

**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 ATTORNEY GENERAL'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 contained in or responsive to Items 19, 22, 26, 27, 41, 123, 124, 125, 126, 127, 128, 129, and 131 of the Attorney General’s Second Set of Information Requests. In support of this Petition, KAWC states as follows:

1. On May 9, 2010, the Attorney General served its Second Set of Information Requests on KAWC. Item 19 asks for employee “performance review forms.” Item 41 asks for “competitive bid documentation” related to services provided to KAW that are subject to competitive bidding.

2. Items 22, 26, 27, 123, 124, 125, 126, 127, 128, 129 and 131 contain information in the questions themselves that is the subject of pending KAWC Petitions for Confidential Protection in this matter. Thus, KAWC seeks protection of the questions themselves (the AG redacted the confidential information in the questions from the publicly filed document) and the responses thereto on the same basis set forth in its pending Petitions for Confidential Protection.

3. The Kentucky Open Records Act exempts from disclosure information of a personal nature where the public disclosure thereof would constitute an unwarranted invasion of personal privacy. KRS 61.878(1)(a). That act also 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.

4. The response to Item 19 contains personal and private employment performance review information, including the name of the employee being reviewed, that is protected. Likewise, the response to Item 41 contains information concerning competitive bidding for services vendors provide to KAWC, the disclosure of which could permit an unfair advantage to KAWC and/or the vendors who bid.

5. As set forth above, Items 22, 26, 27, 123, 124, 125, 126, 127, 128, 129 and 131 contain information that is the subject of pending Petitions for Confidential Protection.

6. 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).

7. 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.

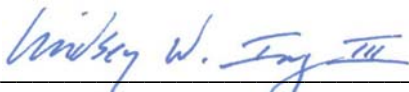
WHEREFORE, KAWC respectfully requests that the Commission grant confidential treatment for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Respectfully submitted,

A.W. Turner, Jr., General Counsel
KENTUCKY-AMERICAN WATER COMPANY
2300 Richmond Road
Lexington, Kentucky 40502
A.Turner@amwater.com

and

STOLL KEENON OGDEN PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3000
L.Ingram@skofirm.com

BY: 

Lindsey W. Ingram III
Attorneys for Kentucky-American Water Company

CERTIFICATE

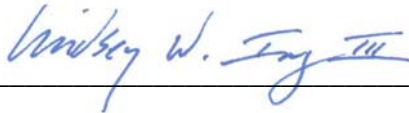
In accordance with Ordering Paragraph No. 6 of the Commission's February 16, 2010 Order, this is to certify that Kentucky-American Water Company's May 24, 2010 electronic filing is a true and accurate copy of the documents to be filed in paper medium (without confidential attachments); that the electronic filing has been transmitted to the Commission on May 24, 2010; that an original and one copy of the filing will be delivered to the Commission on May 24, 2010 (with attachments under seal); and, that, on May 24, 2010, electronic mail notification of the electronic filing will be provided to the Commission and the following:

David Edward Spenard
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
david.spenard@ag.ky.gov
dennis.howard@ag.ky.gov
heather.kash@ag.ky.gov

Iris G. Skidmore
Bates and Skidmore
415 West Main Street, Suite 2
Frankfort, Kentucky 40601
batesandskidmore@gmail.com

David J. Barberie
Leslye M. Bowman
LFUCG Department of Law
200 East Main Street
Lexington, Kentucky 40507
dbarberi@lfucg.com
lbowman@lfucg.com

STOLL KEENON OGDEN PLLC

By 

Attorneys for Kentucky-American Water Company