



ATTORNEYS AT LAW | PLLC

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PUBLIC SERVICE
COMMISSION
Mark David Goss
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October 18, 2019

Via Hand-Delivery

Gwen R. Pinson
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: In the Matter of: *Application of Knott County Water and Sewer District for an Alternative Rate Adjustment* - Case No. 2019-00268

Dear Ms. Pinson:

Enclosed please find for filing with the Commission in the above-referenced case an original and five copies of Knott County Water and Sewer District's ("KCWSD") Responses to Request for Information from the Attorney General of Kentucky and KCWSD's Responses to Request for Information from Letcher County Water and Sewer District and the City of Hindman. A Motion for Confidential Treatment is also enclosed. Please return a file-stamped copy to me.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark David Goss".

Mark David Goss

Enclosures

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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

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

KNOTT COUNTY WATER AND SEWER DISTRICT'S
MOTION FOR CONFIDENTIAL TREATMENT

Comes now Knott County Water and Sewer District ("KCWSD"), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13, and other applicable law, and respectfully requests the Commission to classify and protect certain information provided by the Company in response to information requests as confidential in the above-styled case, respectfully stating as follows:

1. Contemporaneous with this filing, KCWSD is tendering responses to data requests previously propounded jointly by the Letcher County Water and Sewer District ("LCWSD") and the City of Hindman Kentucky ("Hindman"). Certain of the information being produced in responses to these requests is confidential in nature and, if publicly disclosed, could cause injury to KCWSD.

2. Request No. 15 from LCWSD and Hindman request information pertaining to KCWSD's health insurance expenses. In response to these requests, KCWSD is providing detailed information regarding health insurance expenses. It is impossible to be responsive to the request without providing information that is specific to each of KCWSD's employees, who have a reasonable expectation of privacy with regard to their benefits. KCWSD therefore respectfully requests that the employee's names be afforded confidential treatment. This will further mitigate the risk that other entities competing for the same labor force may use the information being

tendered by KCWSD as a means to interfere with the continuity of KCWSD's skilled and talented workforce.

3. All of the information described above is hereby designated as the "Confidential Information." The Kentucky Open Records Act exempts from disclosure information that, due to its confidential and proprietary nature, would permit "an unfair commercial advantage to competitors of the entity that disclosed the records," or that would be of use to anyone threatening or targeting public utility infrastructure, if openly disclosed. *See* KRS 61.878(1)(c)1. The Confidential Information was, and remains, integral to KCWSD's effective execution of business decisions. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 904 S.W.2d 766, 768 (Ky. 1995). The information for which confidential treatment is sought satisfies both common law and statutory requirements for confidential protection.

4. The information for which KCWSD is seeking confidential treatment developed internally and is not on file publicly with any public agency and is not publicly available from any commercial or other source. The aforementioned information is distributed within KCWSD only to those employees who must have access for business reasons and is generally recognized as confidential and proprietary in the utility industry.

5. There is currently pending in this case, a Motion for Confidential Treatment for the same information.

6. KCWSD does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable protective agreement entered into with any intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

Both the Attorney General's Office and LCWSD have signed Confidentiality Agreements.

7. In accordance with the provisions of 807 KAR 5:001, Section 13(2)(e), KCWSD is filing one copy of the Confidential Information separately under seal, and one copy with the Confidential Information redacted.

8. KCWSD respectfully requests that the Confidential Information, except as noted below, be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of KCWSD or its employees if publicly disclosed.

9. To the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, KCWSD will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10)(a).

WHEREFORE, KCWSD respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Done this 18th day of October 2019.

Respectfully submitted,



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*Counsel for Knott County Water and
Sewer District*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was sent via U.S. Mail, postage pre-paid, to the following individuals on this 18th day of October, 2019:

Hon. Rebecca Goodman
Hon. Kent Chandler
Hon. Justin McNeil
Office of the Attorney General
700 Capital Ave., Suite 20
Frankfort, KY 40601-8204

Gerald Wuetcher
Stoll Keenon Ogden, PLLC
300 West Vine Street, Suite 2100
Lexington, KY 40507-1801

Jeremy Morgan
City Attorney
P. O. Box 496
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Charles D. Bon
Counsel for Knott County Water and
Sewer District