

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

Electronic Application of Water Service                    )  
Corporation of Kentucky for a General                    )        Case No. 2020-00160  
Adjustment in Existing Rates                                )

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**WSCK’S SECOND PETITION FOR CONFIDENTIALITY**

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Water Service Corporation of Kentucky (“WSCK”), by counsel and pursuant to 807 KAR 5:001, Section 13, respectfully requests the Public Service Commission to grant confidential protection to documents it filed as a part of its Responses to the Commission’s Initial Request for Information. Specifically, WSCK seeks confidential treatment for information related to employees who are no longer affiliated with the Company.

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).

In *Zink v. Commonwealth*, , 902 S.W.2d 825, 828 (Ky. App.1994), the Kentucky Court of Appeals indicated that the applicability of the exemption identified in KRS 61.878(1)(a) must be considered on a case-by-case basis. Specifically, there must be an analysis on whether the record contains personal information that contains a privacy interest that would outweigh the public’s interest in disclosure of the information.

Item 10 of the Commission’s Initial Request for Information seeks information related to former employees of WSCK and its affiliates, including the name of the former employee and the reason that former employee is no longer with the Company. WSCK’s former employees certainly have a privacy interest in not having the reason for their employment disclosed to the public. Similarly, other details about their separation from the Company, such as date of separation, are “of a personal nature.” There is no public interest that would be advanced by the disclosure of this information.

Accordingly, for the foregoing reasons, WSCK respectfully requests confidential treatment of the aforementioned information for a permanent period of time.

Respectfully submitted,



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