

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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Application of Water Service Corporation)
of Kentucky for an Adjustment of Rates) Case No. 2010-00476
)

APR 20 2011

PUBLIC SERVICE
COMMISSION

PETITION FOR CONFIDENTIALITY

Water Service Corporation of Kentucky (WSCK) petitions the Commission (“Commission”), pursuant to 807 KAR 5:001, Section 7 and all other applicable law, for confidential treatment of the response to the Commission’s Item 12(b) of the order dated April 1, 2011. Based on the reasons set forth below, the information in question is entitled to confidential treatment under 807 KAR 5:001, Section 7, and all other applicable law.

The request seeks studies related to the closing of the Middlesboro office. The information provided is a study performed by Utilities, Inc., which includes company specific analysis of the options available, impact on employees, cost analysis and other information that could provide financial and managerial insight and strategies to Utilities, Inc.’s competitors.

WSCK and Utilities, Inc. do not as a matter of company policy publicly disclose the information described above, except as required by law or pursuant to a court order or subpoena. The company’s internal policies are directed toward non-disclosure of the information in question. In fact, the information will not be disclosed to any personnel, except those who need to know in order to discharge their responsibilities. The information sought by the Commission is not information customarily disclosed to the public and is generally recognized as confidential and proprietary.

There is no significant interest in public disclosure of the attached information. Any public interest in favor of disclosure of the information is outweighed by the competitive interest

in keeping the information confidential, enabling WSCK to successfully compete for business in Kentucky and other states. Disclosure of the information in question would put Utilities, Inc. at a competitive disadvantage. Moreover, the public interest would be best served by the nondisclosure of the materials in question because competition would thereby be promoted.

The information that WSCK seeks to be afforded confidential treatment also constitutes a trade secret under the two prong test of KRS 365.880: a) the economic value of the information is derived by not being readily ascertainable by other persons who might obtain economic value by its disclosure; and, b) the information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Both of the statutory tests are met in this instance. Only WSCK and Utilities, Inc. are in a position to know its business operations and financial condition. The economic value of this information is derived by WSCK and its parent maintaining the secrecy of the information, since its competitors could obtain economic value through its disclosure.

Pursuant to 807 KAR 5:001, Section 7(3), temporary confidentiality for the enclosed information should be maintained until the Commission enters an Order as to this Petition. Once the Order regarding confidentiality has been issued, WSCK would have the opportunity to seek alternative remedies pursuant to 807 KAR 5:001, Section 7(4).

WHEREFORE, WSCK petitions the Commission to treat as confidential the information identified in this Petition.

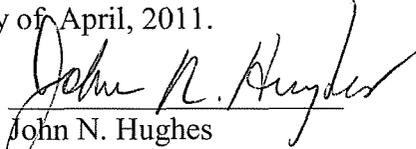


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Certificate of Service:

A copy of this petition was delivered to David Spenard of the Attorney General's Office, 1024 Capital Center Dr, Frankfort, KY 40601 the 20th day of April, 2011.


John N. Hughes