

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NAVITAS KY NG, LLC	)	CASE NO.
FOR AN ALTERNATE RATE ADJUSTMENT	)	2019-00430

ORDER

On December 13, 2019, Navitas KY NG, LLC (Navitas KY) filed an amended petition<sup>1</sup> requesting confidential treatment for a consolidated audit report for an indefinite period of time. Although Navitas KY requested confidential treatment for the entirety of the audit report, it filed a partially redacted version that did not redact the report cover page, table of contents, or page 1; omitted pages 2 and 3 from the redacted audit; partially redacted page 4; and completely redacted pages 5–8. The audit report is a consolidated report of Navitas KY’s parent company, Navitas Assets, LLC (Navitas Assets), a privately-held LLC. The consolidated audit report does not break out financial information for Navitas Assets’ subsidiaries.

As a basis for its request for confidential treatment for the entirety of the audit report, Navitas KY stated that the designated materials relate to the inner workings of Navitas Assets and other companies owned by Navitas Assets that are not located in Kentucky. Navitas KY further stated that the designated materials include personal information of Navitas Assets owners. Navitas KY argued that public disclosure of the designated materials would present an unfair commercial advantage to nationwide

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<sup>1</sup> Navitas KY tendered its original petition for confidential treatment on December 6, 2019. However, the motion was not signed by an attorney licensed to practice law in Kentucky, which is required by 807 KAR 5:001, Section 4(4). By Order entered December 13, 2019, the Commission rejected the petition for filing. Navitas Ky cured the filing deficiency with the amended petition, which is signed by an attorney licensed to practice law in Kentucky.

competitors of Navitas Assets, and therefore qualifies for confidential treatment pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that Navitas KY's request for confidential treatment for the entirety of the audit report is overbroad and covers material for which confidential treatment is not warranted, as demonstrated by the redacted public version filed by Navitas KY that specified that certain material in the audit report was not subject to confidential treatment. Therefore, the Commission finds that Navitas KY's petition should be denied with leave to refile a petition that requests confidential treatment for only the material that warrants confidential treatment and that clearly identifies the portions of the audit report for which Navitas KY requests confidential treatment. To assist Navitas KY in its request, we would generally agree that the cover page, table of contents, and pages 1 and 5 of the audit report are materials that contain generalized statements that likely do not warrant confidential treatment, and the discrete financial information on pages 2, 3, and 4 are likely materials that warrant confidential treatment. Navitas KY should identify the information on pages 6–8 that warrants confidential treatment, distinguishing between discrete financial information that likely warrants confidential treatment and the generalized statements that likely do not warrant confidential treatment.

IT IS THEREFORE ORDERED that:

1. Navitas KY's amended petition for confidential treatment is denied.
2. Within 30 days of the date of this Order, Navitas KY should either refile a petition for confidential treatment that clearly identifies the materials for which its requests confidential protection, as described above, or file a revised

audit report reflecting as unredacted the information that has been denied confidential treatment.

3. The materials for which Navitas KY's request for confidential treatment has been denied shall not be placed in the public record or made available for inspection for 30 days from the date of this Order in order to allow Navitas KY to seek a remedy afforded by law.

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By the Commission



ATTEST:

  
Executive Director

Case No. 2019-00430

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