

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF)	
MORGAN COUNTY WATER DISTRICT)	CASE NO.
FOR RATE ADJUSTMENT PURSUANT TO)	2024-00010
807 KAR 5:076)	

**MORGAN COUNTY WATER DISTRICT’S
MOTION FOR CONFIDENTIAL TREATMENT**

Comes now Morgan County Water District (“Morgan District”), by counsel, and 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 Morgan District’s responses to the requests for information propounded by Commission Staff in the above-captioned proceeding on April 12, 2024. In support of this motion, Morgan District respectfully states as follows:

1. On March 15, 2024, Morgan District tendered to the Commission an Application for the adjustment of its rates. Morgan District submitted a filing to cure deficiencies on March 22, 2024, as well its Verified Motion for Emergency Interim Rate Increase. On April 8, 2024, the Commission entered its Order setting a hearing on the Motion for Emergency Interim Rate Increase. Commission Staff entered a procedural schedule for this matter on April 12, 2024, and propounded its first request for information to Morgan District. Morgan District is filing its responses to Staff’s First Request for Information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, Morgan District 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 Morgan District’s responses to Item No. 6a of Commission Staff’s request;¹

3. The Confidential Information is not appropriate for public dissemination because it includes detailed, private material about Morgan District’s employees. The employee-specific compensation information for which Morgan District seeks confidential treatment is all undoubtedly of a personal nature; moreover, to maintain the confidentiality of the relevant information is integral to Morgan District’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 Morgan District’s competitive position in the marketplace.

4. Morgan District is not seeking confidential treatment for the compensation information for the general manager, Shannon Elam.

5. The Confidential Information is proprietary information that is retained by Morgan District on a “need-to-know” basis. The Confidential Information is distributed within Morgan District 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.

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

¹ Because of Morgan District’s small workforce, the release of private, employee-specific compensation data cannot be avoided by simply redacting names; for this reason, Morgan District seeks confidential protection for both employee identity and title in the excel spreadsheets uploaded separately in the electronic filing system.

would potentially harm Morgan District's competitive position in the marketplace, to the detriment of Morgan District and its customers. Additionally, all of the Confidential Information is publicly unavailable and its confidentiality is critical to Morgan District'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. Morgan District 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, Morgan District is filing, under seal with its confidentiality denoted, one (1) unredacted copy of its responses containing Confidential Information and a redacted version is being filed in the public record.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Morgan District 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, Morgan District 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, Morgan District 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 26th day of April, 2024.

Respectfully submitted,


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CERTIFICATE OF SERVICE

This is to certify that foregoing was submitted electronically to the Commission on April 26, 2024 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 Morgan County Water District