

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 August 29, 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 Items 19 and 22 of Kentucky-American's responses to Commission Staff's First Request for Information (Staff's First Request) that contained pricing information from bidders, how Kentucky-American assessed bids, and customers' names and addresses. Kentucky-American also requested confidential protection for Items 8, 31, 39, and 43 of Kentucky-American's Responses to the Attorney General's First Request for Information (Attorney General's First Request), which contained meter and meter component prices, vendor names, installation labor costs, information on how Kentucky-American evaluates bids, negotiated bid pricing and diagrams, and negotiated contract terms and pricing.

In support of its petition, Kentucky-American argued that the information in Item 22 of Kentucky-American's responses to Staff's First Request that contained customers'

names and addresses, should be exempted from disclosure as it contains private and personal information that reveals specific customers' billing information.¹

For all other requests, 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.² Kentucky-American also argued that the information is generally recognized as confidential and proprietary, is not known outside of Kentucky-American, and is not disseminated within Kentucky-American except to those employees with a legitimate business need to know and act upon the information.³

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 designated material contained in Item 22 of Kentucky-American's Responses to Staff's First Request which contained customers' names and addresses was filed confidentially, is generally recognized as personal in nature, which would constitute an unwarranted invasion of personal privacy if publicly disclosed. Therefore, the records 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.

The Commission also finds that the designated material contained in Items 19 of Kentucky-American's responses to Staff's First Request and Items 8 (in part as further

¹ Petition at 1.

² Petition at 2.

³ Petition at 2.

described below), 31, 39, and 43 of Kentucky-American's responses to the Attorney General's First Request for Information that contained meter and meter component prices, installation labors costs, information of how Kentucky-American evaluates bids, negotiated lid pricing and diagrams, and negotiated contract terms and pricing 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 of the winning bids along with the total amounts of the winning bids in Item 8 of Kentucky-American's Responses to the Attorney General's First Request for Information. The Commission has previously held that winning-bidder vendor names are not entitled to confidential protection because Kentucky-American, here and previously, failed to meet its burden of proof as to how release of vendor names alone would put the Kentucky-American at a competitive disadvantage.⁴ In the prior case, Kentucky-American argued that disclosing the names of meter suppliers could increase prices to Kentucky-American and harm relationships with other meter-suppliers.⁵ Kentucky-American's argument in this case is very similar to that argument and

⁴ 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*, (Ky. PSC Oct. 10, 2023), Order at 5.

⁵ 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*, (filed June 30, 2023), Petition for Confidential Protection at 3-4.

reasoning. The Commission notes that Kentucky-American has several cases disclosing meter vendors.⁶ In this case, vendor names are contained within the public record.⁷ As for the total amounts of the winning bids, those total amounts bids would be included in future base rates. The Commission has also previously denied confidential treatment for information related to winning bids based on principles of transparency.⁸ Therefore, the vendor names of winning bids and the total amounts of the winning bids in Item 8 of Kentucky-American's Responses to the Attorney General's First Request for 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.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's August 29, 2025, petition for confidential treatment is granted in part and denied in part.
2. Kentucky-American's August 29, 2025, petition for confidential treatment for Items 19 and 22 of Kentucky-American's responses to Staff's First Request and Items 31, 39, 43, and the meter and meter component prices and installation labor costs of Item 8

⁶ 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*.

⁷ Application (filed July 11, 2025), Exhibit A.

⁸ See Case No. 2019-00399, *Application of Salt River Electric Cooperative Corporation for an Order Issuing a Certificate of Public Convenience and Necessity Construct an Advanced Metering Infrastructure (AMI) System Pursuant to KRS 807, KAR 5:001 And KRS 278.020* (Ky. PSC Jan. 6, 2020) and Case No. 2022-00341, *Electronic Application of Delta Natural Gas Company, Inc. for its Pipe Replacement Filing* (Ky. PSC Feb. 17, 2023).

of Kentucky-American's responses to the Attorney General's First Request for Information is granted.

3. Kentucky-American's August 29, 2025, petition for confidential treatment for the vender names of the winning bids and the total amount of the winning bids in Item 8 of Kentucky-American's Responses to the Attorney General's First Request for Information is denied.

4. The designated material granted confidential treatment by this Order in Item 22 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.

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

6. 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).

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 24th day of July, 2026.

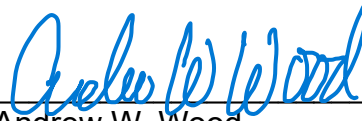
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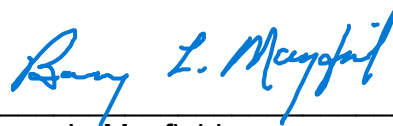
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