

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ROWAN)	
WATER, INC. FOR AN ALTERNATIVE RATE)	
ADJUSTMENT AND AN INVESTIGATION INTO)	
ROWAN WATER, INC. AND ITS INDIVIDUAL)	CASE NO.
DIRECTORS, LARRY JOHNSON, DANNY)	2022-00252
STEVENS, DANNY COX, MIKE COLLINS, ENOCH)	
BLAIR, AND ITS MANAGER, JERRY PATRICK,)	
FOR ALLEGEDLY FAILING TO COMPLY WITH)	
KRS 278.300 AND A COMMISSION ORDER)	

ORDER

On March 7, 2023, the Commission entered an Order that granted rehearing on the denial of confidential treatment for Rowan Water, Inc.'s (Rowan Water) response to Commission Staff's First Request for Information (Staff's First Request), Item Nos. 1(e) and (2) (respectively, PSC 1-1e and PSC 1-2). In the March 7, 2023 Order, the Commission stated that it will conduct additional discovery on the issues presented.

PSC 1-1e contained Rowan Water employee names, job descriptions, and pay rates for 2019 through 2022. The Commission denied confidential treatment for the material, in part, because none of the material was highlighted to designate the material for which confidential treatment was requested and the motion requesting confidential treatment did not state that confidential treatment was required for the entire document. Commission regulation 807 KAR 5:001E, Section 13(2)(a)(3)(b), provides that if confidential treatment is sought for an entire document, then the movant must either provide written notification that confidential treatment is requested for the entire document

or highlight the confidential material on the document. The motion requesting confidential treatment for Rowan Water's response to PSC 1-1e did not satisfy filing requirements for confidential material and did not contain sufficient specificity to identify the designated material upon which the Commission was requested to render a decision.

Rowan Water filed a revised version of PSC 1-1e on February 17, 2023, that contained highlighting that designated the names, compensation, and job duties for non-executive utility employees for which confidential treatment was requested on rehearing. The Commission notes that Rowan Water filed a revised version of its response to Staff's First Request, Item No. 1d (PSC 1-1d), that redacted non-executive employee names, but not the compensation information, which is therefore publicly available. Similarly, Rowan Water filed an exhibit with its application that did not redact non-executive employee compensation.

The Commission concludes that, based upon the case record, there is sufficient information upon which the Commission can render a decision regarding the request for confidential treatment for Rowan Water's revised response to PSC 1-1e. The Commission finds that confidential treatment should be granted to the utility's non-executive employee names only, which is consistent with the Commission's findings regarding the response to PSC 1-1d, for which Rowan Water requested confidential treatment only employee names and not for employee compensation. The Commission further finds that confidential treatment should be denied for the compensation and job duties contained in the revised version of PSC 1-1e because this information is publicly available in the case record, and thus does not qualify for confidential treatment. The Commission further finds that, with this finding, this issue is closed.

Rowan Water's response to PSC 1-2 contained a report on vendor payments. Rowan Water requested confidential treatment for the name of one vendor, arguing that the person listed as a vendor was an employee and therefore that name should be redacted as confidential. The Commission denied confidential treatment for Rowan Water's response to PSC 1-2 because Rowan Water did not provide sufficient evidence to support a determination that the person was not a vendor, such as, if this person was only an employee, why the employee was classified as a vendor and why the compensation paid to the employee was treated differently than compensation paid to other employees. The Commission will continue to conduct discovery whether confidential treatment should be granted or denied for Rowan Water's response to PSC 1-2.

IT IS THEREFORE ORDERED that:

1. Rowan Water's request for confidential treatment for its response to PSC 1-1e is granted in part and denied in part.
2. Rowan Water's request for confidential treatment for non-executive employee names in its response to PSC 1-1e is granted.
3. Rowan Water's request for confidential treatment for non-executive employee compensation and job description in its response to PSC 1-1e is denied.
4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further order of this Commission.
5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001E, Section 13(9).

6. Rowan Water shall inform the Commission if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment.

7. 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, Rowan Water 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 Rowan Water is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the requested material for which confidential treatment was granted 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 Rowan Water to seek a remedy afforded by law.

9. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

10. If Rowan Water objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

11. Within 30 days of the date of service of this Order, Rowan Water shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

12. The designated material for which Rowan Water's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Rowan Water to seek a remedy afforded by law.

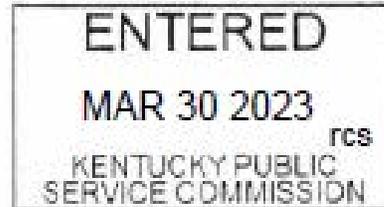
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PUBLIC SERVICE COMMISSION

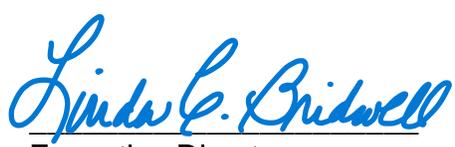

Chairman


Vice Chairman


Commissioner



ATTEST:


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