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June 15, 2017

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PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

Ms. Talina Mathews, Ph.D.
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: In the Matter of: *The Application of Citipower, LLC for a Rate Adjustment for Small Utilities Pursuant to 807 KAR 5:076* - Case No. 2017-00160

Dear Dr. Mathews:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of Citipower LLC's Responses to Staff's Initial Requests for Information. Also included in this filing is an original and ten (10) copies of a Motion for Confidential Treatment for certain of these responses. A copy of the unredacted confidential information is also being filed under seal. Please return a file-stamped copy to me.

Please do not hesitate to contact me if you have any questions.

Sincerely,



L. Allyson Honaker

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

THE APPLICATION OF CITIPOWER, LLC)
FOR A RATE ADJUSTMENT FOR SMALL)
UTILITIES PURSUANT TO 807 KAR 5:076)

CASE NO. 2017-00160

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Citipower, LLC (“Citipower”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and respectfully moves the Kentucky Public Service Commission (“Commission”) to afford confidential treatment to certain portions of Citipower’s responses to the requests for information propounded by Commission Staff in the above-captioned proceeding on May 30, 2017. In support of this motion, Citipower respectfully states as follows:

1. On March 31, 2017, Citipower tendered to the Commission an Application for the adjustment of its rates. Citipower’s Application was accepted as filed on April 28, 2017, and Commission Staff propounded requests for information on May 30, 2017. Citipower is filing its responses to Staff’s requests for information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, Citipower requests that the Commission afford confidential treatment to the following proprietary, personal, confidential, sensitive, and commercially valuable information (collectively, the “Confidential Information”):

a. the customer-specific identification information contained in Citipower's responses to Item Nos. 5, 7 and 15 of Commission Staff's request;

b. the insurance policy identification information, account numbers and FEIN numbers contained in Citipower's response to Item No. 10 and 18 of Commission Staff's request;

c. the specific employee identity and compensation information contained in Citipower's responses to Item Nos. 19, 20, 21, and 25 of Commission Staff's request;¹ and

d. the customer-specific information and auditor workpapers contained in Citipower's response to Item No. 26 of Commission Staff's request.

3. The Confidential Information is not appropriate for public dissemination because it includes detailed, private material about Citipower's customers and employees. The employee-specific compensation information, important account/policy numbers, and proprietary customer information/data for which Citipower seeks confidential treatment is all undoubtedly of a personal nature; moreover, to maintain the confidentiality of the relevant information is integral to Citipower's interests as an employer and service provider. The public disclosure of such sensitive information would constitute a clearly unwarranted invasion of personal privacy and may unfairly harm Citipower's competitive position in the marketplace

4. The Confidential Information is proprietary information that is retained by Citipower on a "need-to-know" basis. The Confidential Information is distributed within Citipower only to those holding select positions who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

¹ Because of Citipower's small workforce, the release of private, employee-specific compensation data cannot be avoided by simply redacting names; for this reason, Citipower seeks confidential protection for both employee identity and corresponding employee compensation information.

5. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. See KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky.App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The public disclosure of the Confidential Information would potentially harm Citipower's competitive position in the marketplace, to the detriment of Citipower and its customers. Additionally, all of the Confidential Information is publicly unavailable and its confidentiality is critical to Citipower's effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

6. Citipower does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

7. In accordance with the provisions of 807 KAR 5:001, Citipower is filing, under seal with its confidentiality denoted, one (1) unredacted copy of its responses containing Confidential Information. Copies of the redacted versions of these documents are also being filed by Citipower.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Citipower respectfully requests that the Confidential Information be withheld from public disclosure for ten (10) years.

9. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Citipower will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Citipower respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for a period of ten (10) years.

Dated this 15th day of June, 2017.

Respectfully submitted,



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