

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

**IN THE MATTER OF:** )  
 )  
**APPLICATION OF KENTUCKY-AMERICAN )**  
**WATER COMPANY FOR AN ADJUSTMENT )** **CASE NO. 2015-00418**  
**OF RATES** )  
 )

**PETITION FOR CONFIDENTIAL TREATMENT**  
**OF THE SUPPLEMENTAL RESPONSE TO THE COMMISSION STAFF’S SECOND**  
**REQUEST FOR INFORMATION ITEM NO. 33(c)-(d)**

Kentucky-American Water Company (“KAWC”) moves the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 to grant confidential treatment to the information described herein that is being provided in its supplemental response to the Commission Staff’s Second Request for Information Item No. 33(c)-(d). In support of this Petition, KAWC states as follows:

On March 7, 2016, the Commission Staff issued its Second Request for Information to KAWC. Item No. 33(c)-(d) of those requests asks for certain compensation information for each Service Company employee participating in the LTPP or APP programs from 2011 to 2015. When KAWC provided its response to this request on March 24, 2016, it explained that it was continuing its effort to produce specific amounts per Service Company employee that were allocated to KAWC from 2011-2015 and would supplement the response if possible. Since filing, KAWC has now completed this effort.

The Kentucky Open Records Act exempts from disclosure “information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” KRS 61.878(a). Moreover, the Kentucky Court of Appeals has stated,

“information such as ... wage rate ... [is] generally accepted by society as [a] detail [] in which an individual has at least some expectation of privacy.” Zink v. Department of Workers’ Claims, Labor Cabinet, 902 S.W.2d 825, 828 (Ky. App. 1994). The attachment KAWC is providing in response to Item No. 33(c)-(d) contains detailed compensation information by position that includes the amount awarded, and the amount available, for the last five years in the ATPP and LTPP programs. The Commission should therefore give confidential treatment to the information provided in the attachment because disclosing the contents thereof would invade the privacy rights of the affected individuals.

KAWC requests that the information be held confidentially in perpetuity. KAWC cannot envision a period of time in which it would be appropriate for employees’ private compensation information to be disclosed in the public realm.

The description of the attachment above demonstrates that it merits 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., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

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. KAWC is filing one paper copy under seal that identifies by highlighting the information for which confidential protection is sought and one electronic copy with the same information obscured.

**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.

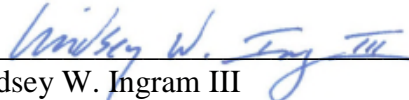
Date: April 15, 2016

Respectfully submitted,

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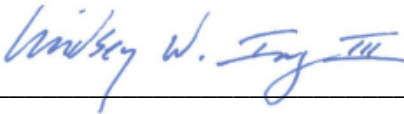
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By:   
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Monica H. Braun

**CERTIFICATE**

This certifies that Kentucky-American Water Company's electronic filing is a true and accurate copy of the documents to be filed in paper medium with the exception of documents for which confidential treatment is sought; that the electronic filing has been transmitted to the Commission on April 15, 2016; that a paper copy of the filing will be delivered to the Commission within two business days of the electronic filing; and that no party has been excused from participation by electronic means.

STOLL KEENON OGDEN PLLC

By: 

Attorneys for Kentucky-American Water Company