

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

**IN THE MATTER OF:**

<b>APPLICATION OF CITIPOWER, LLC FOR (1) AN</b>	)	
<b>ADJUSTMENT OF RATES PURSUANT TO 807 KAR 5:076;</b>	)	
<b>(2) APPROVAL FOR A CERTIFICATE OF PUBLIC</b>	)	<b>CASE NO.</b>
<b>CONVENIENCE AND NECESSITY TO PURCHASE</b>	)	<b>2019-00109</b>
<b>PIPELINE AND OTHER RELATED ASSETS; AND (3)</b>	)	
<b>APPROVAL OF FINANCING</b>	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Citipower, LLC (“Citipower”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and respectfully moves the Kentucky Public Service Commission (“Commission”) to afford confidential treatment to certain portions of Citipower’s responses to the requests for information propounded by Commission Staff in the above-captioned proceeding on August 5, 2019. In support of this motion, Citipower respectfully states as follows:

1. On March 29, 2019, Citipower tendered to the Commission an Application for the adjustment of its rates. Citipower’s Application was accepted as filed on May 31, 2019, and Commission Staff propounded its second requests for information on August 5, 2019. Citipower is filing its responses to Staff’s second requests for information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, Citipower requests that the Commission afford confidential treatment to the following proprietary, personal,

confidential, sensitive, and commercially valuable information (collectively, the “Confidential Information”):

- a. the map provided as an attachment to Response 8;
- b. the checking account number contained in Citipower’s response to Item No. 14 of Commission Staff’s request;
- c. the federal tax ID number for Citipower contained on the invoices attached to Citipower’s response to Item 15; and,
- d. information regarding the letter of intent contained in Responses 30 and 31.

Confidential Treatment was granted for the letter of intent by Order dated August 14, 2019.<sup>1</sup>

3. KRS 61.878(1)(m)(1) protects “[p]ublic records the disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing protecting against, mitigating, or responding to a terrorist act....,” and specifically exempts from public disclosure certain records pertaining to public utility critical systems. *See* KRS 61.878(1)(m)(1)(f).

4. The Confidential Information is not appropriate for public dissemination because it includes detailed, private material about Citipower’s financial accounts and other identifying information. Important financial account/policy numbers and taxpayer identification number, for which Citipower seeks confidential treatment is undoubtedly of a personal nature; moreover, to maintain the confidentiality of the relevant information is integral to Citipower’s interests as an employer and service provider. The public disclosure of such sensitive information would constitute a clearly unwarranted invasion of privacy and may unfairly harm Citipower’s

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<sup>1</sup> *In the Matter of: Application of Citipower, LLC for (1) An Adjustment of Rates Pursuant to 807 KAR 5:076; (2) Approval for a Certificate of Public Convenience and Necessity to Purchase Pipeline and Other Related Assets; and (3) Approval of Financing*, Case No. 2019-00109, Order (Ky. P.S.C. August 14, 2019).

competitive position in the marketplace. Furthermore, the Confidential Information refers to information contained in the letter of intent that has previously been granted confidential treatment in this proceeding.<sup>2</sup>

5. The Confidential Information is proprietary information that is retained by Citipower on a “need-to-know” basis. The Confidential Information is distributed within Citipower only to those holding select positions who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

6. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. *See* KRS 61.878(1)(a); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky.App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). Taxpayer identification numbers and financial account numbers are specifically recognized as confidential in 807 KAR 5:001, Section 4(10)(a). The public disclosure of the Confidential Information would potentially harm Citipower’s competitive position in the marketplace and make it easier for third-parties to maliciously access Citipower’s accounts, to the detriment of Citipower and its customers. Additionally, all of the Confidential Information is publicly unavailable and its confidentiality is critical to Citipower’s effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

7. Citipower does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to

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<sup>2</sup> *Id.*

intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

8. In accordance with the provisions of 807 KAR 5:001, Citipower is filing, under seal with its confidentiality denoted, one (1) unredacted copy of its responses containing Confidential Information. Copies of the redacted versions of these documents are also being filed by Citipower.

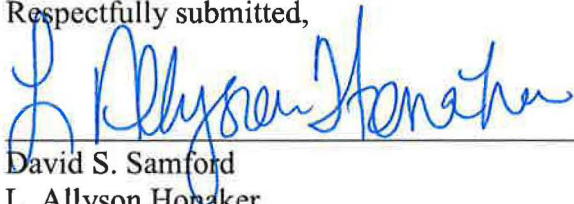
9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Citipower respectfully requests that the Confidential Information be withheld from public disclosure indefinitely for checking account and Federal tax payer identification number and for ten (10) years for the map and letter of intent.

10. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Citipower will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Citipower respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for the periods set forth above.

Dated this 19<sup>th</sup> day of August, 2019.

Respectfully submitted,



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