

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SOUTH	)	
KENTUCKY RURAL ELECTRIC COOPERATIVE	)	
CORPORATION FOR A GENERAL	)	CASE NO.
ADJUSTMENT OF RATES, APPROVAL OF	)	2021-00407
DEPRECIATION STUDY, AND OTHER GENERAL	)	
RELIEF	)	

ORDER

On May 18, 2022, South Kentucky Rural Electric Cooperative Corporation (South Kentucky RECC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for portions of South Kentucky RECC's responses to the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's (Attorney General) Post-Hearing Request for Information (Attorney General's Post-Hearing Request), Item 2, which contains non-executive compensation amounts, and Item 3, which contains executive compensation for the Director of Corporate Services.

In support of its motion, South Kentucky RECC argued that compensation information is of a personal nature and public disclosure would result in an unwarranted invasion of privacy. South Kentucky RECC asserted that the compensation should receive confidential treatment under KRS 61.878(1)(a), which exempts from open record laws information that if publicly disclosed would result in an unwarranted invasion of privacy. South Kentucky RECC further argued that, because it competes with other employers to acquire and retain a skilled workforce, public disclosure of compensation

paid to employees would harm South Kentucky RECC's competitive position in the marketplace. South Kentucky RECC asserted that the compensation should receive confidential treatment under KRS 61.878(1)(c)(1), which prohibits public disclosure of confidential and proprietary information that could result in a commercial advantage to competitors.

Having considered the motion and the material at issue, the Commission finds that South Kentucky RECC's motion is granted in part and denied in part. The designated material contained in South Kentucky RECC's response to Attorney General's Post-Hearing Request, Item 2 contains compensation for specific non-executive employee positions. The Commission finds that public disclosure of this designated material would result in an unwarranted invasion of privacy, and therefore meets the criteria and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

The designated material contained in South Kentucky RECC's response to Attorney General's Post-Hearing Request, Item 3 contains compensation for an executive employee position, the Director of Corporate Services. The Commission finds that the request for confidential treatment for executive compensation does not meet the criteria set forth in KRS 61.989(1)(c)(1) and therefore is denied. This is because compensation of executive officers is a matter of public concern in a rate case and thus does not meet the criteria for confidential treatment because granting confidential treatment will prevent the transparency necessary for the utility's ratepayers to know what information the Commission relied upon in rendering its final determination.

IT IS THEREFORE ORDERED that:

1. South Kentucky RECC's May 18, 2022 motion for confidential treatment for is granted in part and denied in part.

2. South Kentucky RECC's request for confidential treatment for its response to Attorney General's Post-Hearing Request, Item 2 is granted.

3. South Kentucky RECC's request for confidential treatment for its response to Attorney General's Post-Hearing Request, Item 3 is denied.

4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.

5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

6. South Kentucky RECC shall inform the Commission if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment.

7. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If South Kentucky RECC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the requested material for which confidential treatment was granted available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow South Kentucky RECC to seek a remedy afforded by law.

9. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

10. If South Kentucky RECC objects to the Commission's determination that the requested material is not granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

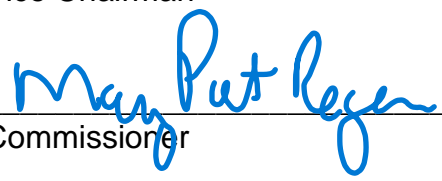
11. Within 30 days of the date of service of this Order, South Kentucky RECC shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

12. The designated material for which South Kentucky RECC's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow South Kentucky RECC to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

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Vice Chairman

  
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Commissioner



ATTEST:

  
\_\_\_\_\_  
Executive Director

\*L. Allyson Honaker  
Honaker Law Office, PLLC  
1795 Alysheba Way  
Suite 6202  
Lexington, KENTUCKY 40509

\*Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

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

\*John G Horne, II  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*South Kentucky R.E.C.C.  
200 Electric Avenue  
Somerset, KY 42501

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

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