

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

IN THE MATTER OF:

THE APPLICATION OF CITIPOWER, LLC	)	
FOR A RATE ADJUSTMENT FOR SMALL	)	CASE NO.
UTILITIES PURSUANT TO 807 KAR 5:076	)	2020-00342

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Citipwer, LLC (“Citipower”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain portions of Citipower’s Application and related exhibits filed in the above-captioned proceeding, respectfully states as follows:

1. Contemporaneously with this Motion, Citipower has filed an Application requesting an Order from the Commission approving a rate increase.
2. As part of its Application, Citipower has included pay rate and payroll tax information for its employees which are personal in nature and are regularly considered to be confidential in nature. Citipower is also including maps showing the location of Citipower’s pipelines (attached to the debt service documents). These items are referred to herein collectively as the “Confidential Information.”
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. KRS 61.878(1)(c)(1) protects “records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.” The Kentucky Supreme Court has stated, “information concerning the inner workings of a corporation is ‘generally accepted as confidential or proprietary’” *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The Confidential Information is critical to the effective execution of business decisions and strategy. If disclosed, the Confidential Information would give competitors an unfair commercial advantage and insights into Citipower’s business operations and financial strategies that are otherwise publicly unavailable. Accordingly, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

5. The Confidential Information includes identifications and depictions of certain critical energy infrastructure necessary to transmit natural gas in the region. If disclosed in conjunction with the remainder of Citipower’s Application, the Confidential Information could be utilized to commit or further a criminal or terrorist act, disrupt critical public utility systems, and/or intimidate or coerce the civilian population. Disclosure of the Confidential Information could also result in the disruption of innumerable other infrastructure systems which relate to, or rely upon, the safe and reliable provision of natural gas. Moreover, disclosure of the Confidential Information could have a reasonable likelihood of threatening the public safety. Put plainly, maintaining the confidentiality of the Confidential Information relating to critical energy infrastructure is necessary to protect the interests of Citipower, its customers, and the region at large.

6. The Confidential Information is proprietary information that is retained by Citipower on a “need-to-know” basis and is not publicly available. The Confidential Information is distributed within Citipower only to those employees who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

7. Citipower does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to 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, Section 13(2), Citipower is filing one (1) copy of the unredacted Application and exhibits separately under seal with the Confidential Information highlighted or otherwise denoted. An original and ten (10) redacted copies of the Application with exhibits have also been tendered to the Commission.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Citipower respectfully requests that the map be withheld from public disclosure indefinitely. The additional Confidential Information, Citipower requests that it be withheld from public disclosure for a period of ten years.

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 time periods described above.

This 28<sup>th</sup> day of October, 2020.

Respectfully submitted,

*L. Allyson Honaker*

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**CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, this is to certify that the electronically filed documents are true and accurate copies of the same documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on October 28, 2020; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that the original versions of the documents transmitted electronically will be filed with the Commission in paper medium within thirty days of the current state of emergency for COVID-19 being lifted. A copy has been emailed to the Attorney General's Office of Rate Intervention.

*L. Allyson Honaker*

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*Counsel for Citipower LLC*