

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC)
COMPANY)
_____)
ALLEGED FAILURE TO COMPLY WITH) CASE NO. 2012-00239
KRS 278.495)

ORDER REGARDING PETITION FOR CONFIDENTIAL PROTECTION

On March 7, 2013, Louisville Gas and Electric Company ("LG&E") moved, pursuant to 807 KAR 5:001, Section 13, that all materials filed with the Commission pursuant to the settlement agreement in this proceeding be afforded confidential treatment and not be placed in the public record subject to public inspection. On June 5, 2013, Movant filed a revised petition requesting that only certain portions of the documentation be classified as confidential and protected from public disclosure.

In support of its petition, LG&E states that the information it is requesting to be held confidential was filed pursuant to the Commission's February 5, 2013 Order approving the settlement agreement in the instant proceeding.¹ The information is more particularly described as follows:

1. Summary of Procedural Changes (summary of leak investigation and emergency response policy and procedural changes implemented in 2012).

¹ *Louisville Gas & Electric Company Alleged Failure to Comply with KRS 278.495* (Ky. PSC Feb. 5, 2013).

2. Gas Emergency Operating Procedures (current versions of Section 1, Section 2, Section 3, Section 4, and Section 9).
3. Summary of Training Changes (summary of training updates implemented in 2012).
4. LG&E Training Yard (diagram of LG&E training yard documenting physical changes made in 2012).
5. Distribution of Gas Emergency Operating Procedures (documentation of the distribution of these procedures in both paper and electronic versions).
6. Mock Drill and Safety Audit Schedule (2013 schedule of unannounced drills on gas leak investigations and planned safety audits).
7. Abnormal Operating Conditions (leak investigation procedure audits, investigation and emergency response awareness initiatives, and situational-awareness training).
8. All Hands Meetings (Power Point presentations and Sign-In sheets from March 14, 2012, June 5, 2012, September 19, 2012).
9. Mock Field Drill (mock gas response drill performed in December 2012).
10. Line of Progression Enhancements (gas construction and maintenance distribution mechanic journeyman classification review board procedure).
11. Safety Audits (conducted in each month of 2012).
12. Operator Qualification Employee Records (affidavits of operator qualification employee records).
13. Leak Investigation Training (affidavits of employees' leak investigation training and testing from February 2012 and August 2012).

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The Summary of Procedural Changes, Gas Emergency Operating Procedures (Section 1, 2, 3, 4, and 9), the Summary of Training Changes, the Distribution of Gas Emergency Operating Procedures, Abnormal Operating Conditions, the Line of Progression Enhancements, Safety Audit records from February 2012, and Safety Audit records from November 2012 do not qualify for confidential treatment and should be placed in the public record and made available for public inspection.

2. LG&E Training Yard information for which LG&E seeks confidential treatment should be granted such treatment, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m)(1)(g), and should not be placed in the public record or made available for public inspection for an indefinite period from the date of this Order.

3. The Mock Drill and Safety Audit Schedule for 2013 for which LG&E seeks confidential treatment should be granted confidential treatment, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(g), and should not be placed in the public record or made available for public inspection for an indefinite period of time from the date of this Order.

4. The phone numbers and employee numbers included in each of the All Hands Meeting tabs for which LG&E seeks confidential treatment is private information, the dissemination of which would create an undue invasion of privacy and should not be placed in the public record nor made available for public inspection for an indefinite period of time, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

5. The Mock Field Drill of December 2012 for which LG&E seeks confidential treatment should be granted such treatment, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m)(1)(g), and should not be placed in the public record or made available for public inspection for an indefinite period from the date of this Order.

6. The Safety Audits, except for those which occurred in February 2012 and November 2012, contain private employee numbers, the dissemination of which would create an undue invasion of privacy and should not be placed in the public record or made available for public inspection for an indefinite period, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a),

7. The Operator Qualification Employee Records contain employee numbers which are entitled to confidential treatment, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a), and should not be placed in the public record or made available for public inspection for an indefinite period from the date of this Order.

8. The Leak Investigation Trainings, which occurred in February 2012 and August 2012, contain private employee numbers, the dissemination of which would create an undue invasion of privacy and should not be placed in the public record or made available for public inspection for an indefinite period, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. LG&E's motion for confidential protection is hereby granted in part and denied in part.

2. LG&E's request for confidential treatment of information relating to the Summary of Procedural Changes, Gas Emergency Operating Procedures (Section 1, 2,

3, 4, and 9), the Summary of Training Changes, the Distribution of Gas Emergency Operating Procedures, Abnormal Operating Conditions, the Line of Progression Enhancements, and the February 2012 and November 2012 Safety Audits is denied.

3. LG&E's request for confidential treatment of information relating to LG&E's Yard documentation of physical changes; the Mock Field Drill of December 2012; the Mock Drill and Safety Audit Schedule; the All Hands Meetings held on March 14, 2012, June 5, 2012, and September 19, 2012; the Safety Audits, except for those which occurred on February 20, 2012 and November 20, 2012; Operator Qualification Employee Records; and the Leak Investigation Trainings on February 20, 2012 and August 8, 2012 is granted and this information shall not be placed in the public record or made available for public inspection for an indefinite period of time.

4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. LG&E shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, LG&E shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ENTERED
AUG 19 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00239

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