

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY TO AMEND)	CASE NO.
TARIFF TO REVISE QUALIFIED)	2023-00030
INFRASTRUCTURE CHARGE)	

ORDER

On May 1, 2023, Kentucky-American Water Company (Kentucky-American) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for five years for several documents provided in response to Commission Staff's Second Request for Information (Staff's Second Request) as discussed below.

In response to Staff's Second Request, Item 2, Kentucky American tendered a list, detailing suppliers and/or supplies as well as the delay in order fulfillment and the current price impact from May 2022-Sept. 2022. In support of its petition, Kentucky American argued pursuant to KRS 61.878(1)(c)(1), the information was used to assess expected pricing changes and disclosure of that information would disadvantage both the utility and its customers. Kentucky American also claimed it used this information to negotiate pricing with vendors in the relevant marketplace.

In response to Staff's Second Request, Item 4, Kentucky American provided its contractual information related to paving. The two contracts provided are generalized in nature. They do not contain specific work orders or jobs. The petition included a

response sponsored by Krista Citron regarding the savings achieved by the company from the paving contracts.

Having considered the petition and the material at issue, the Commission finds that Kentucky-American's petition should be granted in part and denied in part. The Commission finds that only designated material contained in Kentucky-American's Response to Staff's Second Request, Item 4, are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

The contracts include insurance policy information certification. The Commission finds that the policy numbers should be afforded confidential treatment and specific policy numbers should be redacted. The Commission finds that the contract penalty amount negotiated as part of the Tri-State Paving contract should be granted confidential protection as it would disadvantage Kentucky-American in future negotiations with other paving companies. Exhibit A of the Tri-State Paving contract with pricing details also should be granted confidential protection pursuant to KRS 61.878(1)(c)(1). Disclosure of negotiated pricing for specific items would disadvantage Kentucky American with vendors and other paving contractors. The Commission finds that the remaining portions of Item 4 should not be granted confidential protection. The items are generalized in nature and specifically, the narrative response of Ms. Citron and the numbers provided contain no context or additional documentation for any party to gain material, confidential information.

The Commission further finds that the request for confidential treatment should be denied for responses to Item 2. This information is at least a year old. There is no

indication that any of this information would still be true today. Kentucky American argued that it would allow someone to evaluate pricing. However, the Commission notes there is no information regarding prices or quantities needed by Kentucky American. There is also no indication if any of the information is subject to contract pricing and fulfillment. It would be difficult for a competitor or vendor to use this information to its advantage. Therefore, the material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's petition for confidential treatment for is granted in part and denied in part.
2. Kentucky-American's petition for confidential treatment for specified material in Kentucky American's Response to Staff's Second Request, Item 4 is granted.
3. Kentucky-American's petition for confidential treatment for specified items in Kentucky American's Response to Staff's Second Request, Item 4 and Item 2 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 five 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 5:001, Section 13(9).
6. Kentucky-American 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, Kentucky-American 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 Kentucky-American 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 Kentucky-American 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 Kentucky-American objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or 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, Kentucky-American 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 Kentucky-American'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 Kentucky-American to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION



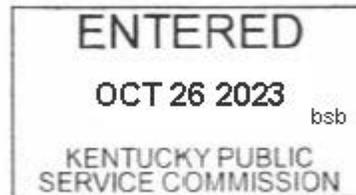
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