

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FREDDIE J. COLEMAN	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2018-00297
KENTUCKY POWER COMPANY	)	
	)	
DEFENDANT	)	

ORDER

On September 24, 2018, Freddie J. Coleman (Mr. Coleman) filed a request for rehearing of the Commission's September 17, 2018 Order that denied confidential treatment to names and addresses contained in a petition filed as an exhibit to a complaint filed by Mr. Coleman. Mr. Coleman also requested that a hearing be held and that he be provided additional time to file a redacted copy of the petition.

On August 17, 2018, Mr. Coleman filed a signed petition as Exhibit 1 to his complaint requesting that the Commission conduct a management audit of Kentucky Power Company. Mr. Coleman requested confidential treatment for the entirety of the petition, which included names, addresses, and telephone numbers of the petition signers. In the September 17, 2018 Order, in addition to dismissing Mr. Coleman's complaint, the Commission denied Mr. Coleman's request for confidential treatment of the signers' names and addresses, and granted confidential treatment for the signers' telephone numbers.

In his request for rehearing, Mr. Coleman repeats the same basis for his original request: that the entirety of the signers' information should be exempt from public disclosure under KRS 61.878(1)(A), which precludes public disclosure of personal information that "would constitute a clearly unwarranted invasion of personal privacy." Mr. Coleman again states that public disclosure of the signers' names and addresses could result in identity theft and that the signers were unaware that their information would be publicly disclosed.

Having reviewed the request and being otherwise sufficiently advised, the Commission finds that Mr. Coleman failed to establish any grounds to justify granting a rehearing or reconsideration of the September 17, 2018 Order denying confidential treatment to the petition signers' names and addresses; therefore, his request for rehearing should be denied. Mr. Coleman's request cannot be characterized as additional evidence that could not with reasonable diligence have been offered during the pendency of this matter. As the Commission noted in the September 17, 2018 Order, the express language of the petition put signers on notice that it would be filed with a government entity as a public comment. Further, signers were on notice that their information would be available to other signers due to the number of spaces for signatures on each page. This Commission's interest in promoting transparency and accountability in public comments placed into a case file necessitates that persons who wish to file a public comment in a case record must provide their name and address, in addition to their comment. For example, in order to fully consider a comment, we must verify that a person making the public comment regarding an electric utility resides in the utility's service area,

and thus is directly impacted by the issue for which that person is offering a public comment.

With the denial of Mr. Coleman's request for rehearing, the Commission finds that his request for a hearing should be denied as moot. The Commission will grant Mr. Coleman's request for additional time to refile the petition with the signers' telephone numbers redacted. In the alternative, the Commission will afford Mr. Coleman the opportunity to file a request to withdraw the petition as an exhibit to his complaint.

IT IS THEREFORE ORDERED that:

1. Mr. Coleman's request for rehearing is denied.
2. Mr. Coleman's request for a hearing is denied as moot.
3. Mr. Coleman's request for an extension of time to file a revised Exhibit 1 to the Complaint, reflecting the redaction of information determined to be confidential and reflecting as unredacted the information that has been denied confidential treatment, is granted.
4. Within 20 days of the date of this Order, Mr. Coleman shall file either a revised Exhibit 1 reflecting the redaction of only the signers' telephone numbers, or a written request to withdraw Exhibit 1, which contains the petition, from the case record.
5. This case shall remain open in order to allow Mr. Coleman time to file the document referenced in ordering paragraph 4. After 30 days, this case shall be closed and removed from the Commission's docket.

By the Commission



ATTEST:

  
Executive Director

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