

DEC 06 2019

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NAVITAS KY NG, LLC's APPLICATION) CASE NO. 2019-00430
FOR ALTERNATIVE RATE ADJUSTMENT)

PETITION OF NAVITAS UTILITY CORPORATION
FOR CONFIDENTIAL TREATMENT

1. Navitas KY NG, LLC ("Navitas KY" or "the Company") hereby petitions the Kentucky Public Service Commission (the "Commission"), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, to grant confidential treatment to the Audit Report Navitas KY is contemporaneously filing with its application for an alternative rate adjustment (the "Application"). In support of this Petition, Navitas KY states as follows:

Notification of Information at Issue

2. **The information Navitas KY seeks to protect as confidential is the whole of the Audit Report**, including all information produced within Audit Report, and is hereinafter referred to as the "Confidential Information."

Confidential or Proprietary Commercial Information

3. The Kentucky Open Records Act exempts from disclosure certain commercial information.¹ To qualify for the exemption and maintain the confidentiality of the information, a party must establish that the material is of a kind "generally recognized as confidential or proprietary, which if openly disclosed would permit

¹ KRS 61.878(1)(c).

1 an unfair commercial advantage to competitors of the entity that disclosed the
2 records."² The Commission has routinely relied on this section of the Kentucky
3 Records Act to grant confidential protection to third-party documents when
4 disclosure would disadvantage the Company.³
5

- 6 4. The Confidential Information in the Audit Report consists of information related
7 to the inner workings of Navitas KY's parent company, Navitas Assets, LLC
8 ("Navitas Assets"). This confidential information includes financial and service
9 usage details of Navitas Assets, including other companies owned by Navitas
10 Assets not located in Kentucky, as well as the personal information of Navitas
11 Assets owners. This information "if openly disclosed would present an unfair
12 commercial advantage to competitors" of Navitas Assets nationwide, and it
13 therefore qualifies as protectable confidential information pursuant to KRS
14 61.878(1)(c)(1).
15
16 5. This Confidential Information is not publicly available. It would be difficult or
17 impossible for someone to discover this information from other sources. The
18 disclosure of this proprietary information would result in significant or irreparable
19 competitive harm to Navitas KY parent company Navitas Assets by providing its
20 competitors with non-reciprocal competitive advantage. No public purpose is
21 served by the disclosure of such Confidential Information.
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27 ² *Id.*

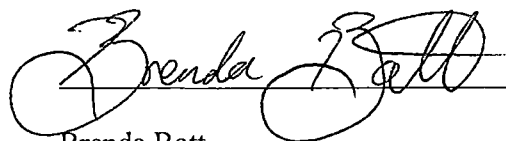
28 ³ See, e.g., In the Matter of Electronic Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and Assumption of Obligations and an Order Amending and Extending Existing Authority with Respect to Revolving Line of Credit, Case No. 2018-00153, Order (Ky. PSC Aug. 22, 2018)

1 Timeframe for Confidential Treatment

- 2 6. Pursuant to 807 KAR 5:001, Section 13(2)(a)(2), Navitas KY requests that
3 confidential protection of the Audit Report be granted indefinitely, subject to
4 future orders of the Commission, due to the sensitive nature of the information at
5 issue. Should the Commission determine that some or all of the material is not to
6 be given confidential protection, Navitas KY requests a hearing prior to any
7 public release of the information to preserve its rights to notice of the grounds for
8 the denial and to preserve its right of appeal of the decision.
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10 7. WHEREFORE, Navitas KY NG, LLC respectfully requests that the Commission
11 grant confidential protection to the information designated as confidential.
12

13 One this the 5th day of December, 2019

14 Respectfully submitted,

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