

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

**IN THE MATTER OF:**

**CASE NO. 2020-00215**

**ELECTRONIC APPLICATION OF )  
KENERGY CORP. FOR A )  
WAIVER PURSUANT TO KRS 278.2219 )**

**PETITION FOR ORDER ISSUING  
KENERGY CORP. CONFIDENTIAL PROTECTION**

1. **KENERGY CORP.** (“Kenergy”) hereby petitions the Kentucky Public Service Commission (“Commission”), pursuant to 807 KAR 5:001 Section 13, and KRS 61.878(2)(a), to grant confidential protection to certain information Kenergy is filing as a data request responses 1, 2, 3 and 4(c) &(d) to the Commission Staff’s (“PSC”), Initial Data Requests for Information and Items 3, 4, 6(a), 6(c), 9, 10 and 15 of the Attorney General’s Data Requests. The information for which Kenergy seeks confidential treatment is hereinafter referred to as the “Confidential Information.”

2. The responses to 1, 2 & 3 call for Confidential Information sought is for the Feasibility Study Kenergy obtained and information derived from that Feasibility Study. The Feasibility Study discusses the various government subsidies that may be available to Kenergy and the rules and regulations of the program prohibits public reference to them. (See authority attached to confidential filing to Staff’s Data Requests)

Likewise, Requests 4 (c) and (d) are appropriate requests but the responses

to the requests may not be public pursuant to the rules and regulations inherent in the source of the funding. Significant penalties could result to Kenergy/Kenect if the confidentiality provisions are breached.

The same argument applies to the following Data Requests submitted by the Attorney General: Items 3, 4, 6(a), 6(c), 7, 9, 10 & 15. The information is either from the feasibility study or is directly related to the government subsidy information that cannot be disclosed. Finally, confidentiality is sought for the Conexon engagement letter as it covers the items for which confidentiality is sought and it is also proprietary to Conexon.

3. Pursuant to the Commission's March 24, 2000, Order *In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No. 2020-00085, one (1) copy of the paper attachments with the confidential information underscored, highlighted with transparent ink, printed on yellow paper or otherwise marked "CONFIDENTIAL", is being filed with this petition by electronic mail in a separate filing marked 'CONFIDENTIAL.'" A copy of those pages, with the Confidential Information redacted, is being electronically filed with the original. One (1) copy of the paper attachments with the confidential information underscored, highlighted with transparent ink, printed on yellow paper, or otherwise marked "CONFIDENTIAL," is being filed with this petition in a separate filing marked "CONFIDENTIAL." A copy of those pages, with the Confidential Information redacted, is being filed with the original and each of the 10 copies of the responses to the information requests filed with this petition. See 807 KAR 5:001 Sections 13(2)(a)(3), 13(2)(b).

4. A copy of this petition with the Confidential Information redacted has been served on all parties to this proceeding. See 807 KAR 5:001 Section 13(2)(c).

5. The Confidential Information is not publicly available, is not disseminated within Kenergy except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others.

6. If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Kenergy will notify the Commission in writing See 807 KAR 5:001 Section 13(10)(b).

7. As discussed below, the Confidential Information is being submitted confidentially pursuant to 807 KAR 5:001 Section 13(9)(a) and/or is entitled to confidential protection based upon KRS 61.878(1)(c)(1). 807 KAR 5:001 Section 13(2)(a)(1).

## **II. Time Period**

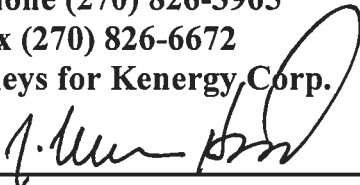
8. Kenergy requests that the Confidential Information contained in the attachments remain confidential for a period of nine (9) months from the date of this petition, which should allow sufficient time for the end of the penalty phase on dissemination of the projected data.

## **III. Conclusion**

9. Based on the foregoing, the Confidential Information is entitled to confidential protection. If the Commission disagrees that Kenergy is entitled to confidential protection, due process requires the Commission to hold an evidentiary hearing. *Utility Regulatory Com'n v. Kentucky Water Service Co., Inc.*, 642 S.W2d 591 (Ky. App. 1982).

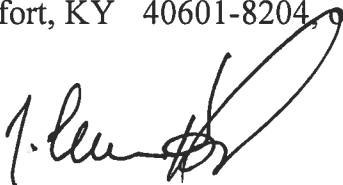
WHEREFORE, Kenergy respectfully requests that the Commission classify and protect as confidential the Confidential Information.

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By   
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served by electronic filing to the Kentucky Public Service Commission, 211 Sower Blvd., Frankfort, KY 40602 with a copy served electronically to the Kentucky Attorney General, Office of Rate Intervention, 700 Capital Avenue, Suite 20, Frankfort, KY 40601-8204, on this 31<sup>st</sup> day of August, 2020.

  
Counsel for Kenergy Corp.