

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN)
KENTUCKY WATER DISTRICT FOR AN) CASE NO.
ADJUSTMENT OF RATES; ISSUANCE OF)2018-00291
BONDS; FINANCING; AND TARIFF REVISIONS)

ORDER

On October 12, 2018, Northern Kentucky Water District (Northern Kentucky District) filed a petition requesting confidential treatment for an indefinite period of time of its responses to Commission Staff's First Request for Information (Staff's First Request), items 8(a) and 15. The designated materials in Northern Kentucky District's response to Staff's First Request, Item 8(a) consist of an employee number and compensation for each employee. The designated materials in Northern Kentucky District's response to Staff's First Request, Item 15, consist of vendor invoices for health, dental, and life insurance, delineated by employee name and number.

As a basis for its request, Northern Kentucky District asserts that the designated materials are exempt from public disclosure pursuant to KRS 61.878(1)(a), which exempts public disclosure of records that, if publicly disclosed, would constitute an unwarranted invasion of privacy. Northern Kentucky District contends that, when its responses are taken together, each employee's compensation can be readily determined. Northern Kentucky District argues that the Commission should balance the need for transparency of employee compensation in order to determine whether the compensation is reasonable against the right of each non-executive employee to maintain the privacy of personal information.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Northern Kentucky District's responses to Staff's First Request, Items 8(a) and 15, are records that are generally recognized as confidential, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13.

1. Northern Kentucky District's motion for confidential protection of its responses to Staff's First Request, Items 8(a) and 15, is granted.

2. The designated materials for which Northern Kentucky District requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

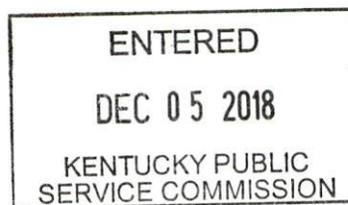
4. Northern Kentucky District shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Northern Kentucky District shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Northern Kentucky District is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

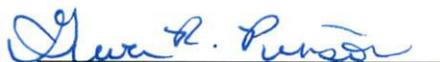
6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Northern Kentucky District to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

*Alex Mattingly
Northern Kentucky Water District
2835 Crescent Springs Road
P. O. Box 18640
Erlanger, KY 41018-0640

*Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

*Lindsey Rehtin
Northern Kentucky Water District
2835 Crescent Springs Road
P. O. Box 18640
Erlanger, KY 41018-0640

*Northern Kentucky Water District
2835 Crescent Springs Road
P. O. Box 18640
Erlanger, KY 41018-0640