

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:** )  
 )  
**THE APPLICATION OF KENTUCKY-AMERICAN ) CASE NO. 2010-00036**  
**WATER COMPANY FOR AN ADJUSTMENT OF )**  
**RATES ON AND AFTER MARCH 28, 2010 )**

**PETITION FOR CONFIDENTIAL TREATMENT  
OF RESPONSES TO ITEMS OF THE COMMISSION STAFF’S  
SECOND SET OF INFORMATION REQUESTS**

Kentucky-American Water Company (“KAWC”) moves the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1) to grant confidential treatment to information that is responsive to Items 22 and 23 of the Commission Staff’s Second Set of Information Requests. In support of this Petition, KAWC states as follows:

1. On April 9, 2010, the Commission Staff served its Second Set of Information Requests on KAWC. Item 22 asks for “projections that support the estimated OPEB expenses.” Item 23 asks for “studies, reports and analyses from Towers Perrin which were used to develop the pension projections . . . .”

2. The Kentucky Open Records Act exempts from disclosure certain confidential or proprietary information. KRS 61.878(1)(c). To qualify for this exemption, and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality. The Kentucky Open Records Act also exempts from disclosure “information the disclosure of which is prohibited by law or regulation.” KRS 61.878(1)(k).

3. The responses to Items 22 and 23 contain actuarial information relating to employee benefits that is governed by Securities and Exchange Commission “Regulation FD” (fair disclosure) that is material non-public information, the disclosure of which could require broad, non-exclusionary disclosure to the general public.

4. The description of the responsive documents above demonstrates that they merit confidential treatment. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of KAWC and so that the Commission will have a complete record to enable it to reach a decision with regard to this matter. *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591, 592-94 (1982).

5. KAWC does not object to the disclosure of the information at issue to the parties to this proceeding upon the execution of a confidentiality agreement. Two paper copies and a CD containing the documents in electronic medium will be filed with the Commission under seal for use in this proceeding on a confidential basis.

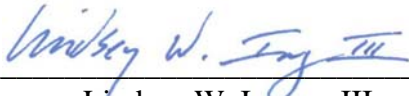
**WHEREFORE**, KAWC respectfully requests that the Commission grant confidential treatment for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Respectfully submitted,

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**CERTIFICATE**

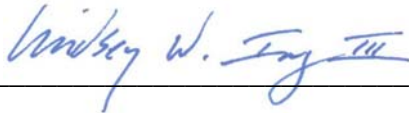
In accordance with Ordering Paragraph No. 6 of the Commission's February 16, 2010 Order, this is to certify that Kentucky-American Water Company's April 30, 2010 electronic filing is a true and accurate copy of the documents to be filed in paper medium (without confidential attachments); that the electronic filing has been transmitted to the Commission on April 30, 2010; that an original and one copy of the filing will be delivered to the Commission on April 30, 2010 (with attachments under seal); and, that, on April 30, 2010, electronic mail notification of the electronic filing will be provided to the Commission and the following:

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