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February 12, 2010

Ms. Leslie Landers  
16491 Highway 68 East  
Aurora, Kentucky 42048

Dear Ms. Landers:

**PSC STAFF OPINION 2010-004**

Commission Staff acknowledges receipt of your electronic mail message of January 21, 2010 regarding Marshall County Sanitation District No. 1's ("Marshall District") efforts to obtain the billing information of Jonathan Creek Water District customers.

In your message, you state the following facts: Marshall District currently provides sanitary sewer service to Aurora, Ken-Lake State Park, and Cherokee State Park. Recently Jonathan Creek Water District agreed to provide customer water usage information to Marshall District to permit the sanitation district to bill based upon water usage.

You present the following question: Is Public Service Commission approval of the proposed agreement between Jonathan Creek Water District and Marshall District to exchange billing information required?

Commission Staff is aware of no statutory or regulatory requirement for Commission approval of an exchange of customer billing information between a water district and a sanitation district. Jonathan Creek Water District need not obtain Commission approval to provide its customer billing records to Marshall District.

Commission Staff cautions that utility records that indicate an individual's water usage contain information of a personal nature. See OAG 96-ORD-176 (Aug. 20, 1996). Both utilities, therefore, should take appropriate actions to safeguard the confidentiality of the billing information.

While your letter indicates that Jonathan Creek Water District has agreed to the release of the billing information, please note that the Commission has previously held that a public water utility can be compelled to release its billing information to another utility under certain conditions. See *Blue Sky Sewer Service v. Kentucky-American*

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*Water Co.*, Case No. 90-069 (Ky. PSC Dec. 4, 1990). A copy of this decision is enclosed for your reference.

This letter represents Commission Staff's interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding on the Commission should the issues herein be formally presented for Commission resolution. Questions concerning this opinion should be directed to Gerald Wuetcher, Attorney/Executive Advisor, at (502) 564-3940, Extension 259.

Sincerely,



Jeff Derouen  
Executive Director

Enclosure

Cc: Jeff Edwards, Esq.  
Bobby Gifford  
Jonathan Creek Water District