

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC NOTICE OF TRANSFER OF A)	
WASTEWATER TREATMENT UTILITY FROM)	
PRO MAN PROPERTY MANAGEMENT, LLC TO)	CASE NO.
FOX RUN LIVING, LLC; APPLICATION FOR)	2019-00153
APPROVAL OF SAID TRANSFER; AND OFFER)	
TO SETTLE OUTSTANDING VIOLATIONS)	

ORDER

This matter arises on a petition electronically filed on June 7, 2019, by Fox Run Living, LLC (Fox Run), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for a period of ten years.

In support of its petition, Fox Run states that purchase agreement, attached as Exhibit A to the application, contains pricing information related to the purchase of the assets, including the sewer utility and apartment building, and that this information is confidential, commercially sensitive, and not publicly available. Fox Run argues that public disclosure of the pricing and payment information would place it at a disadvantage with regards to its competitors and potential sellers of other assets. Fox Run avers that it owns and manages a variety of residential assets, so it is likely that it will purchase additional similar assets in the near future. Fox Run argues that disclosure of the information sought to be kept confidential would place it at a distinct commercial disadvantage if other potential sellers of other assets or competitors seeking to purchase the same or similar assets were aware of the confidential information.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Fox Run's petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Fox Run's June 7, 2019 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders of this Commission.
3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Fox Run shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Fox Run shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Fox Run is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Fox Run to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 03 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

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