

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TAYLOR	)	
COUNTY RURAL ELECTRIC COOPERATIVE	)	
CORPORATION FOR A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR	)	2026-00098
CONSTRUCTION OF ITS NEW HEADQUARTERS	)	
FACILITY	)	

ORDER

On June 24, 2026, Taylor County Rural Electric Cooperative Corporation (Taylor RECC) filed a motion,¹ pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for the entirety of Taylor RECC's response to Commission Staff's Second Request for Information (Staff's Second Request), Item 4(a).

LEGAL STANDARD

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."² The exceptions to the free and open examination of public records should be strictly construed.³ The party requesting that the materials be granted confidential protection has the burden of establishing that one of the

¹ Motion for Confidential Treatment of Taylor RECC for Certain Responses to Commission Staff's June 10, 2026 Second Request for Information (Motion) (filed June 24, 2026).

² KRS 61.872(1).

³ See KRS 61.871.

exemptions is applicable.⁴ KRS 61.878(1)(c)(1) exempts from public disclosure “[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

DISCUSSION AND FINDINGS

In support of its motion, Taylor RECC argued that its response to Staff’s Second Request, Item 4(a) contains requests for proposals for architectural and engineering work for the new headquarters from non-selected bidders.⁵ Taylor RECC argued that the public disclosure of the proposals would potentially harm Taylor RECC’s competitive position in the marketplace which would be to the detriment of Taylor RECC.⁶ Taylor RECC explained that if the non-selected bids are disclosed Taylor RECC would be placed at a disadvantage because the companies bidding would know the other bids Taylor RECC has received.⁷

Having considered the motion and the material at issue, the Commission finds Taylor RECC’s proposals from non-selected bidders are generally recognized as confidential or proprietary. If publicly disclosed, the documents may provide competitors with an unfair commercial advantage by revealing valuable insights into Taylor RECC’s internal operations and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

⁴ 807 KAR 5:001E, Section 13(2)(c).

⁵ Motion at 1.

⁶ Motion at 2.

⁷ Motion at 2.

IT IS THEREFORE ORDERED that:

1. Taylor RECC's June 24, 2026 motion for confidential treatment is granted.
2. The designated material 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.
3. 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).
4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Taylor RECC shall inform the Commission and file with the Commission an unredacted copy of the designated material.
5. 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, Taylor RECC shall have 20 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 Taylor 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.
6. 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 Taylor RECC to seek a remedy afforded by law.

Entered on this 29th day of July, 2026.

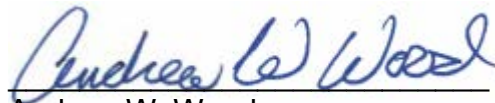
PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
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