

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

**IN THE MATTER OF:** )  
 )  
**APPLICATION OF KENTUCKY-AMERICAN )**  
**WATER COMPANY FOR AN ADJUSTMENT )** **CASE NO. 2021-00434**  
**OF ITS WASTEWATER RATES PURSUANT )**  
**TO 807 KAR 5:076 )**

**PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky-American Water Company (“KAW”) petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878 to grant confidential protection for Nos. 23 and 31 of KAW’s responses to Attorney General’s Second Request for Information. In support of this Petition, Kentucky American Water states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for the exemption and, therefore, maintain the confidentiality of the information, a party must establish that the material is of a kind generally recognized to be confidential or proprietary, the disclosure of which would place the party seeking confidentiality at an unfair commercial advantage.

2. Attorney General Second Data Request Nos. 23 and 31 seek copies of KAW’s incentive compensation plans and information about KAW’s various retirement plans, respectively. Those plans are the product of extensive time and money invested by KAW’s parent company, American Water Works Company, Inc. (“AWWC”). Thus, they are confidential and proprietary and the disclosure of them would unfairly advantage AWWC’s and KAW’s competitors. If those competitors have free access to the plans that AWWC expended substantial resources to develop, they will derive an unfair commercial advantage. Additionally, the plans reveal what KAW’s employees are eligible to receive in the way of incentive compensation and

retirement benefits. If KAW's competitors obtain that information, they will derive an unfair advantage over KAW in the marketplace for employees.

3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect KAW's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

4. The information for which Kentucky American Water is seeking confidential treatment pursuant to KRS 61.878 is not known outside of the utility, is not disseminated within KAW except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information within the utility industry.

5. KAW will disclose the confidential information (pursuant to a confidentiality agreement) to intervenors and others with a legitimate interest in this information and as required by the Commission.

6. KAW is submitting the confidential information to the Commission in a confidential manner via e-mail to the Commission's Executive Director.

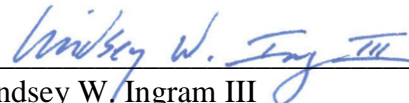
7. Given the nature of the confidential information, KAW requests that the information be kept confidential for an indefinite period of time.

WHEREFORE, Kentucky American Water respectfully requests that the Commission grant confidential protection for the information described herein.

Date: February 28, 2022

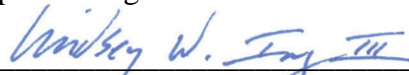
Respectfully submitted,

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**CERTIFICATE**

This is to certify that Kentucky American Water's February 28, 2022 electronic filing is a true and accurate copy of the original documents in paper medium except that the confidential documents will not be electronically filed publicly; that the electronic filing was transmitted to the Commission on February 28, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

  
Counsel for Kentucky American Water