

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On January 17, 2020, Navitas KY NG, LLC (Navitas KY) filed a second amended petition requesting confidential treatment for a consolidated audit report (Audit) for an indefinite period. Specifically, Navitas KY requested confidential treatment for the entirety of pages 2, 3, and 4 and for the designated portions of pages 6, 7, and 8 of the Audit.

In its first amended petition, Navitas KY request confidential treatment for the entirety of the Audit. By Order entered December 20, 2019, the Commission denied the petition and directed Navitas KY to refile a petition that clearly identifies the portions of the Audit for which it requests confidential treatment. To assist Navitas KY in its request, the December 20, 2019 Order distinguished the information that likely did not warrant confidential treatment and the likely materials that warranted confidential treatment. In its second amended petition, Navitas KY requests confidential treatment for designated materials identified in the December 20, 2019 Order as likely materials that warranted confidential treatment.

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

Having carefully considered the petition, the materials at issue, and the case record, the Commission finds that the designated materials in Navitas KY's second amended petition are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

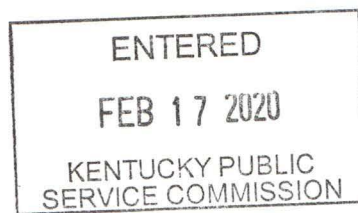
1. Navitas KY's second amended petition for confidential treatment is granted.
2. The designated materials specified in Navitas KY's second amended petition shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Navitas KY shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.
5. If a non-party 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, Navitas KY 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 Navitas KY 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 following an Order finding that the material no longer qualifies for confidential treatment in order to allow Navitas KY to seek a remedy afforded by law.

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By the Commission



ATTEST:



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