

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTHERN WATER AND)	CASE NO.
SEWER DISTRICT FOR AN ALTERNATIVE RATE)	2019-00131
ADJUSTMENT)	

ORDER

On June 24, 2019, Southern Water and Sewer District (Southern 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 Southern District's responses to Commission Staff's First Post-Hearing Request for Information (Staff's First Post-Hearing Request), Items 25 and 28. Southern District filed a single document that responded to both Staff's First Post-Hearing Request, Item 25, and Item 28. The response consisted of rates charged for all employees' service provided by Michael Spears, CPA for calendar years 2016–2019 and a breakout of hours worked and services performed to support the amounts invoiced to Southern District by Michael Spears, CPA for calendar years 2016–2019.

As a basis for its request, Southern District states that public disclosure of the designated materials would result in commercial harm to Southern District's accountant, Michael Spears, CPA, because competitors could use the information to gain a competitive advantage.

As an initial matter, the Commission notes that we served a subpoena to Mr. Spears to appear at a formal hearing in this matter and, during that hearing, directed Mr.

Spears to file these responses by providing them to counsel for Southern District to file along with Southern District's responses to Staff's First Post-Hearing Request. Thus, while a utility generally cannot request confidential treatment on behalf of a third party, we find that Southern District can request confidential treatment for the designated materials given the circumstances and the Commission's directive.

Having considered the petition and the material at issue, the Commission finds that Southern District has failed to establish that the designated materials are entitled to confidential treatment pursuant to KRS 61.878(1)(c)(1), and therefore the request for confidential treatment for the designated materials should be denied. In particular, we find that Southern District failed to demonstrate that the subject information is generally recognized as confidential or proprietary. Southern District's ratepayers have the right to know the costs of accounting services purchased by Southern District and they have a right to know the evidence upon which the Commission relied in determining that such costs are fair, just, and reasonable.

IT IS THEREFORE ORDERED that:

1. Southern District's petition for confidential protection for the designated materials in its response to Staff's First Post-Hearing Request, Items 25, and 28 is denied.
2. Within 30 days of the date of this Order, Southern District shall file revised pages reflecting as unredacted the information that has been denied confidential treatment.

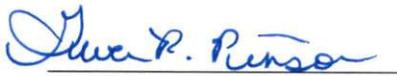
3. The materials denied confidential treatment shall be withheld from public inspection for 30 days from the date of this Order to allow Southern District to seek any remedy afforded by law.

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By the Commission

ENTERED
AUG 21 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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