

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:** )  
 )  
**THE APPLICATION OF KENTUCKY-AMERICAN ) CASE NO. 2012-00520**  
**WATER COMPANY FOR AN ADJUSTMENT OF )**  
**RATES ON AND AFTER JANUARY 27, 2013 )**

**KENTUCKY-AMERICAN WATER COMPANY’S MOTION TO DEVIATE FROM**  
**CERTAIN FILING REQUIREMENTS IN THE COMMISSION’S DECEMBER 17, 2012**  
**ORDER**

Kentucky-American Water Company (“KAWC”), by counsel, pursuant to 807 KAR 5:001, Section 14, petitions the Kentucky Public Service Commission (“Commission”) to grant KAWC approval to deviate from certain filing requirements in the Commission’s December 17, 2012 Order by: (1) waiving the requirement that KAWC file a paper copy of the confidential responses to Staff Item Nos. 67(a)-(b) and 68(a)-(c); and (2) waiving the requirement that KAWC electronically upload its responses to the Commission Staff’s Second Request for Information and the Attorney General’s (“AG”) First Request for Information. In support of this Motion, KAWC states as follows:

1. On December 17, 2012, by Order, the Commission granted KAWC permission to deviate from the requirements of 807 KAR 5:001 to permit the use of electronic filing procedures in this case. Paragraph 15(b) of the Order requires KAWC to submit a paper copy of the material for which confidential protection is sought, with the material designated by yellow highlighting or other reasonable means, as well as an electronic copy of the material on a CD-ROM.

2. In response to Staff Item Nos. 67(a)-(b) and 68(a)-(c), KAWC is providing 993 electronic files in a host of digital formats, including Microsoft Word, Excel, and PowerPoint.

The files have been maintained exclusively in electronic format. Because the files have been maintained electronically, KAWC cannot provide the precise number of pages the electronic files would comprise if printed, but the files are certainly voluminous, likely constituting tens of thousands of pages, with a cumulative electronic file size of over 1.1 gigabytes. Moreover, because certain of the files, such as the Excel files, have been maintained exclusively in electronic form, printing a paper copy that is comprehensible and useful will be difficult, if not impossible. Because the responses to these two data requests are voluminous and are maintained exclusively in electronic form, KAWC requests a deviation from Paragraph 15(b) of the Commission's Order to permit KAWC to provide the confidential responses to the Commission on a USB flash drive only, instead of providing an additional copy in paper.

3. Paragraph 3 of the Commission's December 17, 2012 Order requires KAWC to upload to the Commission's E-Filing System all the documents it seeks to file in the case.

4. On February 20, 2013, counsel for KAWC attempted to upload KAWC's responses to the Commission Staff's Second Request for Information and the AG's First Request for Information. Although no individual file exceeded 24 megabytes in size, the E-Filing System could not complete the upload for KAWC's responses to the Commission Staff's or the AG's data requests. Because KAWC is unable to upload the responses, KAWC seeks a deviation to instead deliver the responses to each of the parties, including the Commission, on a CD-ROM. KAWC will deliver the CD-ROMs on February 20, 2013, to ensure that no party is prejudiced by the fact that the responses are not uploaded on the Commission's E-Filing System. KAWC was able to upload its responses to the Lexington-Fayette Urban County Government's and the Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc.'s data requests and does not seek a deviation with respect to those data responses.

**WHEREFORE**, KAWC requests a deviation from Paragraphs 15(b) and 3 of the Commission's December 17, 2012 Order to (1) waive the requirement that KAWC provide a paper copy of the confidential responses to Staff Item Nos. 67(a)-(b) and 68(a)-(c); and (2) waive the requirement that KAWC electronically upload to the Commission's E-Filing System its responses to the Commission Staff's Second Request for Information and the Attorney General's First Request for Information.

Dated: February 20, 2013

Respectfully submitted,

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**CERTIFICATE**

In accordance with Ordering Paragraph No. 10 of the Commission's December 17, 2012 Order, this is to certify that Kentucky-American Water Company's February 20, 2013 electronic filing is a true and accurate copy of the documents to be filed in paper medium; that the electronic filing has been transmitted to the Commission on February 20, 2013; that an original and one copy of the filing will be delivered to the Commission on February 20, 2013; and that no party has been excused from participation by electronic means.

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By Monica H. Braun

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