

granting rehearing and also entered a procedural schedule for the confidentiality rehearing. As a result, Commission Staff propounded its first data requests on rehearing on March 15, 2023. 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 proprietary, personal, confidential, sensitive, information regarding the identity of the employee for whom Rowan Water initially requested confidential treatment for his name since it would reveal the amount paid for the employee's benefits. Revealing the information in the responses to data requests would allow anyone to determine the identity of the employee and therefore reveal private, sensitive information regarding his employee benefits and would defeat the purpose of requesting confidential treatment for the employee's name in the initial requests for information in this proceeding and to which this rehearing docket is referring. This information is protected from disclosure pursuant to KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).

3. The Confidential Information is not appropriate for public dissemination because it includes detailed, private material about Rowan Water's employee. The employee-specific information in this response would reveal the identity of the employee in question and would therefore provide personal and confidential employee compensation information. Rowan Water is a small water utility with very few employees. If the information which has been redacted in the responses to Staff's Request is made publicly available, it would be easy to determine who the employee is that is the subject of the original motion for confidential treatment and would reveal personal and private information for that employee. Employee compensation information is obviously of a personal nature and should be afforded confidential treatment. Maintaining 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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 30th day of March, 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that foregoing was submitted electronically to the Commission on March 30, 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.