

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

PROPOSED ADJUSTMENT OF THE WHOLESALE)
WATER SERVICE RATES OF CENTRAL CITY) Case No. 2019-00260
MUNICIPAL WATER & SEWER)

CENTRAL CITY’S PETITION FOR CONFIDENTIAL TREATMENT

The City of Central City, by counsel and pursuant to 807 KAR 5:001, Section 13, respectfully requests the Public Service Commission to grant confidential protection to a portion of its response related to Item 7 of Commission’s Initial Request for Information.

Administrative Regulation 807 KAR 5:001, Section 13(2) sets forth the procedure by which certain information filed with the Commission shall be treated as confidential.

Specifically, the party seeking confidential treatment must establish “specific grounds pursuant to KRS 61.878 [the Kentucky Open Records Act] for classification of that material as confidential.” 807 KAR 5:001, Section 13(2)(a)(1).

The Kentucky Open Records Act exempts certain records from the requirement of public inspection. *See* KRS 61.878. In particular, KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” In enacting this provision, the General Assembly acknowledged “that personal privacy is of legitimate concern and worthy of protection from invasion by unwarranted public scrutiny.” *Kentucky Bd. of Exam'rs of Psychologists v. Courier–Journal*, 826 S.W.2d 324, 327 (Ky. 1992).

Item 7 of Commission Staff's Second Request for Information seeks information related to City employees' salaries and benefits, including insurance premiums. Disclosure of this type of insurance coverage that a particular individual elects is personal information that, if disclosed, could constitute a clearly unwarranted invasion of personal privacy. Disclosure of this information can identify familial circumstances not otherwise known to the public. Accordingly, KRS 61.878(a) prohibits disclosure of this type of information. *See e.g., Kentucky Board of Examiners of Psychologists v. Courier-Journal and Louisville Times Co.*, 826 S.W.2d 324, 327 (Ky. 1992)(finding that a public agency may withhold information related to marital status and number of dependents under KRS 61.878(a)(1)).

The information requested will not lose its private nature over the course of time, and therefore, Central City requests that this information be kept confidential in perpetuity.

Respectfully submitted,



STURGILL, TURNER, BARKER & MOLONEY, PLLC

M. Todd Osterloh

James W. Gardner

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

Telephone No.: (859) 255-8581

Facsimile No.: (859) 231-0851

jgardner@sturgillturner.com

tosterloh@sturgillturner.com

Attorneys for City of Central City

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8(7), this is to certify that the City of Central City's August 28, 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 August 28, 2019; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and a copy of the filing are being delivered to the Commission within two (2) business days.

A handwritten signature in blue ink, appearing to read "M. J. O'Connell", is written over a horizontal line.

Counsel for City of Central City