

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS	)	
WATER UTILITY OPERATING COMPANY, LLC	)	CASE NO.
FOR AN ADJUSTMENT OF WATER AND	)	2025-00354
SEWAGE RATES	)	

**SCOTT COUNTY, KENTUCKY
MOTION TO FOR CONFIDENTIAL TREATMENT**

Scott County, Kentucky (“Scott County”), by counsel, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), respectfully moves the Kentucky Public Service Commission (“Commission”) for confidential treatment of certain information contained in Attachment A to the Contract for Consulting and Expert Witness Services (“Contract”) submitted in this proceeding. The document is provided in response to Bluegrass Water Utility Operating Company, LLC’s First Request for Information, Item 4. In support of its Motion, Scott County states as follows:

Scott County has retained Brubaker & Associates, Inc. (“BAI”, collectively with Scott County, the “Parties”) to provide consulting and expert witness services in this proceeding. Attachment A to the Parties’ Contract identifies, among other things, the negotiated billing rates charged by the expert and other personnel providing services under the Contract. Scott County seeks confidential treatment only for those rates. A public version of the Contract with the rates redacted is being filed in the record, together with an unredacted confidential version in accordance with 807 KAR 5:001, Section 13 (the latter transmitted by electronic mail message to the Commission’s Executive Director).

KRS 61.878(1)(c)(1) excludes from public inspection “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.” The billing rates contained in Attachment A fall within that exception.

The rates reflect confidential commercial pricing information concerning the amounts charged by BAI for its professional consulting and expert witness services. BAI competes with other consultants and expert witnesses for engagements involving utility regulation and related matters. Public disclosure of its negotiated rates would provide competitors with information concerning its pricing that they could use when competing for future engagements, including by structuring competing proposals or pricing their services with knowledge of BAI’s rates. Disclosure could therefore place BAI at a competitive disadvantage and provide its competitors with an unfair commercial advantage.

The information for which confidential treatment is requested is limited to the specific billing rates contained in Attachment A. Scott County does not seek confidential treatment of the remainder of the Contract and has redacted only the information necessary to protect the confidential commercial information described above.

Pursuant to 807 KAR 5:001 Section 13 (2)(a)(2), Scott County requests that the identified billing rates be afforded confidential treatment indefinitely. The rates constitute confidential commercial pricing information that is not publicly disclosed and could be used by competitors in competing for consulting and expert witness engagements. Disclosure of the rates, even after the conclusion of this proceeding, could provide

competitors with information concerning the expert's pricing practices and permit them to gain an unfair commercial advantage in future engagements. Because the competitive sensitivity of this information is not tied to the duration of this proceeding and there is no presently identifiable date upon which disclosure would cease to create a risk of competitive harm, Scott County requests that the information be treated as confidential indefinitely.

WHEREFORE, Scott County respectfully requests that the Commission enter an Order granting confidential treatment to the billing rates identified in Attachment A to the Contract for Consulting and Expert Witness Services and withholding that information from public inspection pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

Respectfully submitted,

/s/ David E. Spenard

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NOTICE AND CERTIFICATION FOR FILING

Undersigned counsel provides notice that the electronic version of the paper (without the non-redacted contract) has been submitted to the Commission by uploading it using the Commission's E-Filing System on this 3rd day of September 2026. Pursuant to the Commission's Orders in Case No. 2020-00085, *Electronic Emergency Docket Related to Novel Coronavirus Covid-19*, the paper, in paper medium, is not required to be filed. As noted in the Motion, the non-redacted copy of the attachment is provided (along with a copy of this motion) through an electronic mail message to the Commission's Executive Director.

/s/ David E. Spenard

NOTICE AND CERTIFICATION CONCERNING SERVICE

No party has been excused from the electronic filing procedures in the instant proceeding.

/s/ David E. Spenard