

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF AMERICAN)	
ELECTRIC POWER COMPANY, INC., KENTUCKY)	
POWER COMPANY AND LIBERTY UTILITIES CO.)	CASE NO.
FOR APPROVAL OF THE TRANSFER OF OWNERSHIP)	2021-00481
AND CONTROL OF KENTUCKY POWER COMPANY)	

**LIBERTY’S
MOTION FOR CONFIDENTIAL TREATMENT**

Liberty Utilities Co. (“Liberty”), by counsel, moves the Public Service Commission of Kentucky (the “Commission”) for an order granting confidential treatment of its Motion for Virtual Participation for its Witness, Michael Mosindy. Specifically, Liberty requests confidential treatment for information concerning the need from him to appear virtually at the hearing on March 28, 2022. In support of this motion, Liberty states as follows:

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. KRS 61.878(1)(a) exempts from disclosure “public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” This exception is intended to protect privacy,

which Kentucky courts have held as a “basic right of the sovereign people.” *See Bd. of Ed. of Fayette Cty. v. Lexington-Fayette Urb. Cty. Hum. Rts. Comm’n*, 625 S.W.2d 109, 110 (Ky. Ct. App. 1981). The test the Kentucky Supreme Court has adopted to determine if information is exempt from disclosure, pursuant to KRS 61.878(1)(a), requires that the information be “of a personal nature” and that, upon “weighing the interest of the person involved against the public’s interest in disclosure,” the disclosure would constitute an invasion of privacy. *Cape Publications, Inc. v. Univ. of Louisville Found., Inc.*, 260 S.W.3d 818, 821 (Ky. 2008) (citing *Kentucky Bd. Of Exam’rs of Psychologists v. Courier-Journal & Louisville Times Co.*, 826 S.W.2d 324, 327-28 (Ky. 1992)).

The information in Liberty’s Motion for Virtual Participation is of a personal nature and disclosure of that information would constitute an invasion of privacy. The public interest for disclosure does not outweigh the legitimate privacy interest. Accordingly, Liberty respectfully requests confidential treatment of the above-referenced motion in perpetuity.

RESPECTFULLY SUBMITTED,

STURGILL, TURNER, BARKER & MOLONEY, PLLC



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