COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:	)	
	)	
Electronic Application of Bluegrass	)	
Water Utility Operating Company, LLC	)	
For an Adjustment of Water and	)	
Sewage Rates	)	**Case No. 2025-00354**
	)	

MOTION OF BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC
FOR CONFIDENTIAL TREATMENT

1. Bluegrass Water Utility Operating Company, LLC ("Bluegrass Water") 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 Responses to the Commission Staff's post-hearing requests for information ("Commission Responses") and the Office of the Attorney General's post-hearing requests for information ("OAG Responses") submitted contemporaneously herewith.

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

3. Specifically, Bluegrass Water seeks to keep the following information confidential:

a. CONFIDENTIAL Exhibit PSC PHDR 45 – Penalty 30 Day Past Due Impact; CONFIDENTIAL Exhibit PSC PHDR 27 – KY Late Fees by Month April 2024-Sept 2026; CONFIDENTIAL Exhibit PSC PHDR 21 – Complaint Log ("***Customer Information***");

b. CONFIDENTIAL Exhibit PSC PHDR 25 – Great Oaks Plans ("***Critical Infrastructure***");

c. CONFIDENTIAL Exhibit PSC PHDR 17 – Business Development Detail; CONFIDENTIAL Exhibit PSC PHDR 36 – Bonus Reason; CONFIDENTIAL Exhibit PSC PHDR 40(h) – Salaries; CONFIDENTIAL Exhibit OAG PHDR 2 – Governmental Affairs ("***Non-Executive Employee Benefits***"); and

d. CONFIDENTIAL Exhibit PSC PHDR 39(d) – Total Cost Account Listing; CONFIDENTIAL Exhibit PSC PHDR 39(b) – Cost Comparison ("***Internal Business Planning 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. KRS § 61.878(1)(a) protects "records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy."

6. KRS § 61.878(1)(m)(1) protects "records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to ... (f) [i]nfrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems ... [including but not limited to] information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems[.]"

7. The Confidential Information identified above for which Bluegrass Water seeks confidential treatment is not publicly disseminated and public disclosure of this information would harm Bluegrass Water, CSWR, and its customers.

A. Customer Information

8. Bluegrass Water seeks confidential treatment for Exhibit PSC PHDR 45 – Penalty 30 Day Past Due Impact, Exhibit PSC PHDR 27 – KY Late Fees by Month April 2024-Sept 2026, and Exhibit PSC PHDR 21 – Complaint Log. Each of these exhibits contains personal customer information, such as individual customer names, addresses, and account numbers. The disclosure of this information would constitute an unwarranted invasion of privacy on behalf of Bluegrass Water's customers. KRS 61.878(1)(a)(1). Furthermore, customer account numbers constitute personal information pursuant to 807 KAR 5:001, Section 4(10) and should be afforded confidential treatment.

9. 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 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)).

10. Accordingly, Bluegrass Water respectfully requests that the Commission grant confidential treatment to Exhibit PSC PHDR 45, Exhibit PSC PHDR 27, and Exhibit PSC PHDR 21.

B. Critical Infrastructure

11. Bluegrass Water seeks confidential treatment for Exhibit PSC PHDR 25 – Great Oaks Plans. This exhibit depicts critical infrastructure, including a map of the approximate location

of the Great Oaks system and detailed diagrams of the treatment systems in place at that system. See KRS 61.878(1)(m)(1). If publicly disclosed, there is a reasonable likelihood of threatening public safety by exposing the approximate locations of this infrastructure. The Commission has previously treated similar critical infrastructure confidentially. *See, e.g.*, *In Re Electronic Application of Kentucky Utilities*, Case No. 2020-00349 (Ky. PSC Dec. 7, 2021) ("public disclosure of the material could result in competitive harm to LG&E/KU; KRS 61.878(1)(m), which prohibits public disclosure of critical infrastructure systems; and 807 KAR 5:001 Section 13."). In fact, the Commission has previously treated such information confidentially as set forth in the Order dated August 3, 2026 in this matter, wherein the Commission granted confidential treatment to Exhibit OAG 3-65(d), which similarly contained a map of critical utility infrastructure.

12. Accordingly, Bluegrass Water seeks confidential treatment for Exhibit PSC PHDR 25 – Great Oaks Plans for an indefinite period of time.

C. Non-Executive Employee Benefits

13. Bluegrass Water seeks confidential treatment to the Non-Executive Employee Benefit Information provided in Exhibit PSC PHDR 17 – Business Development Detail, Exhibit PSC PHDR 36 – Bonus Reason, Exhibit PSC PHDR 40(h) – Salaries, and Exhibit OAG PHDR 2.

14. Exhibit PSC PHDR 17 provides the names and total amounts paid to CSWR's non-executive business development employees.

15. Exhibit PSC PHDR 36 provides the amount of bonuses awarded to non-executive employees dating back to 2023.

16. Exhibit PSC PHDR 40(h) contains salary and compensation information for the individuals who were hired by Bluegrass Water to perform operations.

17. Exhibit OAG PHDR 2 contains compensation information regarding CSWR's Director of National Regulatory Affairs, which, if disclosed, could allow one to calculate this particular employee's total salary.

18. Because these exhibits contain salary and benefits information for Bluegrass Water's and CSWR's non-executive employees, this information is entitled to confidential treatment. CSWR, LLC has worked to attract top talent to the company. Part of that strategy entails offering a benefits package that competes favorably with benefits offered by larger water and wastewater utilities. The Commission has previously recognized that salary information of non-executive employees is entitled to confidential protection. *In the Matter of: Electronic Application of Duke Energy Kentucky, Inc. for (1) An Adjustment of Electric Rates; (2) Approval of New Tariffs; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals and Relief*, Case No. 2022-00372, Order (Feb. 10, 2023). Disclosure of this information would give CSWR's competitors an unfair commercial advantage in competing for top talent.

19. Furthermore, disclosure of non-executive employee benefits information would constitute an unwarranted invasion of personal privacy. *See* KRS 61.878(1)(a). The Commission has already granted confidential treatment to non-executive compensation and benefits information on this basis, as set forth in the Orders dated January 13, 2026 and August 3, 2026 entered in this matter. For similar reasons, the Non-Executive Employee Benefits Information in Exhibit PSC PHDR 17, Exhibit PSC PHDR 36, Exhibit PSC PHDR 40(h), and Exhibit OAG PHDR 2 should be treated confidentially for an indefinite period of time.

D. Internal Business Planning Information

20. Bluegrass Water seeks confidential treatment for its Internal Business Planning Information contained in Exhibit PSC PHDR 39(d) – Total Cost Account Listing and Exhibit PSC PHDR 39(b) – Cost Comparison.

21. Bluegrass Water seeks confidential treatment for this exhibit because it contains confidential and proprietary information relating to the Company's internal study assessing the financial implications of moving Bluegrass Water's third-party operations in-house. In fact, Exhibit PSC PHDR 39(d) and Exhibit PSC PHDR 39(b) contain some of the same information provided in CONFIDENTIAL Exhibit PSC 4-29 – Kentucky Operations Study, for which the Commission has already granted confidential treatment. Although the Company has since brought operations in-house, the cost information contained in Exhibit PSC PHDR 39(d) and Exhibit PSC PHDR 39(b) does not contain Bluegrass Water's actual operating expenses. Instead, Exhibit PSC PHDR 39(d) and Exhibit PSC PHDR 39(b) reveal detailed assumptions about the inner workings of the Company and projected costs of operations over the next few years.

22. Disclosure of this information would allow competitors to access sensitive business planning information relating to operations expenditures and a detailed cost-benefit analysis of the cost of bringing operations in-house, which are operational strategies proprietary to Bluegrass Water. *See* KRS 61.878(1)(c)(1). Such detailed information regarding operations must be kept private to ensure that competitors do not receive an imbalance of information.

23. Additionally, this information would give a competitive advantage to third-parties negotiating with Bluegrass Water in the future for certain projects.

24. In the Commission's Order dated August 3, 2026 in this matter, the Commission afforded confidential treatment to the identical Internal Business Planning Information provided

in Exhibit PSC 4-29 – Kentucky Operations Study and, more broadly, to information concerning the detailed inner workings and operational cost information of a company. For these same reasons, Bluegrass Water respectfully requests confidential treatment for the information in Exhibit PSC PHDR 39(d) and Exhibit PSC PHDR 39(b) for a period of five years, which Bluegrass Water submits is a reasonable period of time given the competitive conditions in the water and wastewater industry.

II. The Confidential Information

25. The Confidential Information is not publicly available, is not disseminated within Bluegrass Water 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.

26. If the Commission grants the relief sought in this Motion, Bluegrass Water requests that the ***Customer Information*** and ***Non-Executive Employee Benefits Information*** remain confidential indefinitely, as they reveal information, the disclosure of which would constitute an unwarranted invasion of privacy. 807 KAR 5:001, Section 13(2)(a)(2). Similarly, Bluegrass Water requests that the ***Critical Infrastructure Information*** remain confidential indefinitely, as it reveals the location of critical utility infrastructure. KRS 61.878(1)(m). Bluegrass Water requests that the ***Internal Business Planning Information*** remain confidential for a period of five years, at which time the Confidential Information should be sufficiently outdated so that it could not be used to competitively disadvantage Bluegrass Water. 807 KAR 5:001, Section 13(2)(a)(2).

27. Based on the foregoing, the Confidential Information is entitled to confidential protection. If the Commission disagrees, then the Commission should allow Bluegrass Water 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).

28. 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 Commission Responses and OAG Responses.

29. 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.

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

WHEREFORE, Bluegrass Water respectfully requests that Commission classify and protect the Confidential Information as confidential for the period(s) requested above.

This the 12th day of October, 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/ R. Brooks Herrick
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