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March 16, 2015

RECEIVED

MAR 17 2015

PUBLIC SERVICE  
COMMISSION

FEDERAL EXPRESS

Mr. Jeff DeRouen  
Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

Re: Kenergy Corp.  
Case No. 2014-0376

Dear Mr. DeRouen:

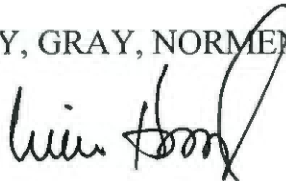
Enclosed you will find the original and 10 copies each of Kenergy's supplemental response to data request 4(g) and a Petition for Confidentiality with the unredacted filing in the envelope marked "confidential" in the above case.

Your assistance in this matter is appreciated.

Very truly yours,

DORSEY, GRAY, NORMENT & HOPGOOD

By



J. Christopher Hopgood  
Counsel for Kenergy Corp.

JCH/cds  
Encls.

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAR 17 2015

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

THE APPLICATION OF KENERGY CORP. ) CASE NO. 2014-00376  
FOR AN ORDER ISSUING A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND )  
NECESSITY )

PETITION FOR ORDER ISSUING  
KENERGY CORP. CONFIDENTIAL PROTECTION

1. **KENERGY CORP.** (“Kenergy”) hereby petitions the Kentucky Public Service Commission (“Commission”), pursuant to 807 KAR 5:001 Section 13, and KRS 61.878(1)(c), to grant confidential protection to certain information Kenergy is filing as a supplement to data request response 4(g) to the Commission Staff’s (“PSC”), Initial Data Requests for Information. The information for which Kenergy seeks confidential treatment is hereinafter referred to as the “Confidential Information.”

2. The Confidential Information includes a supplemental response to Item 4(g) of the Commission Staff’s Initial Requests for Information. Kenergy committed to the vendor that it would maintain confidentiality of the vendor’s’ pricing and other proposal content that were stamped as “proprietary” and “confidential”.

3. One (1) copy of the paper attachments with the confidential information underscored, highlighted with transparent ink, printed on yellow paper, or otherwise marked “CONFIDENTIAL,” is being filed with this petition in a separate sealed

envelope marked "CONFIDENTIAL." A copy of those pages, with the Confidential Information redacted, is being filed with the original and each of the 10 copies of the responses to the information requests filed with this petition. See 807 KAR 5:001 Sections 13(2)(a)(3), 13(2)(b).

4. A copy of this petition with the Confidential Information redacted has been served on all parties to this proceeding. See 807 KAR 5:001 Section 13(2)(c).

5. The Confidential Information is not publicly available, is not disseminated within Kenergy except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information.

6. If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Kenergy will notify the Commission in writing. See 807 KAR 5:001 Section 13(10)(b).

7. As discussed below, the Confidential Information is being submitted confidentially pursuant to 807 KAR 5:001 Section 13(9)(a) and/or is entitled to confidential protection based upon KRS 61.878(1)(c)(1). 807 KAR 5:001 Section 13(2)(a)(1).

**I. Information Protected by KRS 61.878(1)(c)(1)**

**A. Kenergy's Vendors Face Actual Competition**

8. KRS 61.878(1)(c)(1) protects "records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as

confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”

9. Kenergy’s vendor competes in the automated meter market. The information sought to be protected is proprietary and if disclosed would subject the vendor to unfair competition.

10. As such, the Confidential Information is generally recognized as confidential and proprietary.

## **II. Time Period**

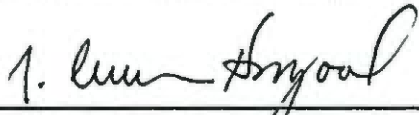
11. Kenergy requests that the Confidential Information contained in the attachments remain confidential for a period of five (5) years from the date of this petition, which should allow sufficient time for the projected data to become historical and sufficiently outdated that it could not be used to determine similar confidential information at that time or to competitively disadvantage to Kenergy’s vendor.

## **III. Conclusion**

12. Based on the foregoing, the Confidential Information is entitled to confidential protection. If the Commission disagrees that Kenergy is entitled to confidential protection, due process requires the Commission to hold an evidentiary hearing. *Utility Regulatory Com’n v. Kentucky Water Service Co., Inc.*, 642 S.W2d 591 (Ky. App. 1982).

WHEREFORE, Kenergy respectfully requests that the Commission classify and protect as confidential the Confidential Information.

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Attorneys for Kenergy Corp.

By   
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served by mailing the original to the Kentucky Public Service Commission, 211 Sower Blvd., Frankfort, KY 40602, by Federal Express on this 16<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Counsel for Kenergy Corp.