

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO. 2025-00240
AND NECESSITY FOR INSTALLATION OF)	
ADVANCED METERING INFRASTRUCTURE)	

PETITION FOR CONFIDENTIAL PROTECTION

Kentucky-American Water Company (“KAWC” or “Company”), petitions the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001 Section 13 to grant confidential protection for certain information the Company is providing in response to Item Nos. 19 and 22 of the Commission Staff’s First Request for Information and Item Nos. 8, 31, 39 and 43 of the Attorney General’s First Request for Information. In support of its Petition, KAWC states the following:

Confidential Personal Information – Customer-Identifying Information (KRS 61.878(1)(a))

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information and information that will reveal specific customers’ billing information. Item No. 22 of the PSC’s First Request for Information asks for customers’ names and addresses

pertaining to consecutive estimated bills. In responding to this request, KAWC is providing customers' names and addresses.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c)(1))

2. The Kentucky Open Records Act exempts from disclosure certain records which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.¹ Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

3. In response to Item No. 8 of the Attorney General's First Request for Information, KAWC is providing the supporting calculations for the cost benefit analysis that was attached as Exhibit A to the Application. This file contains information constituting or related to meter vendor, meter pricing, and installation labor costs KAWC considered in assessing AMI and the cost/benefit analysis that identified a selected metering option. The file also contains meter and meter component prices. KAWC requests that the vendor names, installation labor costs, and meter and meter component prices be kept confidential.

4. Item No. 19 of the Commission's Staff First Request for Information requests pricing information that KAWC received from bidders, as well as detailed information regarding KAWC assessed responses to bid submissions. Public disclosure would disrupt the competitive bid process. Public disclosure would place KAWC at a considerable disadvantage when negotiating future contracts, as suppliers would have KAWC's playbook in analyzing and evaluating bid responses. Likewise, Item No. 31 of the Attorney General's First Request for Information requests "Documentation, including all workpapers, reports, summaries, comparisons, spreadsheets (in electronic form with formulas intact), and presentations of all

¹ KRS 61.878(1)(c)(1).

alternatives and options evaluated in both the RFI and RFP, including vendor pricing and information.” The information provided in response to this request likewise contains substantial information regarding how KAWC and American Water evaluate bid responses.

5. In response to Item No. 39 of the Attorney General’s First Request for Information, KAWC is providing lid pricing and diagrams. This information was provided by the vendor specifically for KAWC and includes custom lid diagrams and unique pricing. If this information was publicly disclosed, KAWC could be unable to obtain better pricing for the lids, as other suppliers would know KAWC’s current cost. Moreover, the vendor may be unable to offer favorable terms to KAWC in the future if it learns this information is publicly disclosed, including the custom lid design.

6. Item No. 43 of the Attorney General’s First Request for Information, subpart c, requests copies of the contracts that have been entered into with the RFP vendors. In response, KAWC is providing two contracts. These agreements reveal KAWC’s negotiated contract terms, pricing, and other commercially sensitive information. If this information was publicly disclosed, KAWC could be unable to obtain better pricing for the lids, as other suppliers would know KAWC’s current cost. Moreover, the vendor may be unable to offer favorable terms to KAWC in the future if it learns this information is publicly disclosed.

Confidential Information Subject to this Petition

7. The information for which KAWC is seeking confidential treatment is not known outside of KAWC, their consultants with a need to know the information, and the Company’s counsel, is not disseminated within KAWC except to those employees with a legitimate business

need to know and act upon the information and is generally recognized as confidential and proprietary information.

8. KAWC will disclose the confidential information, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this information and as required by the Commission.

9. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect KAWC's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.²

10. For the response to Item No. 8 of the Attorney General's First Request for Information to KAWC, the Company is filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought. For the other confidential responses, the entire documents are confidential and are noted as such. In accordance with the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, KAWC will provide unredacted copies noting the confidential information with highlighting to the Commission. Access to the confidential information will be provided to intervenors upon request pursuant to a confidentiality agreement.

11. KAWC requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

WHEREFORE, Kentucky-American Water Company respectfully requests that the Commission grant confidential protection for all of the information described herein.

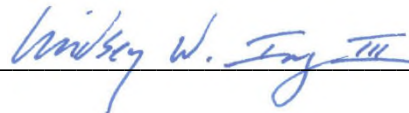
² *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

Respectfully submitted,

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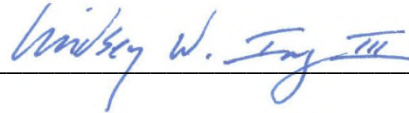
BY:  _____

Attorneys for Kentucky-American Water Company

CERTIFICATE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on August 29, 2025; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

STOLL KEENON OGDEN PLLC

By 

Attorneys for Kentucky-American Water Company