

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)
COMPANY FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) CASE NO.
FOR THE CONSTRUCTION OF) 2010-00164
TRANSMISSION FACILITIES IN MCCRACKEN)
COUNTY, KENTUCKY)

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION OF RESPONSES
TO CERTAIN DATA REQUESTS OF THE COMMISSION STAFF

Kentucky Utilities Company (“KU”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1)(m)(1) to grant confidential protection for the documents described herein, which KU is providing in response to the Commission Staff’s January 7, 2011 First Information Request to KU. KU seeks confidential protection of the documents, in their entirety, that are responsive to Items 1 and 15 of that request. In support of this Petition, KU states as follows:

1. Item 1 of the Commission Staff’s First Information Request requests a “one-line diagram for the transmission area surrounding the proposed line.” Item 15 requests “a copy of the . . . Facility Study associated with the project.”

2. In response to Items 1 and 15, KU is providing the requested diagram (it is one page) and the Facilities Study (it is ten pages) in the attached sealed envelope. However, the requested information is critical electrical system infrastructure as defined in KRS 61.878(1)(m)(1)(f)-(g). Under the Kentucky Open Records Act, the Commission

is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would:

have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to: ... (f) infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems; (g) the following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency. *See* KRS 61.878(1)(m)(1).

3. Public disclosure of the information contained in these documents would have a reasonable likelihood of threatening the public safety by rendering such critical facilities more easily subject to terrorist attack. Therefore, the information is confidential in nature and is protected from public disclosure pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1)(m)(1).

4. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

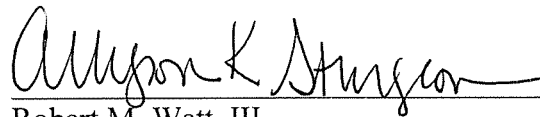
5. KU has already provided the requested confidential information to Patterson & Dewar Engineers, Inc., the Commission's consultant in this matter, pursuant to a confidentiality agreement. Likewise, KU is willing to disclose the confidential information, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance

with the provisions of 807 KAR 5:001, Section 7, KU attaches hereto one copy of the confidential documents. As KU seeks confidential protection of these documents in their entirety, the highlighting and redacting procedures (including supplying ten copies of what would be fully redacted documents) of 807 KAR 5:0001, Section 7 are inapplicable.

WHEREFORE, KU respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: January 14, 2011

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and accurate and accurate copy of the foregoing was served, via U.S. Mail, on this 14th day of January, 2011, upon the following:

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