

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE JOINT PETITION OF KENTUCKY-AMERICAN )  
WATER COMPANY, THAMES WATER AQUA )  
HOLDINGS GMBH, RWE AKTIENGESELLSCHAFT, )  
THAMES WATER AQUA US HOLDINGS, INC., ) CASE NO. 2006-00197  
AND AMERICAN WATER WORKS COMPANY, INC. )  
FOR APPROVAL OF A CHANGE IN CONTROL OF )  
KENTUCKY-AMERICAN WATER COMPANY )

O R D E R

Joint Petitioners<sup>1</sup> have moved for the removal of six pages of a filed document from the Commission's publicly available Web site. Finding that no distinction should be made between the materials that are available on the Commission's publicly available Web site and those in the Commission's publicly available files, we deny the motion.

During the discovery phase of this proceeding, Commission Staff requested, *inter alia*, that the Joint Petitioners provide all materials regarding the proposed public stock offering that were submitted to credit rating agencies.<sup>2</sup> On July 11, 2006, Joint Petitioners provided certain materials that they had previously provided to Standard & Poor's and Moody's Investors Services. Six pages of these documents contain information that Joint Petitioners assert is commercially sensitive, confidential, and

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<sup>1</sup> "Joint Petitioners" are: Kentucky-American Water Company; American Water Works Company; Thames Water Aqua US Holdings, Inc.; Thames GmbH; and RWE Aktiengesellschaft.

<sup>2</sup> Commission Staff's First Request for Information at Item 15(b).

exempted from public disclosure pursuant to KRS 61.878(1)(c) because it is commercial information that permits an unfair advantage to competitors of RWE Aktiengesellschaft.

Joint Petitioners do not seek blanket confidential protection for the material in question. They instead seek only removal of the materials from the Commission's Web site. They argue that availability of such information on the Commission's Web site makes it easily accessible to RWE Aktiengesellschaft's competitors who are located primarily in Europe. They do not, however, seek removal of the materials from the Commission's publicly reviewable files at the Commission's office in Frankfort, Kentucky.

While the Commission empathizes with the Joint Petitioners' concerns, we will not draw a distinction between records that are located in the Commission's offices and are available for public inspection and review and those that are located on the Commission's Web site. We are of the opinion that the public should be permitted to access these records either in person or through the Commission's Web site. To limit the availability of such documents on the Commission's Web site undermines public confidence in the thoroughness and completeness of the Web site and limits its usefulness and value to the utility regulatory community, public officials, academia and the general public.<sup>3</sup>

The Commission finds that the Joint Petitioners' Motion for Removal of Pages from Website should be denied. Joint Petitioners may renew their motion should they

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<sup>3</sup> The Commission acknowledges that the Commission's Executive Director, in her capacity as custodian of the Commission's records, has sua sponte removed or redacted portions from documents placed on the Commission's Web site to avoid clearly unwarranted invasions of personal privacy or disclosures otherwise prohibited by Kentucky law. These actions are clearly consistent with the Kentucky Open Records Act and the principles stated above.

seek confidential treatment to include removal of the documents from any public inspection.

IT IS THEREFORE ORDERED that Joint Petitioners' Motion for Removal of Pages from Website is denied.

Done at Frankfort, Kentucky, this 20<sup>th</sup> day of October, 2006.

By the Commission

ATTEST:

*fn*   
Executive Director

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