

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR APPROVAL OF)	CASE NO.
STATE WAIVER OF THE REASSESSMENT INTERVAL)	2016-00386
REQUIRED BY 49 C.F.R. § 192.939)	

ORDER

On January 30, 2017, Louisville Gas and Electric Company ("LG&E") filed a petition ("Petition"), pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for an indefinite period to the Ballardsville West Pipeline High Consequence Area map ("HCA Map") provided by LG&E as requested by Commission Staff in an informal conference held on January 18, 2017.

In support of its Petition requesting confidential treatment, LG&E asserts that the designated material in the HCA map includes information about LG&E's critical infrastructure, the disclosure of which would have a reasonable likelihood of threatening public safety by exposing vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act. LG&E states that this information is not known outside of LG&E, except by regulators, is not broadly available within LG&E, and is generally recognized as confidential and proprietary information in the energy industry.

Having considered the Petition and the material at issue, the Commission finds that the designated material contained in the HCA Map is generally recognized as confidential or proprietary which, if openly disclosed, could result in threatening the public safety and is exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. LG&E's Petition for confidential protection for designated material contained in the HCA Map is granted.
2. The designated material set forth in the HCA Map shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of the Commission.
3. Use of the designated material in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. LG&E shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.
5. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order and the period during which the material has been

granted confidential treatment has not expired, then LG&E 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(1)(m)(1). If LG&E is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow LG&E to seek a remedy afforded by law.

By the Commission



ATTEST:


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