

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SALT RIVER ELECTRIC)	
COOPERATIVE CORPORATION FOR AN ORDER)	
ISSUING A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT AN ADVANCED METERING)	2019-00399
INFRASTRUCTURE SYSTEM (AMI) PURSUANT)	
TO 807 KAR 5:001 AND KRS 278.020)	
)	

ORDER

This matter arises on Salt River Electric Cooperative Corporation's (Salt River) motion to reconsider a portion of an Order denying confidential treatment to designated materials. On January 6, 2020, the Commission, among other things denied confidential treatment to the individual component pricing information for the AMI meters that Salt River requests to purchase and install. On January 27, 2020, Salt River filed a motion requesting that the Commission reconsider and find that the individual component pricing should be granted confidential treatment. Salt River did not object to public disclosure of the total meter cost.

As a basis for its motion, Salt River asserted that the facts in this case are analogous to the facts in Case No. 2018-00056,¹ in which the Commission denied confidential treatment for the total cost of the AMI meters, but granted confidential treatment for the individual component pricing. Salt River further asserted that, while

¹ Case No. 2018-00056, *Application of Cumberland Valley Electric, Inc. for Commission Approval for a Certificate of Public Convenience and Necessity to Install an Advanced metering Infrastructure (AMI) System Pursuant to 807 KAR 5:001 and KRS 278.020* (Ky. PSC Dec. 5, 2019).

public disclosure of the total meter cost is reasonable in light of Salt River's owner-members right to know the evidence upon which the Commission relied in its determination, disclosure of the individual component pricing would result in competitive injury to Salt River.

Having reviewed the motions and records of this case and Case No. 2018-00056, the Commission finds that the specific cost information may be used to the financial detriment of Salt River and its ratepayers by allowing potential future vendors to bid just under the cost of its current vendor, which, in turn, would place Salt River at a competitive disadvantage. Thus, in balancing the interests involved, the Commission finds that Salt River established that the redacted material regarding individual component pricing meets the criteria for confidential treatment.

The Commission also addresses Salt River's objection that it is inconsistent to grant confidential treatment to designated materials contained in the bids that were not chosen, but deny confidential treatment to the designated materials in the winning bid. Salt River's position is counter to Commission precedent in which information contained in the winning bid is typically denied confidential treatment based upon principles of transparency regarding the evidence that the Commission relies upon in rendering its determinations. Similarly, the Commission is unpersuaded by Salt River's argument that the "agency" to which the confidential materials are disclosed pursuant to KRS 61.878(1)(c)(1) refers to Salt River and not to the Commission, and therefore Salt River may request confidential treatment on behalf of a third party that provides the information. However, since these issues are moot, we will not address them further.

IT IS THEREFORE ORDERED that:

1. Salt River's motion for reconsideration of the denial of confidential treatment to individual component pricing for the AMI infrastructure contained in Appendix A to Salt River's application is granted.

2. Within seven days of the date of this Order, Salt River shall file a revised version of Appendix A to its application, reflecting as redacted only the specific component pricing information in the first two columns of Appendix A to the application, and reflecting as unredacted the total cost of the proposed project. The materials for which confidential treatment was sought in the motion for reconsideration shall not be made available to the public for a period of ten years from the date of this Order unless and until the Commission orders otherwise.

3. Use of the materials for which confidential treatment was granted in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

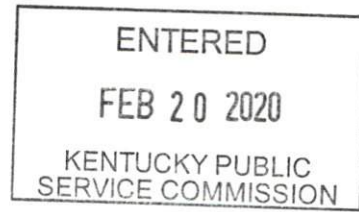
4. Salt River shall inform the Commission if the materials for which confidential treatment was granted become publicly available or no longer qualify for confidential treatment.

5. 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, Salt River shall have 30 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 Salt River is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Salt River to seek a remedy afforded by law.

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By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to be "H. C. L.", written over a horizontal line.

Executive Director

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