

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE	)	CASE NO.
OPERATING CAPACITY OF MARTIN COUNTY	)	2016-00142
WATER DISTRICT PURSUANT TO KRS 278.280	)	

ORDER

On May 22, 2019, Martin County Water District (Martin District) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for an indefinite period for portions of Exhibits 2, 3, and 4 to a cost proposal from Alliance Water Resources, a third-party management company, in response to a request for proposal (RFP).

As a basis for its request, Martin District states that public disclosure of the designated materials could cause Martin District competitive injury and reduce its ability to negotiate future contracts.

Having considered the petition and the material at issue, the Commission finds that the designated materials contain cost proposals provided in response to an RFP that are preliminary documents generally recognized as confidential or proprietary. Therefore, the designated materials meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). However, because the designated materials are preliminary and the proposals are subject to current negotiations, if Martin District enters into an agreement with Alliance Water Resources, the documents would no longer be preliminary and would no longer qualify

for confidential treatment. Given the Commission's need to be able to address the cost impact in its final determination of the reasonableness of this matter, the Commission further finds that, if Martin District enters into a management agreement with Alliance Water Resources, then Martin District must notify the Commission that the designated materials no longer qualify for confidential treatment.

IT IS THEREFORE ORDERED that:

1. Martin District's petition for confidential protection for the designated materials is granted.

2. The designated information 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).

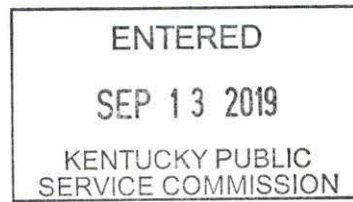
4. Martin District shall inform the Commission if Martin District enters into a management agreement with Alliance Water Resources because the material in question would no longer qualify for confidential treatment.

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, Martin District 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 Martin District 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 Martin District to seek a remedy afforded by law.

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By the Commission



ATTEST:

  
Executive Director

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