

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KNOTT COUNTY WATER AND	)	CASE NO.
SEWER DISTRICT FOR AN ALTERNATIVE RATE	)	2019-00268
ADJUSTMENT	)	

ORDER

On October 18, 2019, Knott County Water and Sewer District (Knott District) filed a motion, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting confidential treatment for its response to Letcher County Water and Sewer District's (Letcher District) and the city of Hindman's (Hindman), filed jointly, Request No. 15 for ten years. The information is more particularly described as Knott District employees' names in relation to health insurance expenses.

In support of its motion, Knott District asserts that public disclosure of the designated information will result in unfair commercial advantage to Knott District competitors. Knott District states that disclosure of the designated information could be used by competitors as a means to interfere with the continuity of Knott District's skilled and talented workforce.

Having carefully considered the motion and the material at issue, the Commission finds that the designated information contained in Knott District's response to Letcher District's and Hindman's, Request No. 15, is not information that is generally recognized as confidential, and therefore does not meet the criteria for confidential treatment and is

not exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

Pursuant to KRS 74.010, a fiscal court may create a water district. As such, a water district is a “public agency” as defined by KRS 61.870. According to Knott District’s 2018 Annual Report, Knott District was created by the Knott County Fiscal Court on February 10, 1999, to be governed and operated under the rules and procedures in KRS Chapter 74, relating to water districts.<sup>1</sup> Therefore, the employees of Knott District are public employees for the purposes of applying KRS 61.870 *et seq.* to information designated by a request for confidentiality. The Attorney General of the Commonwealth of Kentucky (Attorney General) has long held that, as to public employees, “[t]he public is entitled to know the name, position, work station and salary of state employees. These are matters in which the public has an interest since state employees are carrying on the public’s business at public expense.”<sup>2</sup> Therefore, the Commission finds that Knott District’s motion to grant confidentiality to Knott District employees’ names should be denied.

IT IS THEREFORE ORDERED that:

1. Knott District’s motion for confidential treatment for its response to Letcher District’s and Hindman’s, Request No. 15 is granted.
2. The designated material in Knott District’s response to Letcher District’s and Hindman’s, Request No. 15 shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.

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<sup>1</sup> 2018 Annual Report at 10.

<sup>2</sup> Ky. Op. Atty. Gen. 76-717.

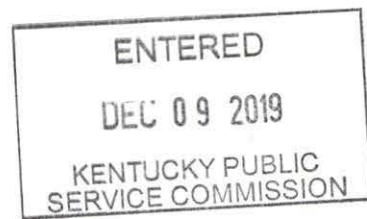
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Knott District shall inform the Commission if the information in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Knott District shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Knott District is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Knott District to seek a remedy afforded by law.

By the Commission



ATTEST:

  
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