

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FARMERS	)	
RURAL ELECTRIC COOPERATIVE	)	CASE NO.
CORPORATION FOR GENERAL ADJUSTMENT	)	2025-00107
OF RATES	)	

ORDER

On June 12, 2025, Farmers Rural Electric Cooperative Corporation (Farmers RECC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for a several responses to the Attorney General’s First Request for Information (Attorney General’s First Request) as well as Commission Staff’s Second Request for Information (Staff’s Second Request).

In support of its motion, Farmers RECC argued that its response to the Attorney General’s First Request, Item 15c, copies of bids for right of way contracts, should be given confidential treatment pursuant to KRS 61.878(1)(c)(1). Farmers RECC selected two companies, and Farmers RECC argued that disclosure of this information would be disadvantageous to the utility.<sup>1</sup>

Having considered the motion and the material at issue, the Commission finds that the request should be granted, in part. The Commission notes that all of the information, excepting the total amount of the winning bids, is generally recognized as confidential or

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<sup>1</sup> Farmers RECC’s Motion for Confidential Treatment (Motion) (filed June 12, 2025) at 3.

proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). The total amount of the winning bids is used as part of the revenue requirement for purposes of ratemaking and is subject to public disclosure. The remainder of the information should be granted confidential treatment for 20 years, as that length of time would render any bids stale.

Regarding Staff's Second Request, in support of its motion, Farmers RECC argued that its response to Staff's Second Request, Item 21<sup>2</sup> contains an evaluation of an employee by the Farmers RECC's Board of Directors and that should be granted confidential protection pursuant to KRS 61.878(1)(a).<sup>3</sup> Farmers RECC argued that public disclosure would be an unwarranted invasion of privacy as well as harm Farmers RECC in the market place.<sup>4</sup>

Having considered the motion and the material at issue, the Commission finds that the request should be granted. The Commission finds that the information is generally recognized as personal in nature so that the release of such would be an unwarranted invasion of privacy; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure for an indefinite period pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

In support of its motion, Farmers RECC argued that its responses to the Attorney General's First Request, Items 28(a)-(c) and 29(a)-(c), specifically employee positions

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<sup>2</sup> Item 21 is referred to as both Item 21 and Item 22 in the Motion.

<sup>3</sup> Motion at 2-3.

<sup>4</sup> Motion 2-3.

listed in those responses, should be given confidential treatment pursuant to KRS 61.878(1)(a).<sup>5</sup> Farmers RECC stated that disclosure of position titles would lead to an unwarranted invasion of privacy because of the small service area.<sup>6</sup>

Having considered the motion and the material at issue, the Commission finds that the request should be granted. The Commission finds that the information is generally recognized as personal in nature so that the release of such would be an unwarranted invasion of privacy; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure for an indefinite period pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

In support of its motion, Farmers RECC argued that its responses to the Attorney General's First Request, Item 31, a third-party wage study, should be given confidential treatment pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) as proprietary.<sup>7</sup> Farmers RECC said that disclosure of the information would competitively harm Farmers RECC in the work force market.<sup>8</sup> In addition, Farmers RECC argued that disclosure would result in unwarranted invasion of privacy for its employees.<sup>9</sup>

Having considered the motion and the material at issue, the Commission finds that the request should be denied. The tendered third-party study does not contain information making clear it is a wage study created by a third party for use by Farmers RECC which would be subject to confidential protection. In addition, the Commission

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<sup>5</sup> Motion at 7.

<sup>6</sup> Motion at 7.

<sup>7</sup> Motion at 3–4.

<sup>8</sup> Motion at 3.

<sup>9</sup> Motion at 3.

notes that the “study” clearly contains some public information. Farmers RECC may re-file the request after addressing these issues.

IT IS THEREFORE ORDERED that:

1. Farmers RECC’s June 12, 2025 motion for confidential treatment is granted, in part, and denied, in part.

2. Farmers RECC’s request for confidential treatment is denied as to the total of each of the winning bids for the response to Attorney General’s First Request, Item 15c.

3. Farmers RECC’s request for confidential treatment is granted for the remaining information provided in response to Staff’s Second Request, Item 21 as well as Attorney General’s First Request Item 15(c), Item 28(a)-(c) and Item 29(a)-(c).

4. Farmers RECC’s request for confidential treatment is denied for the response to Attorney General’s First Request, Item 31.

5. The designated material in Attorney General’s First Request Item 15(c) granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for 20 years or until further order of this Commission.

6. The designated material in Staff’s Second Request, Item 21, Attorney General’s First Request, Item 28(a)-(c) and Item 29(a)-(c) granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Commission.

7. 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.

8. 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).

9. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Farmers RECC shall inform the Commission and file with the Commission an unredacted copy of the designated material.

10. 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, Farmers RECC 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 Farmers 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.

11. If Farmers RECC objects to the Commission's determination that the requested material not be 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 should be granted confidential treatment.

12. Within 30 days of the date of service of this Order, Farmers 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.

13. The designated material for which Farmers 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 in order to allow Farmers RECC to seek a remedy afforded by law.


14. The Commission shall not make the requested material 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 Farmers RECC to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

  
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Chairman

  
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Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
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