COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-AMERICAN WATER COMPANY FOR AN ADJUSTMENT OF RATES, APPROVAL OF SYSTEM IMPROVEMENT PROGRAM, AND TARIFF CHANGES	**)**	**CASE NO. 2026-00094**

PETITION OF KENTUCKY-AMERICAN WATER COMPANY, INC.
FOR CONFIDENTIAL PROTECTION

Kentucky-American Water Company, Inc. ("KAWC" or "Company") hereby petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for certain information the Company is providing in response to the Commission Staff's ("PSC") Post-Hearing Request for Information, Item Nos. PH-2 and PH-7. In support of its Petition, KAWC states the following:

Confidential Personal Information (KRS 61.878(1)(a))

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information.[1] The Commission has consistently held that information identifying specific customers, usage information, and other utility account information all merit confidential treatment under KRS 61.878(1)(a) of the Kentucky Open Records Act.[2]

2. In response to PSC PH-2, KAWC is producing an Excel file containing customer billing information from its Clinton and Middlesboro service territories. This spreadsheet contains

[1] KRS 61.878(1)(a).
[2] *See, e.g., Application of Kentucky-American Water Company for an Adjustment of Rates Supported by a Fully Forecasted Test Year*, Case No. 2012-00520, Order at 4 (Ky. PSC Aug. 1, 2014) (granting confidential protection to the response of Staff Item 77, which contained customer-identifying information like names, account numbers, balance history, and the names of customers qualifying for discounted service).

customer names and usage information that cannot be easily redacted or unlinked from the remaining portions of the document.

3. Similarly, in response to PSC PH-7, the Company is producing an Excel file containing names and customer billing and cost-of-service information for all of its sales for resale customers. Like the confidential attachment to PSC PH-2 this customer-identifying information cannot be readily separated from the remaining information.

4. Because the Excel files KAWC is producing in response to PSC PH-2 and PH-7 contain customer names, usage related information, and other customer information which cannot be readily isolated and redacted, the Company requests that the Commission grant confidential treatment to these attachments in their entirety in order to retain their accuracy and usability.

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

5. The Kentucky Open Records Act exempts from disclosure information "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."[3]

6. The Company's confidential attachments to PSC PH-2 and PH-7 include customer names and billing information. Some of these customers are engaged in water intensive commercial activities, such as manufacturing. Disclosure of these customers' usage information would provide their competitors with information relevant to the customers' input costs, production volumes, and other relevant commercial information. Because water usage is an important component of pricing for certain KAWC customers, disclosure could provide a competitive advantage to these customers' competitors, which would in turn harm these customers' market positions. The Commission has previously granted confidential treatment to

[3] KRS 61.878(1)(c)(1).

commercially sensitive customer billing and usage information.[4] For these reasons, KAWC requests confidential protection for sensitive commercial information contained in the Company's confidential attachments to PSC PH-2 and PH-7.

Confidential Information Subject to this Petition

7. The compiled attachments for which KAWC is seeking confidential treatment is not known outside of KAWC and its counsel, is not disseminated within KAWC except to those employees and agents with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the utility industry.

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.[5]

10. In compliance with 807 KAR 5:001, Section 13, KAWC is providing notice that the confidential Excel attachments to PSC PH-2 and PH-7 are confidential in full.

11. Access to the confidential information will be provided to intervenors with a legitimate interest in the information upon request or as required by the Commission and pursuant to a confidentiality agreement.

[4] *See e.g., Electronic Application of East Kentucky Power Cooperative, Inc. for a General Adjustment of Rates, Approval of Depreciation Study, Amortization of Certain Regulatory Assets, and other General Relief*, Case No. 2021-00103, Order (Ky. PSC Sep. 10, 2021) (finding that individual customer load and energy information was confidential commercial information).

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

12. Due to the privacy interests involved in the disclosure of customer-specific usage and billing information, KAWC requests that the attachments provided in response to PSC PH-2 and PH-7 remain confidential indefinitely.

13. If the Commission finds that information in KAWC's confidential attachments to its responses to PSC PH-2 or PH-7 does not merit confidential treatment under KRS 61.878(1)(a), the Company requests that the attachments receive confidential treatment pursuant to KRS 61.878(1)(c)(1) and remain confidential for at least five years from the date of this filing as that is the amount of time necessary before the confidential information becomes dated to the point that the need for protection no longer exists.

WHEREFORE, KAWC respectfully requests that the Kentucky Public Service Commission grant confidential protection for the information described herein.

Dated: October 30, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8 as modified by 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 October 30, 2026, and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

Counsel for Kentucky-American Water Company