



Confidential Information has been served on all parties that have signed a confidentiality agreement.

The Confidential Information is not publicly available, is not disseminated within Kenergy except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information. Furthermore, the name of the area utility is confidential as the area utility is not regulated and the information is shared among utilities under the auspices of confidentiality

If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Kenergy will notify the Commission and have the information's confidential status removed pursuant to 807 KAR 5:001 Section 13(10)(b).

As discussed below, the Confidential Information is entitled to confidential protection pursuant to the Commission's standard practices regarding information protected by confidentiality agreements with third parties. The Confidential Information is also entitled to confidential protection pursuant to KRS 61.878(1)(a), which protects "records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." The Confidential Information is also entitled to confidential protection pursuant to KRS 61.878(1)(c)(1), which protects "records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." *See generally* 807 KAR 5:001

Section 13(2)(a)(1) (requiring specific grounds pursuant to KRS 61.878 for classification of material as confidential).

Kenergy adopts and incorporates by reference all its arguments set forth in its prior Petition for Confidential Treatment on a similar issue filed earlier in this matter.

**Time Period**

Pursuant to 807 KAR 5:001 Section 13(2)(a)(2), Kenergy requests that the Confidential Information be afforded confidential treatment in perpetuity. The information originated with third parties and employees and reflects sensitive personal information of numerous individuals and companies. Unlike competitive concerns, these privacy concerns do not disappear with the passage of time. The personal information can only be adequately protected if the Confidential Information is protected in perpetuity.

**Conclusion**

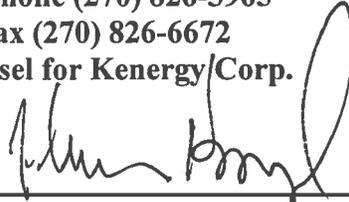
Based on the foregoing, the Confidential Information is entitled to confidential treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878. If the Commission disagrees that Kenergy's Confidential Information is entitled to confidential treatment, due process requires the Commission to hold an evidentiary hearing. *Utility Regulatory Comm'n v. Kentucky Water Serv. Co., Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

**WHEREFORE**, Kenergy respectfully moves that the Commission classify and protect as confidential the Confidential Information.

Respectfully submitted,

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By



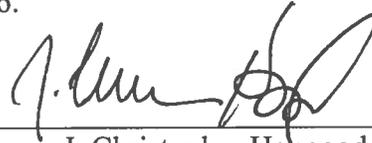
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**J. Christopher Hopgood**

**CERTIFICATE OF SERVICE**

I hereby certify that the electronic version of the foregoing and its attachments, exhibits and testimony is a true and accurate copy of the paper original and that the electronic version has been submitted to the Commission by electronic mail with the paper original mailed the date below by Federal Express and further that the Attorney General of Kentucky, Office of Rate Intervention, 1024 Capital Center Drive, Frankfort, Kentucky 40601, and intervenor Kentucky Industrial Utility Customers, Inc., by and through its counsel Hon. Michael L. Kurtz, Boehm, Kurtz & Lowry, 36 East Seventh Street, Suite 1510, Cincinnati, Ohio 45202, have been notified by electronic mail of the availability of this filing on the Commission's website, on this ~~28<sup>th</sup>~~ day of June, 2016.

22<sup>nd</sup>



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J. Christopher Hopgood