

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-	)	
AMERICAN WATER COMPANY FOR A	)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	2025-00240
NECESSITY FOR INSTALLATION OF ADVANCED	)	
METERING INFRASTRUCTURE	)	

ORDER

On July 11, 2025, 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 information in Exhibit A of the application.<sup>1</sup> Kentucky-American specifically requested confidential protection for the vendor names, installation labor costs, and meter and meter component prices.<sup>2</sup>

In support of its petition, Kentucky-American argued that if the information was publicly disclosed, it could damage Kentucky-American's ability to negotiate with meter vendors to obtain favorable pricing and would result in an unfair commercial advantage to competitors.<sup>3</sup> Kentucky-American also argued that the information is generally recognized as confidential and proprietary, is not known outside of Kentucky-American,

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<sup>1</sup> Kentucky-American's Petition for Confidential Treatment (Petition) (filed Jul. 11, 2025) at 1 and 3.

<sup>2</sup> Petition at 2.

<sup>3</sup> Petition at 2.

and is not disseminated within Kentucky-American except to those employees with a legitimate business need to know and act upon the information.<sup>4</sup>

Having considered the petition and the material at issue, the Commission finds that Kentucky-American's petition should be granted, in part, and denied in part. The Commission finds that the meter pricing, installation labor cost, and meter and meter component prices contained in Kentucky-American's Exhibit A of the application were confidentially filed, are generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors. Therefore, the records 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.

The Commission further finds that the request for confidential treatment should be denied for the vendor names in Exhibit A of the application. The Commission has previously held that vendor names are not entitled to confidential protection because Kentucky-American has failed to provide sufficient evidence as to how release of vendor names alone would put the company at a competitive disadvantage.<sup>5</sup> In that case, Kentucky-American argued before the Commission that disclosing the names of meter suppliers could increase prices to Kentucky-American and harm relationships with other meter-suppliers.<sup>6</sup> Kentucky-American's argument in this case is very similar to this

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<sup>4</sup> Petition at 2.

<sup>5</sup> No. 2023-00191, *Electronic Application of Kentucky-American Water Company for an Adjustment of Rates, a Certificate of Public Convenience and Necessity for Installation of Advanced Metering Infrastructure, Approval of Regulatory and Accounting Treatments, and Tariff Revisions*, (Ky. PSC Oct. 10, 2023), Order at 5.

<sup>6</sup> No. 2023-00191, *Electronic Application of Kentucky-American Water Company for an Adjustment of Rates, a Certificate of Public Convenience and Necessity for Installation of Advanced Metering Infrastructure, Approval of Regulatory and Accounting Treatments, and Tariff Revisions*, (filed June 30, 2023), Petition for Confidential Protection at 3-4.

argument and reasoning. The Commission notes that Kentucky-American has several cases disclosing meter vendors.<sup>7</sup> In this case, vendor names are contained within the public record.<sup>8</sup>

However, the Commission does note that there are vendor names embedded into various charts that contain confidential information of which there is no way to separate the confidential and non-confidential information. The Commission will allow the vendor names in those charts to remain confidential only where Kentucky-American cannot sufficiently redact separate confidential and non-confidential information. Vendor names contained in Kentucky-American's Exhibit A of the application that can be disclosed, separate from other confidential information, do not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. Additionally, the vendor names that cannot be separated from confidential information may remain confidential only due to the presentation of the information. The Commission reminds Kentucky-American that transparency is critical to determining fair, just and reasonable rates and encourages Kentucky-American to present information in a public manner and minimize requests for redactions.

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<sup>7</sup> See Case No. 2022-00299, *Electronic Investigation of Kentucky-American's Alleged Violation of a Tariff & Comm'n Regulations. Regarding Meters & Monitoring Customer Usage*; Case No. 2023-00191, *Electronic Application of Kentucky-American Water Company for an Adjustment of Rates, a Certificate of Public Convenience and Necessity for Installation of Advanced Metering Infrastructure, Approval of Regulatory and Accounting Treatments, and Tariff Revisions*; and Case No. 2025-00122, *Electronic Application of Kentucky-American Water Company for an Adjustment of Rates*.

<sup>8</sup> Application (filed Jul. 11, 2025), Exhibit A.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's July 11, 2025 petition for confidential treatment for Exhibit A of the application is granted, in part, and denied, in part.

2. Kentucky-American's July 11, 2025 petition for confidential treatment for meter pricing, installation labor cost, meter and meter component prices, and vendor names insofar as it can't be separated from other confidential information is granted.

3. Kentucky-American's July 11, 2025 petition for confidential treatment for vendor names is denied.

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

5. 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).

6. 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.

7. 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.

8. 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.

9. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

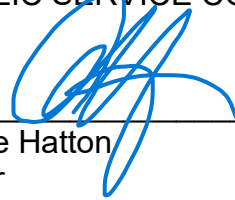
10. If Kentucky-American objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

11. Within 30 days of the date of service of this Order, Kentucky-American shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

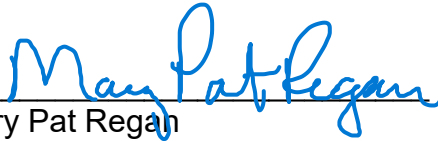
12. The designated material for which Kentucky-American's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Kentucky-American to seek a remedy afforded by law.

Entered on this 30th day of June, 2026.

PUBLIC SERVICE COMMISSION



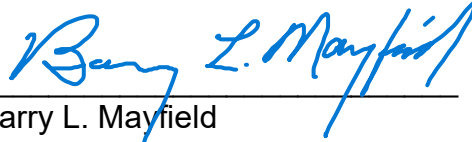
\_\_\_\_\_  
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ATTEST:



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