

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DOUGLAS AND SYLVIA MORRISON)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2015-00136
KENTUCKY POWER COMPANY)	
)	
DEFENDANT)	

O R D E R

On June 23, 2015, Kentucky Power Company (“Kentucky Power”) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a), requesting that the Commission grant confidential protection to portions of Kentucky Power’s Responses to Commission Staff’s First Request for Information (“Staff’s First Request”). Kentucky Power requests that designated portions of its Responses to Staff’s First Request, Items 1-1, 1-3, 1-4, 1-6, 1-7, and 1-8, remain confidential for an indefinite period. The designated portions of the responses at issue contain customer-specific personal information regarding Douglas and Sylvia Morrison’s account with Kentucky Power, including the Morrisons’ account number, usage history, monthly billing, and payment history.

In support of its petition, Kentucky Power argues that the designated information would result in an unwarranted invasion of personal privacy, and thus is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(a). Kentucky Power contends that the designated information is information of a personal nature that may be withheld from public disclosure where privacy interests

outweigh the general rule of inspection and policy of openness for the public good. Kentucky Power asserts that the designated information has no bearing on the Morrisons' claims at this stage of the litigation, and is being provided because it is otherwise contained on the monthly billing statements that are relevant to the dispute.

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The portion of Kentucky Power's Response to Staff's First Request, Item 1-1, that contain the amounts of monthly billing under Tariff 094-Outdoor Lighting for which Kentucky Power seeks confidential treatment do not meet the criteria for confidential treatment under 807 KAR 5:001, Section 13, and KRS 61.878(1)(a). The Commission finds that the amount the Morrisons were billed under Tariff 094-Outdoor Lighting is information of a personal nature, however the disclosure of the billing amounts for outdoor lights would not result in an unwarranted invasion of personal privacy under KRS 61.878(1)(a). This is particularly so given that the relief requested by the Morrisons in their Complaint is a refund of monies they paid for outdoor lighting and the Commission could be required to address this information in its final determination. Therefore, Kentucky Power's request for confidential treatment of the billing amounts under Tariff 094-Outdoor Lighting contained in Kentucky Power's Response to Staff's First Request, Item 1-1, should be denied.

2. The remaining designated information contained in Kentucky Power's Responses to Staff's First Request, Items 1-1, 1-3, 1-4, 1-6, 1-7, and 1-8, with the exception of the materials designated in finding paragraph 1, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in unwarranted invasion of personal privacy, meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection is hereby granted in part and denied in part.

2. Kentucky Power's request for confidential treatment of designated portions of its Response to Staff's First Request, Item 1-1, that contain monthly billing amounts charged to the Morrisons under Tariff 094-Outdoor Lighting, is hereby denied.

3. Kentucky Power's request for confidential treatment of its Responses to Staff's First Request, Items 1-1, 1-3, 1-4, 1-6, 1-7, and 1-8, except for those materials identified in ordering paragraph 2 herein, is hereby granted under the exemption of KRS 61.878(1)(a).

4. Within seven days of the date of this Order, Kentucky Power shall file a revised Response to Staff's First Request, Item 1-1, reflecting as unredacted the information that has been denied confidential treatment.

5. The materials for which Kentucky Power's request for confidential treatment has been denied shall not be placed in the public record or made available for inspection for 20 days from the date of this Order in order to allow Kentucky Power to seek a remedy afforded by law.

6. The remainder of the materials for which Kentucky Power seeks confidential treatment shall not be placed in the public record, or made available for public inspection for an indefinite period of time.

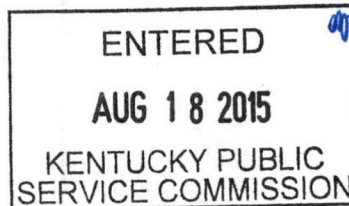
7. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

8. Kentucky Power shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

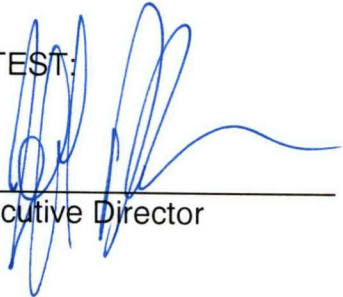
9. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, and the period during which the materials have been granted confidential treatment has not run, Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

10. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

By the Commission



ATTEST:



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