

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
NAVITAS KY NG, LLC FOR AN)	
ALTERNATIVE RATE FILING)	Case No. 2025-00332
ADJUSTMENT PURSUANT)	
TO 807 KAR 5:076)	

MOTION FOR CONFIDENTIAL TREATMENT

Navitas KY NG, LLC (“Navitas” or the “Company”), by counsel and pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, respectfully submits this motion for confidential treatment (“Motion”) with respect to certain information provided in the Direct Testimony of Talha A. Sheikh (“Direct Testimony”), as well as Exhibit TAS-2, Exhibit TAS-3, Exhibit TAS-4, and Exhibit TAS-5 (collectively, the “Exhibits”). The information for which Navitas seeks confidential treatment is hereinafter referred to as the “Confidential Information.” In support of its Motion, Navitas states as follows:

1. Contemporaneously with the filing of this motion, Navitas has filed the Direct Testimony and the supporting Exhibits, which collectively provide a detailed analysis of the Cost of Service Study (“COSS”) commissioned by Navitas in support of the requested rate adjustment in the above-referenced matter.

2. Within the Direct Testimony and Exhibits, Navitas has provided certain Confidential Information, which is found in the following items:

- a. Direct Testimony of Talha A. Sheikh, pages 4-5; 8; 12-13; 22-23; 27; 30.
- b. The attachment labeled, “Exhibit TAS-2 – COSS Summary.”

- c. The attachment labeled, “Exhibit TAS-3 – COSS Workpapers.”
 - d. The attachment labeled, “Exhibit TAS-4 – Revenue Targets.”
 - e. The attachment labeled, “Exhibit TAS-5 – Rate Design and Bill Impacts.”
3. The information Navitas seeks to protect as Confidential Information includes (i) private financial and proprietary information of Navitas, including customer-specific usage information for one of Navitas’s customers, the Clinton County Mutually Curtailable Industrial customer (the “MCI customer”), and (ii) private information including that of a personal nature.

I. KRS § 61.878 – Confidential or Proprietary Information

4. Pursuant to KRS 61.687(1)(c)(1), commercial information generally recognized as confidential is protected if disclosure would cause competitive injury and permit competitors to obtain an unfair commercial advantage. To qualify for the exemption and maintain the confidentiality of the information, a party must establish that the material is of a kind “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.”¹ The Commission has routinely relied on this section of the Kentucky Open Records Act to grant confidential protection to third-party documents when disclosure would disadvantage a company.²

5. Pursuant to KRS 61.878(1)(a), the Commission further grants confidential treatment to “records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

¹ KRS 61.687(1)(c)(1).

² See, e.g., *In the Matter of Electronic Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and Assumption of Obligations and an Order Amending and Extending Existing Authority with Respect to Revolving Line of Credit*, Case No. 2018-00153, Order (Ky. PSC Aug. 22, 2018).

A. CUSTOMER-SPECIFIC INFORMATION

6. Certain limited portions of the Direct Testimony of Talha A. Sheikh, as well as Exhibit TAS-2, Exhibit TAS-3, Exhibit TAS-4, and Exhibit TAS-5, contain customer usage data specific to the MCI customer. Disclosing these details would allow Navitas's competitors to use this information to unfairly compete by negotiating more favorable terms with the MCI customer. Additionally, disclosure of this information would place the MCI customer at a competitive disadvantage, as its own competitors would gain access to details regarding the MCI customer's operating costs and natural gas consumption. The Commission has generally recognized that specific customers' usage data and identifying cost of service information is confidential and proprietary.³ This Confidential Information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas and the MCI customer, and it therefore qualifies as protectable confidential information pursuant to KRS 61.878(1)(c)(1).

7. Furthermore, Navitas seeks confidential treatment of certain aggregate totals which, with little computational effort, could be utilized to back into the MCI customer's usage

³ *E.g., In the Matter of: Electronic Tariff Filing of Kentucky Power Company for Approval of a Special Contract under its Economic Development Rider and Demand Response Service Tariffs with Cyber Innovation Group, LLC*, Case No. 2022-00424 (Ky. PSC Mar. 10, 2023) (finding that a single customer's usage and load information is generally recognized as confidential or proprietary because disclosure thereof could create a competitive disadvantage); *In the Matter of: Electronic Tariff Filing of Duke Energy Kentucky, Inc. of a Natural Gas Service Minimum Usage Agreement and a Petition for Confidential Treatment*, Case No. 2020-00041 (Ky. PSC Mar. 22, 2021) (granting confidential treatment to "sensitive pricing information to determine the customer's costs under the agreement, estimations of the customer's facilities, and allocation percentage derived through Duke Kentucky's proprietary modeling tool for the specific customer, and customer future load forecasts..."); *In the Matter of: Electronic Joint Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Review, Modification, and Continuation of Certain Existing Demand-Side Management and Energy Efficiency Programs*, Case No. 2017-00441 (Ky. PSC Jan. 25, 2019) (granting confidential treatment to individual account usage information, including electric consumption and demand-side management/energy efficiency participation values because disclosure of these materials would permit an unfair commercial advantage to competitors).

information. The Commission should similarly grant confidential treatment to the identified aggregate figures.

8. The Confidential Information contains information of a personal nature and the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. The Confidential Information consists of the MCI customer's average natural gas consumption, the current cost it pays for natural gas, and how much the MCI customer may pay for natural gas over the next nine years under the proposed rates. Such information has previously been granted confidential treatment because it is a clearly unwarranted invasion of personal privacy for the customer pursuant to KRS 61.878(1)(a), and the Commission should do the same here.⁴

II. The Confidential Information is Entitled to Confidential Treatment Under KRS 61.878.

9. Consistent with the above discussion, Navitas respectfully requests that the Commission enter an order granting confidential treatment to the Confidential Information contained in the Direct Testimony of Talha A. Sheikh, as well as Exhibit TAS-2, Exhibit TAS-3, Exhibit TAS-4, and Exhibit TAS-5.

10. The Confidential Information described herein is not publicly available. It would be difficult or impossible for someone to discover this information from other sources. The disclosure of this proprietary information would result in significant or irreparable competitive harm to Navitas and the MCI customer, by providing their competitors with a non-reciprocal

⁴ *In the Matter of: Electronic Tariff Filing of Big Rivers Electric Corporation and Jackson Purchase Energy Corporation for Approval and Confidential Treatment of a Special Contract and Cost Analysis Information and a Request for Deviation from the Commission's September 24, 1990 Order in Administrative Case No. 327, Case No. 2021-00282 (Ky. PSC Oct. 14, 2021) (granting confidential treatment to information relating to projected power usage and the cost incurred in paying for electricity).*

competitive advantage. No public purpose is served by the disclosure of such Confidential Information. KRS 61.878(1)(c)(1).

11. Furthermore, the Confidential Information described herein contains “information of a personal nature” and it therefore qualifies as protectable confidential information pursuant to KRS 61.878(1)(a).

III. Time Period

12. 807 KAR 5:001 Section 13(2)(a)(2) provides that a motion for confidential treatment shall state the time period for which the material should be treated as confidential and the reasons for this time period.

13. Navitas respectfully requests that the Confidential Information identified herein remain confidential for a period of ten (10) years from the date of filing this Motion, which is a reasonable period of time for confidentiality in light of competitive conditions in the utility and the MCI customer.⁵ The Commission has previously granted confidential treatment to similar information for a period of ten years, and should do so here.⁶

IV. Request for Relief

14. Because this Confidential Information is subject to a pending motion for confidential treatment, the Confidential Information remains confidential until the Commission acts on that motion.⁷

⁵ 807 KAR 5:001, Section 13(2)(a)(2).

⁶ *E.g., In the Matter of: Electronic Tariff Filing of Duke Energy Kentucky, Inc. of a Natural Gas Service Minimum Usage Agreement and a Petition for Confidential Treatment*, Case No. 2020-00041 (Ky. PSC Mar. 22, 2021) (granting confidential treatment for a period of ten years).

⁷ *See* 807 KAR 5:001 Section 13(4) (“Pending action by the commission on a motion for confidential treatment or by its executive director on a request for confidential treatment, the material specifically identified shall be accorded confidential treatment.”).

15. This Confidential Information is not publicly available, is not disseminated within Navitas except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information.

16. If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Navitas will notify the Commission in writing.⁸

17. If the Commission disagrees with Navitas that the material for which this Motion seeks confidential treatment is exempt from disclosure, it should hold an evidentiary hearing to protect the due process rights of Navitas and permit the opportunity to supply the Commission with a complete record to enable it to reach a decision with regard to this confidentiality request.

18. In compliance with 807 KAR Section 8(3) and Section 13(2)(e), Navitas is filing with the Commission a copy of the Confidential Information with the material for which confidential treatment is sought denoted by highlighting. The unredacted copies are filed under seal pursuant to the instructions regarding confidential filings in the March 24, 2020 Order issued in Case No. 2020-00085; redacted pages of the subject documents are being publicly filed.

⁸ 807 KAR 5:001 Section 13(10)(b).

WHEREFORE, Navitas respectfully requests that the Commission classify and protect the Confidential Information as confidential as requested herein.

This the 10th day of February, 2026.

Respectfully submitted,

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Certification

I hereby certify that a copy of this filing 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/ M. Evan Buckley
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