

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF CLASSIC)	
CONSTRUCTION, INC. AND)	CASE NO.
KENTUCKY-AMERICAN WATER)	2016-00222
COMPANY FOR THE TRANSFER OF)	
THE RIDGEWOOD WASTEWATER)	
ASSETS)	

ORDER

On August 19, 2016, Kentucky-American Water Company (“KAWC”), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, filed a Petition for Confidential Protection (“Petition”). Through the Petition, KAWC requests that its response to Item 7 of Commission Staff’s First Request for Information to Classic Construction, Inc. and Kentucky-American Water Company (“Staff’s First Request”) be afforded confidential treatment in perpetuity. The information for which confidential treatment is sought is more particularly described as “an evaluation performed by CDC, which is a committee comprised of KAWC and American Water personnel that evaluates and approves acquisition opportunities.”¹

In support of its Petition, KAWC states: “The evaluation shows the precise framework by which KAWC and American Water assess potential acquisitions.”² KAWC further states: “If this information was publicly disclosed, owners of potential water and wastewater systems could manipulate the negotiation process based on their

¹ Petition at 1.

² *Id.*

knowledge of the factors considered; how strengths and weaknesses are assessed; and the types of information KAWC and American Water deem material.”³ Per KAWC, the information “is not known outside of KAWC, and it is not disseminated within KAWC except to those employees with a legitimate business need to know the information.”⁴

Having carefully considered the Petition and the information at issue, the Commission finds that the material falls within the category of information generally recognized as confidential or proprietary and which, if openly disclosed, would permit an unfair commercial advantage to competitors of KAWC. Therefore, we find that the information is entitled to confidential protection as per KRS 61.878(1)(c)1. The Commission finds the information granted confidential protection should not be placed in the public record or made available for public inspection for an indefinite period, or until further Order of this Commission.

IT IS THEREFORE ORDERED that:

1. KAWC’s Petition for confidential protection is granted.
2. Pursuant to KRS 61.878, the information for which KAWC requests confidential protection shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Order of the Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. KAWC shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

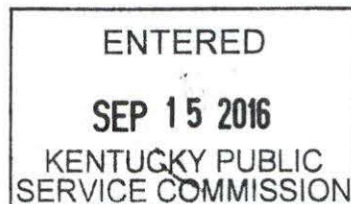
³ *Id.* at 1 and 2.

⁴ *Id.* at 2.

5. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order, KAWC shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If KAWC is unable to make such demonstration, the requested materials shall be made available for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow KAWC to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

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