

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF ROWAN WATER,)	
INC. FOR AN ALTERNATIVE RATE ADJUSTMENT)	
AND AN INVESTIGATION INTO ROWAN WATER,)	
INC. AND ITS INDIVIDUAL DIRECTORS, LARRY)	CASE NO.
JOHNSON, DANNY STEVENS, DANNY COX,)	2022-00252
MIKE COLLINS, ENOCH BLAIR, AND ITS MANAGER,)	
JERRY PATRICK, FOR ALLEGEDLY FAILING TO)	
COMPLY WITH KRS 278.300 AND A COMMISSION)	
ORDER)	

MOTION FOR REHEARING

Comes now Rowan Water, Inc. (“Rowan Water”), by and through counsel, pursuant to KRS 278.400 and other applicable law, and respectfully moves the Kentucky Public Service Commission (“Commission”) to reconsider the denial of confidential treatment for certain responses to Commission Staff’s First Request for Information. 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 filed responses to Staff’s requests for information on November 4, 2022 along with a Motion for Confidential Treatment.
2. The Commission issued an Order on February 9, 2023 granting in part and denying in part Rowan Water’s Motion for Confidential Treatment.

3. Rowan Water is seeking rehearing on the denial of the information provided in response to Items 1e and 2.

4. Rowan Water sought confidential treatment for the entire document provided in response to Item 1e, therefore no highlights were contained in the confidential document. The information provided was personal employee information regarding employee names, titles, wages and job descriptions. As noted in the Motion for Confidential Treatment, due to the small work force of Rowan Water public disclosure of any of the information contained in Rowan Water's response to Item 1e would give the public enough information to determine the identity of the employee and will result in the disclosure of personal, confidential information of the employees.

5. It has been customary to not highlight entire documents when confidentiality is sought for an entire document, however, if the Commission would prefer or will require entire documents to be highlighted when requesting confidential treatment, future filings could comply with this request.

6. Due to the Commission's ruling regarding the compensation information for the general manager, for other responses provided by Rowan Water, Rowan Water would amend its request regarding the information contained in its response to Item 1e pertaining to the General Manager's compensation information and is therefore tendering a highlighted version of the document along with a redacted version.

7. In addition to the denial of the information contained in response to Item 1e, Rowan Water is also seeking rehearing on the denial of the one vendor name that was redacted in the information provided in response to Item 2. Even though it says "Vendor", this is actually an employee of Rowan Water. Rowan Water's original Motion contained arguments regarding the importance of keeping employee names confidential in response to Item 2, since this is personal,

sensitive information that would cause an invasion of privacy for the employee, Rowan Water sought confidential treatment of the employee's name.

8. As stated in Rowan Water's original motion, 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.

9. 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.

10. 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.

WHEREFORE, on the basis of the foregoing, Rowan Water respectfully requests that the Commission reconsider its ruling pertaining to Rowan Water's responses to Items 1e and 2 and classify and protect as confidential the specific Confidential Information described herein for a period of ten (10) years.

Dated this 17th day of February, 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that foregoing was submitted electronically to the Commission on February 17, 2023 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.