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

**In the Matter of:**

**NAVITAS KY NG, LLC's APPLICATION     )   CASE NO. 2019-00430  
FOR ALTERNATIVE RATE ADJUSTMENT    )**

**PETITION OF NAVITAS KY NG, LLC  
FOR CONFIDENTIAL TREATMENT**

COMES NOW Navitas KY NG, LLC ("Navitas KY"), by and through undersigned counsel, and hereby submits its Petition for Confidential Treatment pursuant to the March 25, 2020 Commission Staff's Second Request for Information to Navitas KY NG, LLC by the Kentucky Public Service Commission (the "Commission"), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting the Commission to grant confidential treatment to the Supplemental Filing of the Second Request for Data Responses ("Supplemental Filing") for certain select materials that warrant confidential treatment.

In support of this Petition, Navitas KY states as follows:

Notification of Information at Issue

1. The Confidential Information in the Supplemental Filing does not include general comments on page 1, the entirety of page 2, the general comments on pages 3, 4 and 5.

2. The information Navitas KY seeks to protect as confidential includes the discrete financial information on pages 1, 4 and 5, and is hereinafter referred to as the "Confidential Information". The Confidential Information Navitas KY seeks to protect is the following:

- 1 - Volumes, length of term and financial data that makes up the summarized financial  
2 proposal in the communication on page 1, including lines 6, 7, 8, 9, 11, 12 of the  
3 communication.  
4  
5 - Volumes, length of term and financial data that makes up the financial proposal on  
6 page 4, under the section "Financial Proposal", lines 2, 3, 5, 7, 8, 9, 10 and 11.  
7  
8 - Cost calculations on page 5.

8 Confidential or Proprietary Commercial Information

9 3. The Kentucky Open Records Act exempts from disclosure  
10 certain commercial information.<sup>1</sup> To qualify for the exemption and maintain  
11 the confidentiality of the information, a party must establish that the  
12 material is of a kind "generally recognized as confidential or proprietary,  
13 which if openly disclosed would permit an unfair commercial advantage to  
14 competitors of the entity that disclosed the records."<sup>2</sup> The Commission has  
15 routinely relied on this section of the Kentucky Records Act to grant  
16 confidential protection to third-party documents when disclosure would  
17 disadvantage the Company.<sup>3</sup>

20 4. The Confidential Information in the Supplemental Filing  
21 consists of financial proposals. If made public, this information would  
22 present an unfair advantage to bidders, and it therefore qualifies as  
23

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26 <sup>1</sup> KRS 61.878(1)(c).

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

28 <sup>3</sup> See, e.g., In the Matter of Electronic Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and Assumption of Obligations and an Order Amending and Extending Existing Authority with Respect to Revolving Line of Credit, Case No. 2018-00153, Order (Ky. PSC Aug. 22, 2018)

1 protectable confidential information pursuant to KRS 61.878(1)(c)(1) and (o).

2 5. This Confidential Information is not publicly available. It  
3 would be difficult or impossible for someone to discover this information  
4 from other sources. The disclosure of this proprietary information would  
5 result in an unfair competitive advantage to other bidders. No public  
6 purpose is served by the disclosure of such Confidential Information.  
7

8 Timeframe for Confidential Treatment

9 6. Pursuant to 807 KAR 5:001, Section 13(2)(a)(2), Navitas KY requests that  
10 certain, clearly identified portions of the Supplemental Filing described herein be  
11 granted confidential treatment until a contract is awarded on this matter or else the  
12 procurement process is canceled without award of a contract and there is a  
13 determination that the contract will not be resolicited, pursuant to KRS  
14 61.878(1)(o)(1) and (2), subject to future orders of the Commission, due to the  
15 sensitive nature of the information at issue. Should the Commission determine that  
16 some or all of the material is not to be given confidential protection, Navitas KY  
17 requests a hearing prior to any public release of the information.  
18  
19

20 WHEREFORE, Navitas KY NG, LLC respectfully requests that the  
21 Commission grant confidential protection to the discrete financial information  
22 designated as confidential in this Petition, and for such other and further relief the  
23 Commission deems appropriate.  
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25 One this the 22nd day of April, 2020.  
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Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 23<sup>rd</sup> day of April, 2020, a true and correct copy of the foregoing instrument was deposited in the United States Mail with postage prepaid, and addressed to the following:

**Gwen Pinson**  
Executive Director  
Public Service Commission  
Commonwealth of Kentucky  
211 Sower Blvd.  
Frankfort, KY 40601

**Larry Cook**  
Office of the Attorney General  
Rate Intervention  
700 Capitol Ave. Suite 20  
Frankfort, KY 40601

  
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Klint W. Alexander