

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 January 11, 2019, Northern Kentucky Water District (Northern Kentucky District) filed a petition requesting confidential treatment of its responses to Commission Staff's Third Request for Information (Staff's Third Request), Item 15 for an indefinite period. The designated materials in Northern Kentucky District's response to Staff's Third Request, Item 15 consist of a salary and compensation study.

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, because the position-specific information enables individual non-executive employee compensation to be readily determined. Northern Kentucky District argues that the Commission balances 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 keep private information private. Northern Kentucky District also asserts that the designated materials are exempt from public disclosure under KRS 61.878(1)(c)(1) because the study was obtained from a third

party and contained confidential and proprietary information not to divulged to another entity without permission.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Northern Kentucky District's response to Staff's Third Request, Item 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), KRS 61.878(1)(c)(1), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Northern Kentucky District's motion for confidential protection of its responses to Staff's Third Request, Item 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 30 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 30 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

ENTERED  
MAR 13 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

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