

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

**ELECTRONIC APPLICATION OF ROWAN WATER,))
INC. FOR AN ALTERNATIVE RATE ADJUSTMENT)**

**CASE NO.
2022-00252**

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Rowan Water, Inc. (“Rowan Water”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and respectfully moves the Kentucky Public Service Commission (“Commission”) to afford confidential treatment to certain portions of Rowan Water’s responses to the requests for information propounded by Commission Staff in the above-captioned proceeding on September 30, 2022. In support of this motion, Rowan Water respectfully states as follows:

1. On September 2, 2022, Rowan Water tendered to the Commission an Application for the adjustment of its rates. Rowan Water submitted a filing to cure deficiencies on September 6, 2022. Commission Staff propounded requests for information on September 30, 2022. Rowan Water is filing its responses to Staff’s requests for information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, Rowan Water requests that the Commission afford confidential treatment to the following proprietary, personal, confidential, sensitive, and commercially valuable information (collectively, the “Confidential Information”):

a. the specific employee identity and compensation information contained in Rowan Water's responses to Item Nos. 1d, 1e and 2 of Commission Staff's request;¹

3. In addition to the Confidential Information listed above, Rowan Water redacted the customer identifying information (either names, addresses or both) in its responses to Request Nos. 7, 8 and 11c.

4. The Confidential Information is not appropriate for public dissemination because it includes detailed, private material about Rowan Water's employees. The employee-specific compensation information for which Rowan Water seeks confidential treatment is all undoubtedly of a personal nature; moreover, to maintain the confidentiality of the relevant information is integral to Rowan Water's interests as an employer and service provider. The public disclosure of such sensitive information would constitute a clearly unwarranted invasion of personal privacy and may unfairly harm Rowan Water's competitive position in the marketplace. The Excel spreadsheet attachments for Responses 8 and 11c, contain columns with customer names and/or addresses. The public version of these spreadsheets have the columns removed, however the confidential versions of these attachments that are being filed under seal have the columns in tact and are highlighted.

5. The Confidential Information is proprietary information that is retained by Rowan Water on a "need-to-know" basis. The Confidential Information is distributed within Rowan Water only to those holding select positions who must have access for business reasons, and is generally recognized as confidential and proprietary in the water industry.

¹ Because of Rowan Water's small workforce, the release of private, employee-specific compensation data cannot be avoided by simply redacting names; for this reason, Rowan Water seeks confidential protection for both employee identity and title and certain corresponding employee compensation information.

6. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. *See* KRS 61.878(1)(a); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky.App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The public disclosure of the Confidential Information would potentially harm Rowan Water's competitive position in the marketplace, to the detriment of Rowan Water and its customers. Additionally, all of the Confidential Information is publicly unavailable and its confidentiality is critical to Rowan Water's effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

7. Rowan Water 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, Rowan Water is filing, under seal with its confidentiality denoted, one (1) unredacted copy of its responses containing Confidential Information.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Rowan Water respectfully requests that the Confidential Information be withheld from public disclosure for ten (10) years.

10. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Rowan Water 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, Rowan Water respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for a period of ten (10) years.

Dated this 4th day of November, 2022.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that foregoing was submitted electronically to the Commission on November 4, 2022 and that there are no parties that have been excused from electronic filing. Pursuant to prior Commission orders, no paper copies of this filing will be submitted.



Counsel for Rowan Water, Inc.