

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

**IN THE MATTER OF:**

**KENTUCKY-AMERICAN WATER COMPANY'S  
REQUEST FOR PERMISSION TO DEVIATE  
FROM 807 KAR 5:006, SECTION 26(6)(b)**

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**CASE NO. 2016-00394**

**PETITION FOR CONFIDENTIAL TREATMENT  
OF THE RESPONSE TO ITEM NO. 1 OF COMMISSION  
STAFF'S SECOND REQUEST FOR INFORMATION**

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 response to Item No. 1 of Commission Staff’s Second Request for Information. In support of this Petition, KAWC states as follows:

1. On April 20, 2017, Commission Staff issued its Second Request for Information to KAWC. Item No. 1 seeks a copy of KAWC’s “inspection procedures used to assure safe and adequate operation of the utility’s facilities . . . .” The response to that request includes KAWC’s Valve Inspection Procedures that are the product of extensive time and money invested by KAWC’s parent company, American Water Works Company, Inc. (“AWWC”). Disclosing it publicly would provide an unfair commercial advantage to KAWC’s and AWWC’s competitors. KAWC sought confidential protection of the same document on April 26, 2010 in Case No. 2010-0036 and the Commission granted confidential protection of it by letter of June 16, 2010 in that case.

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.

3. The description of the document 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).

4. KAWC requests confidential treatment of the document in its entirety and that it be held confidential in perpetuity as KAWC cannot envision a time when it would be appropriate to disclose it to competitors. KAWC is filing one paper copy of the confidential document under seal.

**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 issues.

Lindsey W. Ingram III

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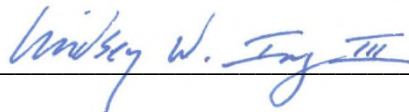
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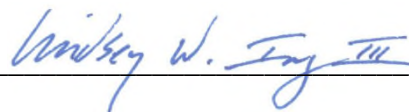
BY:  \_\_\_\_\_

Attorneys for Kentucky-American Water Company

**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; that the electronic filing has been transmitted to the Commission on May 18, 2017; 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