

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY FOR AN)	
ADJUSTMENT OF RATES, A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY FOR)	CASE NO.
INSTALLATION OF ADVANCED METERING)	2023-00191
INFRASTRUCTURE, APPROVAL OF)	
REGULATORY AND ACCOUNTING)	
TREATMENTS, AND TARIFF REVISIONS)	

ORDER

On December 22, 2023, Kentucky-American Water Company (Kentucky-American) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for five years for certain information provided in Kentucky American’s response to Commission Staff’s Post-Hearing Request for Information (Staff’s Post-Hearing Request) Items 3 and 16.

In support of its petition, Kentucky-American argued that its response to Staff’s Post-Hearing Requests, Item 3, Attachment, and Item 16, Attachment - Labor and Labor Related Exhibit should be granted confidential treatment pursuant to KRS 61.878(1)(a).¹ Kentucky-American argued that disclosure of this information would invade the privacy rights of the individuals named and provide insight into the Kentucky-American’s salary determinations.²

¹ Petition for Confidential Protection (Petition) (filed Dec. 22, 2023) at 7.

² Petition at 3.

In support of its petition, Kentucky-American also argued that its response to Staff's Post-Hearing Request, Item 16, Attachments contained additional information related to forecasted chemicals, waste disposal, and purchased water should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1).³ Kentucky-American stated that, if the pricing information is disclosed, this may impede Kentucky-American's ability to negotiate with potential suppliers for more favorable pricing terms if potential suppliers are aware of the amount Kentucky-American is paying or expects to pay.⁴

Having considered the petition and the material at issue, the Commission finds that Kentucky-American's petition should be granted. The Commission finds that the designated material contained in Kentucky-American's response to Staff's Post-Hearing Request, Item 16, Attachments related to forecasted chemicals, waste disposal, purchased water are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13 for a five-year period. Public disclosure could disadvantage Kentucky-American in negotiations with vendors. The Commission further finds that the designated material contained in Kentucky-American's response to Staff's Post-Hearing Request, Item 3, Attachment, and Item 16, Attachment, related to labor are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13, for an indefinite period. Public disclosure of those records could possibly result in an unwanted invasion of privacy.

³ Petition at 1 and 3.

⁴ Petition at 2.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's December 22, 2023 petition for confidential treatment is granted.

2. The designated material granted confidential treatment pursuant to KRS 61.878(1)(c)(1) 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 granted confidential treatment pursuant to KRS 61.878(1)(a) shall not be placed in the public record or made available for public inspection indefinitely until further order of this Commission.

4. 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).

5. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kentucky-American shall inform the Commission and file with the Commission an unredacted copy of the designated material.

6. 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, 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 Kentucky-American 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 for which confidential treatment was granted 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 Kentucky-American to seek a remedy afforded by law.

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Entered on this 24th day of June, 2026.

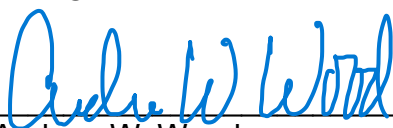
PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2023-00191

* Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Honorable David J. Barberie
Managing Attorney
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KY 40507

* Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

* Jeffrey Newcomb
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

* James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KY 40507

* John G Horne, II
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Honorable Lindsey W Ingram, III
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

* Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Mary Ellen Wimberly
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

* J. Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Monica Braun
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

* Rebecca C. Price
Sturgill, Turner, Barker & Moloney
155 East Main Street
Lexington, KY 40507

* Susan Speckert
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KY 40507

* M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KY 40507