

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF	)	
KENERGY CORP. FOR A CERTIFICATE	)	
OF PUBLIC CONVENIENCE AND NECESSITY	)	
FOR THE CONSTRUCTION OF A HIGH-SPEED	)	Case No.
FIBER NETWORK AND FOR APPROVAL OF THE	)	2021-00365
LEASING OF THE NETWORK'S EXCESS CAPACITY	)	
TO AN AFFILIATE TO BE ENGAGED IN THE	)	
PROVISION OF BROADBAND SERVICE TO	)	
UNSERVED AND UNDERSERVED HOUSEHOLDS	)	
AND BUSINESSES OF THE COMMONWEALTH	)	

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

1. Petitioner, **KENERGY CORP.** (“Kenergy”) moves the Kentucky Public Service Commission (“Commission), pursuant to 807 KAR 5:001 Section 13, and KRS 61.878(1)(c), to grant confidential protection to maps provided in the Rebuttal Testimony of Robert Stumph. The information for which Kenergy seeks confidential treatment is hereinafter referred to as the “Confidential Information.”

2. The Confidential Information is the set of maps attached to the Rebuttal Testimony of Robert Stumph. While Kenergy’s territorial information on the maps is not confidential, the Kenergy territory is superimposed on maps of which the KBCA requests confidentiality. There is no way to separate Kenergy’s territorial information from the underlying maps for which another party is seeking confidential protection

3. 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 electronically with the Executive Director with this petition in an e-mail marked "CONFIDENTIAL." A copy of those pages, with the Confidential Information redacted, is being filed with the original. 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 Petitioners except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information.

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

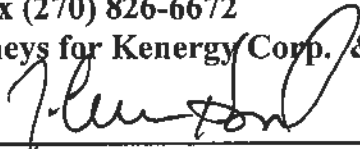
7. As discussed below, the Confidential Information is being submitted confidentially pursuant to 807 KAR 5:001 Section 13(9)(a) and/or is entitled to confidential protection based upon KRS 61.878(1)(c)(1). 807 KAR 5:001 Section 13(2)(a)(1). Kenegy relies upon the reasoning in the KBCA's Petition for Confidentiality as if set forth fully herein.

8. The time period of the protection is the same as sought by the KBCA.

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).

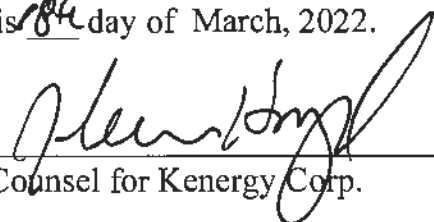
WHEREFORE, Kenergy respectfully requests that the Commission classify and protect as confidential the Confidential Information.

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By   
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J. Christopher Hopgood  
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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, with a copy to James W. Gardner and M. Todd Osterloh, Sturgill, Turner, Barker & Maloney, PLLC, 333 W. Vine St., Suite 1500, Lexington, KY 40507, on this 18<sup>th</sup> day of March, 2022.

  
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Counsel for Kenergy Corp.