

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF AQUA	)	
AMERICA, INC., STEELRIVER INFRASTRUCTURE	)	CASE NO.
FUND NORTH AMERICA LP, STEELRIVER LDC	)	2018-00369
INVESTMENTS LP, LDC PARENT LLC, LDC	)	
FUNDING LLC, LDC HOLDINGS LLC, PNG	)	
COMPANIES LLC, PEOPLES GAS KY LLC, AND	)	
DELTA NATURAL GAS COMPANY, INC. FOR	)	
APPROVAL OF AN ACQUISITION OF OWNERSHIP	)	
AND CONTROL OF PNG COMPANIES LLC AND	)	
DELTA NATURAL GAS COMPANY, INC.	)	

ORDER

This matter arises on three petitions for confidential treatment that Aqua America, Inc. (Aqua America), filed on December 17, 2018, January 7, 2019, and February 7, 2019, respectively.

In its December 17, 2018 petition, Aqua America requested confidential treatment for five years for its portions of its responses to the Attorney General's First Request for Information (Attorney General's First Request), Items 20, 42, 67, and 68. Aqua America's response to Attorney General's First Request, Item 20, consists of information filed pursuant to the federal Hart-Scott-Rodino Antitrust Improvements Acts of 1976 (Hart-Scott-Rodino Act),<sup>1</sup> which is not subject to public disclosure pursuant to federal law. Aqua America states that information for which federal law prohibits public disclosure is exempt from public disclosure under KRS 61.878(1)(k). Aqua America's response to Attorney

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<sup>1</sup> 15 U.S.C. Section 18a.

General's First Request, Items 42, 67, and 68 contain detailed confidential business information, strategic analysis, and information technology contracts. Aqua America asserts that public disclosure of the designated material would provide competitors with an unfair commercial advantage and result in commercial harm to Aqua America.

In its January 7, 2019 petition, Aqua America requests confidential treatment for five years for its response to the Attorney General's Second Request for Information (Attorney General's Second Request), Item 22, which contains detailed confidential financial information and strategic analysis. As a basis for its request, Aqua America asserts that public disclosure of the designated material would provide competitors with an unfair commercial advantage and result in commercial harm to Aqua America.

In its February 7, 2019 petition, Aqua America requests confidential treatment for its response to Attorney General's Second Request, Item 9, for an indefinite period. The designated material contains additional filings made pursuant to the Hart-Scott-Rodino Act and is exempt from public disclosure pursuant to federal law and KRS 61.878(1)(k).

Having considered the petition and the material at issue, the Commission finds that the designated material in Aqua America's December 17, 2018, January 7, 2019, and February 7, 2019 petitions meet the criteria for confidential treatment and is exempt from public disclosure pursuant to 807 KAR 5:001, Section 13; KRS 61.878(1)(c)(1); and KRS 61.878(1)(k).

IT IS THEREFORE ORDERED that:

1. Aqua America's December 17, 2018, January 7, 2019, and February 7, 2019 petitions for confidential treatment are granted.

2. The designated material in the December 17, 2018 and January 7, 2019 petitions shall not be placed in the public record or made available for public inspection for five years, or until further Order of this Commission.

3. The designated material in the February 7, 2019 petition shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Order of this Commission.

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

5. Aqua America shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

6. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Aqua America shall have 30 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 Aqua America is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Aqua America to seek a remedy afforded by law.

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Steven R. Purson". The signature is written in a cursive style and is positioned above a horizontal line.

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