

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

Application of Water Service Corporation            )  
of Kentucky for a General Adjustment                )  
in Existing Rates    )        Case No. 2013-00237

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**WATER SERVICE CORPORATION OF KENTUCKY’S  
SECOND PETITION FOR CONFIDENTIALITY**

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Water Service Corporation of Kentucky (“WSCK”) (collectively “Applicants”), pursuant to 807 KAR 5:001, Section 7, respectfully request the Public Service Commission grant confidential protection to certain information provided in response to Item 3 of the Commission Staff’s First Request for Information. In support of its motion, WSCK states as follows:

Administrative Regulation 807 KAR 5:001, Section 13, indicates that the Commission shall grant confidential treatment for records that would be exempt from KRS 61.878 of the Kentucky Open Records Act. KRS 61.878(1)(a) protects information of a personal nature from being disclosed by a public agency. The Kentucky Court of Appeals has identified an individual’s salary as information of a personal nature. See Zink v. Department of Workers’ Claims, Labor Cabinet, 902 S.W.2d 825, 828 (Ky. App. 1994) (stating that “information such as . . . wage rate . . . [is] generally accepted by society as [a] detail [] in which an individual has at least some expectation of privacy.”)

In Item 3 of the Commission Staff’s First Request for Information, Staff has requested work papers used by WSCK to develop pro forma test-period financial information. These work papers included WSCK employees’ names and their salaries. Because this information is of a

personal nature, it is entitled to confidential treatment under Zink and other relevant law. In fact, the Public Service Commission has made this determination in previous cases. See Letter from Jeff DeRouen, Executive Director of the Public Service Commission, to John N. Hughes, counsel for WSCK (Apr. 24, 2009)(copy attached).

On October 11, 2013, WSCK initially filed its responses to Commission Staff's First Information Request. In that filing, WSCK inadvertently filed a response to Item 3 containing information of a personal nature without seeking confidential treatment, although it sought confidential treatment for the same material used in response to Item 11. Because the information deserves confidential treatment, WSCK formally requests that the Commission remove from public access WSCK's response to Item 3 from its October 11, 2013, filing.<sup>1</sup> A redacted version of WSCK's response to Item 3 to Commission Staff's First Information Request is being filed contemporaneously herewith.

Accordingly, WSCK respectfully requests confidential treatment of information mentioned above.

Respectfully submitted,



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<sup>1</sup> Prior to the filing of this petition, the undersigned counsel contacted Commission Staff with this request and Commission Staff caused the response to be removed from the Commission's publicly accessible website.