

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC HENDERSON COUNTY WATER	)	
DISTRICT UNACCOUNTED FOR WATER LOSS	)	CASE NO.
REDUCTION PLAN, SURCHARGE AND	)	2023-00333
MONITORING	)	

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Henderson County Water District (“Farmers”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001 Section 13, and other applicable law, and respectfully moves the Commission to afford confidential treatment to certain information and documents filed by Henderson District in response to the requests for information propounded by Commission Staff in the above-styled matter. In support of this request, Henderson District states as follows:

1. On December 13, 2025, the Commission opened this proceeding to monitor Henderson District’s Water Loss Reduction Surcharge (“surcharge”). Included in the Order was a requirement that before Henderson District utilizes any surcharge funds, it must request Commission approval. On October 29, 2025, Commission Staff’s Second Request for Information (“Staff’s Second Request”). Henderson District is filing its responses to Staff’s Second Request contemporaneously with this motion.

2. Henderson District requests the Commission to afford confidential protection to certain information being filed by Henderson District in response to Staff’s Second Request Item 1(b). The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. The response to Staff’s Second Request, Item 1(b) contains a bid for the

item Henderson District is requesting authorization to purchase from a different supplier. Henderson District is requesting confidential treatment of this bid pursuant to KRS 61.878(1)(c)(1) because disclosure of the bid could place Henderson District in a commercial disadvantage. If, for some reason, Henderson District is unable to purchase the item it has chosen, the District will then have to rebid the item. If other parties are aware of the non-selected bid amount the new bids could be formulated in such a way to place Henderson District at a commercial disadvantage.

3. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *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). As stated above, the public disclosure of the Confidential Information would potentially harm Henderson District's competitive position in the marketplace which would be to the detriment of Henderson District. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Henderson District's effective execution of business decisions and strategy. The information is also personal to the employees and would be an unwarranted invasion of privacy if disclosed. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. The Confidential Information clearly contains private information and is commercially valuable. The Confidential Information is proprietary information that is retained by Henderson District on a "need-to-know" basis and is only distributed by Henderson District only to those holding select positions who must have access for business reasons, and it is generally recognized as confidential and proprietary in the utility industry and elsewhere.

5. Henderson District does not object to limited disclosure of the Confidential Information described herein, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

6. Henderson District is requesting confidential protection for the entirety of the documents provided in response to Staff's Second Request Item 1(b), so pursuant to 807 KAR 5:001, Section 13(2)(a)3.b a redacted version of the Confidential Information is not being filed. The filing of the Confidential Information is noted in the public version of all the responses.

7. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Henderson District respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

8. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Henderson District will notify the Commission and seek to have confidential protection removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Henderson District respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for an indefinite period.

This the 14th day of November, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on November 14, 2025, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

Heather S. Temple

Counsel for Henderson County Water District