COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC FOR AN ADJUSTMENT OF WATER AND SEWAGE RATES	))))	CASE NO. 2025-00354

O R D E R

On September 3, 2026, Scott County, Kentucky (Scott County) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for portions of the attachment provided in its response to Bluegrass Water Utility Operating Company, LLC's (Bluegrass Water) First Request for Information, Item 4.[1]

In support of its motion, Scott County stated that the attachment is a contract for consulting and expert witness services with Brubaker & Associations, Inc (BAI).[2] Scott County provided a public copy in the record with certain terms redacted and explained that it negotiated the billing rates charged pursuant to the contract.[3] Scott County argued that the negotiated terms should receive confidential treatment pursuant to KRS 61.878(1)(c)(1) as they are confidential or proprietary and if publicly disclosed would

[1] Scott County's Motion for Confidential Treatment (Motion) (filed Sept. 3, 2026) at unnumbered PDF page 1.

[2] Motion at unnumbered PDF page 1.

[3] Motion at unnumbered PDF page 1.

permit an unfair commercial advantage to competitors.[4] Specifically, Scott County stated that if BAI's negotiated rates were publicly available, competitors would have information concerning its pricing that could harm them in future engagements.[5]

Having considered the motion and the material at issue, the Commission finds that the identified portions of Scott County's response to Bluegrass Water's First Request for Information, Item 4, Attachment A is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1) for a period of five years.

IT IS THEREFORE ORDERED that:

1. Scott County's September 3, 2026 motion for confidential treatment is granted, in part, and denied, in part.

2. Scott County's September 3, 2026 motion for confidential treatment for the identified portions of the attachment provided in its response to Bluegrass Water's First Request for Information, Item 4, Attachment A, is granted.

3. Scott County's September 3, 2026 motion for confidential treatment requesting that confidential treatment be given for an indefinite period for portions of the attachment 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.

[4] Motion at unnumbered PDF page 2.

[5] Motion at unnumbered PDF page 2.

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, Scott County 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, Scott County 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 Scott County 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 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 Scott County 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 Scott County 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, Scott County 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 Scott County'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 Scott County to seek a remedy afforded by law.

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Entered on this 24th day of November, 2026.

PUBLIC SERVICE COMMISSION

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Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
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