

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
BIG SANDY WATER DISTRICT)	
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	
DEPLOY AN ADVANCED METERING)	Case No. 2023-00163
INFRASTRUCTURE AND)	
GEOGRAPHIC INFORMATION SYSTEM,)	
ISSUANCE OF EVIDENCE OF)	
INDEBTEDNESS, AND REQUEST FOR)	
EXPEDITED RELIEF)	

**MOTION OF BIG SANDY WATER DISTRICT
FOR CONFIDENTIAL TREATMENT**

1. Big Sandy Water District (“Big Sandy District”) pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, hereby moves the Kentucky Public Service Commission (the “Commission”) to grant confidential treatment to certain information (the “Confidential Information”) contained in its Application for a Certificate of Public Convenience and Necessity, Issuance of Evidence of Indebtedness, and Request for Expedited Relief (“Application for CPCN”). In support of this Motion, Big Sandy District states as follows.

2. As discussed below, the Confidential Information is entitled to confidential treatment based upon KRS 61.878(1)(c)(1) and/or 61.878(1)(m)(1). *See* 807 KAR 5:001, Section 13(2)(a)(1).

3. Specifically, Big Sandy District seeks to keep portions of Exhibit 2 to the Application confidential,¹ as it contains information related to customers of Big Sandy District (“*Customer Information*”).

I. KRS § 61.878 – Confidential or Proprietary Information.

4. KRS § 61.878(1)(c)(1) protects “records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”

5. The Confidential Information identified above for which Big Sandy District seeks confidential treatment is not publicly disseminated and public disclosure of this information would harm Big Sandy District, and potentially the public.

6. Exhibit 2 the Application contains information related to individual customers, including individual customer usage data. Disclosing the details of Exhibit 2 would allow Big Sandy District’s competitors, as well as the competitors of Big Sandy District customers, information that could be used to negotiate more favorable terms and to develop marketing strategies. Additionally, providing individual customer usage data would invade the privacy rights of the Big Sandy District customers identified in Exhibit 2.

7. The Commission has previously granted confidential treatment of such information pursuant to KRS 61.878(1) for an indefinite period of time. *See In the Matter of: Application of Atmos Energy Corporation for an Adjustment of Rates and Tariff Modifications*, Case No. 2013-00148, Dec. 3, 2013 Order; *In the Matter of: Filing of Agreement for the Purchase and Sale of Firm Capacity and Energy Between Big Rivers Electric Corporation and the Kentucky Municipal*

¹ Consistent with 807 KAR 5:001 § 4(10), Big Sandy District has also redacted personal information within Exhibit 2.

Energy Agency, Order, P.S.C. Case No. 2016-00306 (Jan. 2, 2019); *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Order, P.S.C. Case No. 2012-00221 (July 25, 2013) (holding customer names, account numbers, and usage information exempt from disclosure under KRS 61.878(1)(a)).

8. Accordingly, Big Sandy District respectfully requests that the Commission grant confidential treatment to the portions of Exhibit 2 containing Customer Information for an indefinite period of time.

II. The Confidential Information.

9. The Confidential Information is not publicly available, is not disseminated within Big Sandy District except to those employees and professionals with a legitimate business need to know and act upon the information, and are not disseminated to others without a legitimate need to know and act upon the information.

10. Based on the foregoing, the Confidential Information is entitled to confidential protection. If the Commission disagrees, then the Commission should allow Big Sandy District to request an evidentiary hearing to protect its due process rights and to supply the Commission with a complete record to enable it to reach a decision with regard to this filing. *See Util. Reg. Comm'n v. Ky. Water Serv. Co., Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

11. Pursuant to the Commission's March 24, 2020 Order *In the Matter of: Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No. 2020-00085 ("Case No. 2020-00085"), one (1) copy of the confidential information highlighted in yellow is being filed with this motion by electronic mail. A copy of those pages, with the Confidential Information redacted, is being electronically filed with the Application for CPCN.

12. A copy of this motion with the Confidential Information redacted has been served on all parties to this proceeding through the use of electronic filing. *See* 807 KAR 5:001, Section 13(b). A copy of the Confidential Information has been served on all parties to this proceeding through electronic mail.

13. If and to the extent any of the Confidential Information becomes publicly available because it is no longer competitively sensitive, Big Sandy District will inform the Commission in writing and have its confidential status removed. 807 KAR 5:001 Section 13(10)(b).

WHEREFORE, Big Sandy District respectfully requests that the Commission classify and protect the Confidential Information as confidential for an indefinite period of time.

This the 24th day of May, 2023.

Respectfully submitted,

/s/ R. Brooks Herrick
R. Brooks Herrick
Easton B. Depp
DINSMORE & SHOHL LLP
101 South Fifth Street
Suite 2500
Louisville, KY 40202
502.540.2300
502.540.2529 (fax)
Brooks.herrick@dinsmore.com
Easton.depp@dinsmore.com
Counsel to Big Sandy Water District

Certification

I hereby certify that a copy of this Motion has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ R. Brooks Herrick
Counsel to Big Sandy Water District