

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WATER)	
SERVICE CORPORATION OF KENTUCKY)	CASE NO.
FOR A GENERAL ADJUSTMENT IN EXISTING)	2020-00160
RATES)	

ORDER

On September 28, 2020, Water Service Corporation of Kentucky (Water Service Kentucky) filed a motion, 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 documents it filed in response to Items 3(g), 4(d), and 5(b) of the Attorney General’s second request for information.

In support of its motion, Water Service Kentucky argues that this employee compensation information, if disclosed, would enable competitors to attempt to recruit key Water Service Kentucky, Water Service Corporation, and Corix personnel and would compromise Water Service Kentucky’s position in negotiating employee compensation terms. Water Service Kentucky states that (1) this information is sensitive and is only available on a need-to-know basis, even within Water Service Kentucky; (2) public disclosure of this information is likely to result in increased costs and a loss of negotiating ability for Water Service Kentucky; and (3) disclosure of this information also increases the risk of a higher cost of service resulting from greater employee compensation demands and higher costs to recruit and retain skilled employees and managers.

Having considered the motion and the material at issue, the Commission finds that it is clear from the record that Water Service Kentucky misidentified the first response as “3(g)” in its motion for confidentiality. The proper numbering should have referred to 2(g) because Water Service Kentucky identified “2(g)” as the material submitted under seal for consideration and because there is not a request in the Attorney General’s second request for information numbered 3(g). The material submitted to be considered for confidential treatment labeled as responses 2(g), 4(d) and 5(b) clearly contains the employee salary information containing identification information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy and that is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Water Service Kentucky’s motion for confidential protection of employee salary information is granted.
2. The designated information contained in documents Water Service Kentucky filed in response to Items 2(g), 4(d), and 5(b) of the Attorney General’s second request for information shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Water Service Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Water Service Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Water Service Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Water Service Kentucky to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Mary B Potter
113 North Washington Street
Clinton, KENTUCKY 42031

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Water Service Corporation of Kentucky
c/o Water Service Corp
500 West Monroe Street, Suite 3600
Chicago, IL 60661-3779