

Ernie Fletcher
Governor



LaJuana S. Wilcher
Secretary

Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460

October 21, 2004

Mr. Lindsey W. Ingram, Jr.
Mr. Lindsey W. Ingram, III
Stoll, Keenon & Park, LLP
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801

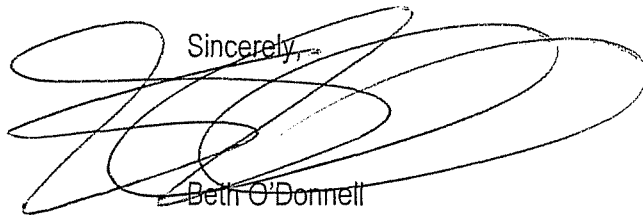
Re: Kentucky-American Water Company Petition for Confidentiality; Case No. 2004-00103

Gentlemen:

The Commission has received Kentucky-American Water Company's Petition for Confidentiality, filed September 13, 2004, to protect as confidential certain documents filed in response to Item No. 30 of Commission Staff's Third Set of Information Requests. Based upon my review of the documents in question, I have determined that KRS 61.878(1)(a) and 61.878(1)(c)1 exempts the materials, except as noted below, from public disclosure and that those materials should be afforded confidential treatment.

In its petition, Kentucky-American Water Company sought confidential treatment of references to the water distribution and treatment facilities of the city of Newport, Kentucky.¹ As another water utility acquired these facilities after Kentucky-American prepared the documents, I find that public disclosure of these references would not result in any unfair commercial disadvantage to Kentucky-American Water Company. *This information will be withheld from public inspection for 20 days from the date of this letter to allow Kentucky-American Water Company to seek any further remedy available to it.*

If the documents granted confidentiality become publicly available or no longer warrant confidential treatment, 807 KAR 5:001, Section 7(9)(a), requires Kentucky-American Water Company to inform the Commission so that the information may be placed in the public record.

Sincerely,

Beth O'Donnell
Executive Director

¹ E-mail from Roy Mundy, Kentucky-American Water Company, to David Baker, Kentucky-American Water Company (December 6, 1999); E-mail from Pat Ballard, Kentucky-American Water Company, to Ellen C. Wolf, Kentucky-American Water Company (December 7, 1999).