

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE JOINT APPLICATION OF)	
AQUA AMERICA, INC.,)	
STEELRIVER INFRASTRUCTURE)	CASE NO. 2018-00369
FUND NORTH AMERICA LP,)	
STEELRIVER LDC INVESTMENTS)	
LP, LDC PARENT LLC, LDC)	
FUNDING LLC, LDC HOLDINGS)	
LLC, PNG COMPANIES LLC,)	
PEOPLES GAS KY LLC, AND)	
DELTA NATURAL GAS COMPANY,)	
INC. FOR APPROVAL OF AN)	
ACQUISITION OF OWNERSHIP)	
AND CONTROL OF PNG)	
COMPANIES LLC AND DELTA)	
NATURAL GAS COMPANY, INC.)	

AQUA AMERICA, INC.’S MOTION FOR CONFIDENTIAL TREATMENT OF INFORMATION

Aqua America, Inc. (“Aqua America”) respectfully submits this motion pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1) for confidential treatment of supplemental documents responsive to the Attorney General’s Post-Hearing Data Requests. Specifically, Aqua America requests confidential treatment for the document labeled KYOAG-2-CONF and for part of its response to the Attorney General’s Post-Hearing Data Request No. 2.

1. KYOAG-2-CONF is a one-page document containing a highly confidential financial analysis performed by Aqua America. The confidential portion of Aqua America’s response to Attorney General’s Post-Hearing Data Request No. 2 (“Data Request No. 2”)

includes a discussion of the contents of this document and another document for which the Commission has granted confidential treatment.

2. The information in KYOAG-2-CONF and in the confidential portion of Aqua America's response to Data Request No. 2 is not publicly disseminated, and could be used by competitors to the disadvantage of Aqua America and its subsidiaries.

3. The information in KYOAG-2-CONF and in the confidential portion of Aqua America's response to Data Request No. 2 is treated as confidential by Aqua America and is not widely disseminated even among Aqua America's employees. Only personnel with a business reason to use the confidential information are permitted to view it.

4. Under KRS 61.878(1)(c)(1), commercial information generally recognized as confidential is protected if disclosure would cause competitive injury and permits competitors an unfair commercial advantage. The information contained in KYOAG-2-CONF and in the confidential portion of Aqua America's response to Data Request No. 2 meets this standard.

5. Aqua America is seeking confidential treatment for KYOAG-2-CONF in its entirety due to the confidential and proprietary nature of all of the information contained therein. Aqua America is seeking confidential treatment only for the confidential portion of its response to Data Request No. 2.

6. If the Commission disagrees with Aqua America that KYOAG-2-CONF and the confidential portion of Aqua America's response to Data Request No. 2 are exempt from disclosure, it must hold an evidentiary hearing to protect the due process rights of Aqua America and permit it to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.

7. In compliance with 807 KAR 5:001, Section 8(3) and 13(2)(e), Aqua America is filing with the Commission one paper copy of KYOAG-2-CONF and an un-redacted copy of the confidential portion of Aqua America's response to Data Request No. 2 in its entirety.

8. 807 KAR 5:001, Section 13(2)(a)(2) provides that a motion thereunder shall state the time period in which the material should be treated as confidential and the reasons for this time period. Aqua America respectfully submits that because of the extremely sensitive and proprietary nature of the material contained in KYOAG-2-CONF and in the confidential portion of Aqua America's response to Data Request No. 2, and the competitive conditions in the water, wastewater, and natural gas industries, the material contained in KYOAG-2-CONF and in the confidential portion of Aqua America's response to Data Request No. 2 should be treated as confidential for a period of five years.

WHEREFORE, Aqua America, Inc. respectfully requests that the Commission grant confidential treatment of the information described herein.

Dated: February 25, 2019

Respectfully submitted

/s/Allison L. Brown

Richard Northern

rnorthern@wyattfirm.com

Byron E. Leet

bleet@wyattfirm.com

Allison L. Brown

abrown@wyattfirm.com

Wyatt, Tarrant & Combs, LLP

500 West Jefferson Street, Suite 2800

Louisville, KY 40202

Telephone: (502) 589-5235

Facsimile: (502) 589-0309

Counsel for Aqua America, Inc.

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8(7), this is to certify that Aqua America, Inc.'s February 25, 2019 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on February 25, 2019; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that an original and one copy of the Motion and one unobscured copy of the material for which confidentiality is being sought sealed in an opaque envelope, will be hand delivered to the Commission within two business days.

/s/Allison L. Brown _____
Counsel for Aqua America, Inc.