

**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**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” 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 of certain information provided in Exhibit 9 – Financial Workbook, filed in support of its Application for Adjustment of Water and Sewage Rates. The information for which Bluegrass Water seeks confidential treatment is hereinafter referred to as the “Confidential Information.” In support of its Motion, Bluegrass Water states as follows.

I. EXHIBIT 9 – Financial Workbook

1. On December 11, 2025, Bluegrass Water filed Exhibit 9 – Financial Workbook in support of its Application for Adjustment of Water and Sewage Rates. Exhibit 9 is an Excel file consisting of dozens of tabs of financial information related to the Company’s Application. As part of the filing, the Company inadvertently included a tab labeled “GL Data Pull,” which contains highly detailed confidential information relating to the Company’s general ledgers, including payments to vendors, vendor identities, and detailed descriptions of operations expenses.¹

¹ Upon discovering the information was inadvertently filed, Bluegrass Water, through counsel, immediately contacted the Commission and the confidential information has since been removed from the public record. *See In the Matter of: Electronic Application of North Mercer Water District for a Rate Adjustment Pursuant to 807 KAR 5:076*, Case No. 2023-00185 (Ky. PSC Oct. 8, 2024), Order (“Upon further review of North Mercer District’s response to Staff’s Second Request, unredacted confidential information was discovered in the public record and the information was removed. North Mercer District refiled two redacted responses on May 16, 2024.”).

2. Specifically, this tab features raw, unfiltered data that was not intended to be filed into the public record and which constitutes sensitive and proprietary information.

3. Pursuant to KRS 61.878(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.

4. Bluegrass Water seeks to keep confidential the sensitive, internal financial data contained in the “GL Data Pull” tab of Exhibit 9. Information about a company’s detailed inner workings is generally recognized as confidential or proprietary.² Disclosure of this data provides insight into Bluegrass Water’s internal operations, including specific, line-by-line information about its expenses or allocations from its parent company. Such detailed information regarding the Company’s operations must be kept private to ensure that Bluegrass Water’s competitors do not receive an imbalance of financial information.³ The Company acknowledges that some of the data from the “GL Data Pull” tab of Exhibit 9 already appears elsewhere in the Application materials; however, such data is filtered and compiled in the aggregate in order to prevent the disclosure of unnecessary details of Bluegrass Water’s inner workings. Thus, allowing the filing of the information confidentially balances the public’s interest by ensuring they have access to the information upon which the Commission will base its decision, while preserving confidentiality of specific financial information that could lead to Bluegrass Water having increased expenses by granting vendors an unfair competitive advantage.

² See, e.g., *Hoy v. Kentucky Indus. Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995) (“It does not take a degree in finance to recognize that such information concerning the inner workings of a corporation is ‘generally recognized as confidential or proprietary’”).

³ See *In the Matter of: Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period*, Case No. 2013-00199 (Ky. PSC Nov. 25, 2013), Order (granting confidential treatment for “sensitive internal financial documents, including Big Rivers’ general ledger”).

5. Further, the Confidential Information included in the “GL Data Pull” tab of Exhibit 9 contains sensitive and proprietary information relating to specific payments to the Company’s third-party vendors. As outlined in the Direct Testimony of Todd Thomas (Exhibit 20), third-party service contracts are the result of a competitive bidding process. Further, for similar service contracts, Bluegrass Water will engage in an RFP process to award future contracts. Accordingly, public disclosure of the previous and current pricing with third-party vendors could lead to higher bids in future public bidding procedures, placing Bluegrass Water at a serious competitive disadvantage.

6. These effects were recognized in PSC Case No. 2003-00054, in which the Commission granted confidential treatment to bids submitted to Union Light, Heat & Power (“ULH&P”). ULH&P argued, and the Commission implicitly accepted, that if the bids it received were publicly disclosed, contractors on future work could use the bids as a benchmark, which would likely lead to the submission of higher bids. *In the Matter of: Application of the Union Light, Heat and Power Company for Confidential Treatment*, Order, PSC Case No. 2003-00054 (August 4, 2003). This could result in competitive injury to Bluegrass Water.

7. Accordingly, Bluegrass Water respectfully requests that the Commission grant its Motion to keep as confidential for a period of five (5) years the “GL Data Pull” tab of Exhibit 9.⁴

II. REQUEST FOR RELIEF

8. If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Bluegrass Water will notify the Commission in writing. 807 KAR 5:001 Section 13(10)(b).

⁴ *In the Matter of: Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period*, Case No. 2013-00199 (Ky. PSC Nov. 25, 2013), Order.

9. 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. *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.”).

10. This 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.

11. If disclosed, the Confidential Information would allow Bluegrass Water’s competitors to discover, and use, Confidential Information concerning Bluegrass Water’s financial condition, negotiation tactics, and business strategies, to the unfair competitive advantage of Bluegrass Water.

12. If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Bluegrass Water will notify the Commission in writing. 807 KAR 5:001 Section 13(10)(b).

13. If the Commission disagrees with Bluegrass Water that the material for which this Motion seeks confidential treatment is exempt from disclosure, it must hold an evidentiary hearing to protect the due process rights of Bluegrass Water 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.

14. In compliance with 807 KAR Section 8(3) and Section 13(2)(e), Bluegrass Water is filing with the Commission a copy of the Confidential Information, entirely unredacted and with

highlighting of the material for which confidential treatment is sought. 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.

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

Submitted this the 26th day of February, 2026.

Respectfully submitted,

/s/ Edward T. Depp

Edward T. Depp

R. Brooks Herrick

Hannah D. Thompson

DINSMORE & SHOHL LLP

101 South Fifth Street

Suite 2500

Louisville, KY 40202

502.540.2300

502.540.2529 (fax)

tip.depp@dinsmore.com

brooks.herrick@dinsmore.com

hannah.thompson@dinsmore.com

Counsel to Bluegrass Water Utility

Operating Company, LLC

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/ Edward T. Depp

Counsel to Bluegrass Water Utility

Operating Company, LLC