

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY)
CORP. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR THE)
CONSTRUCTION OF A HIGH-SPEED FIBER)
NETWORK AND FOR APPROVAL OF THE)
LEASING OF THE NETWORK'S EXCESS)
CAPACITY TO AN AFFILIATE TO BE ENGAGED)
IN THE PROVISION OF BROADBAND SERVICE)
TO UNSERVED AND UNDERSERVED)
HOUSEHOLDS AND BUSINESSES OF THE)
COMMONWEALTH)

CASE NO.
2021-00365

ORDER

On October 23, 2021, Kenergy, Corp. (Kenergy) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for a feasibility study created by Conexon and referenced in the testimony of Jonathan Chambers.

In support of its petition, Kenergy argued that the information contained in the feasibility study pertains to Conexon's methodology and is considered confidential and proprietary. Kenergy maintained that public disclosure of the information would permit and unfair advantage to Conexon's competitors. Kenergy argued that consultants would not be willing to consult with Kenergy if information they deem to be confidential and proprietary were to be publicly disclosed. This would grant Kenergy's competitors an unfair commercial advantage because the pool of experts willing to consult with Kenergy would be reduced.

Having considered the motion and the material at issue, the Commission finds that the feasibility study referenced in Jonathan Chamber's testimony is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kenergy's petition for confidential treatment of the feasibility study referenced in Jonathan Chamber's testimony is granted.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection five years or until further Order of this Commission.

3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Kenergy shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty 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, Kenergy 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 Kenergy is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Kenergy to seek a remedy afforded by law.

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By the Commission



ATTEST:


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