Movant shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED
APR 08 2016
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:



Acting Executive Director



\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Mark David Goss  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*J. Donald Smothers  
Vice President, Financial Services  
Blue Grass Energy Cooperative Corp.  
1201 Lexington Road  
P. O. Box 990  
Nicholasville, KY 40340-0990

\*Phillip Johnson  
Blue Grass Energy Cooperative Corp.  
1201 Lexington Road  
P. O. Box 990  
Nicholasville, KY 40340-0990

\*M. Evan Buckley  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*Blue Grass Energy Cooperative Corp.  
1201 Lexington Road  
P. O. Box 990  
Nicholasville, KY 40340-0990

\*Honorable Howard Downing  
Attorney at Law  
109 South First Street  
Nicholasville, KENTUCKY 40356

\*Blue Grass Energy Cooperative Corp.  
Blue Grass Energy Cooperative Corp.  
1201 Lexington Road  
P. O. Box 990  
Nicholasville, KY 40340-0990

\*Jennifer Black Hans  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*James R Adkins  
Jim Adkins Consulting  
1041 Chasewood Way  
Lexington, KENTUCKY 40513-1731

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204