

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN)	
KENTUCKY WATER DISTRICT FOR APPROVAL)	CASE NO.
OF FINANCING AND ISSUANCE OF A)	2018-00316
CERTIFICATE OF CONVENIENCE AND)	
NECESSITY)	

ORDER

On October 8, 2018, Northern Kentucky Water District (Northern Kentucky District) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for an indefinite period for the Engineering Plans, Diagrams, and Drawings included in Exhibit A of the application. Northern Kentucky District also requests deviation, pursuant to 807 KAR 5:001(22), from the requirement that it file a partially redacted copy of the material for which it seeks confidential treatment.

As a basis for its request, Northern Kentucky District states that the information in those documents contains a strategic analysis of the Northern Kentucky District distribution and transmission systems, including diagrams and maps of the system. Northern Kentucky District asserts that disclosure of the detailed information about its distribution system and location of critical components could threaten the public safety and generally provide sensitive information relevant to the security against terroristic events.

As a basis for its request for a deviation from the requirement that it file a partially redacted public copy, Northern Kentucky District asserts that because of the nature of the documents, providing a redacted copy for public view would be of no value and uninformative. Northern Kentucky District would still file the unredacted, non-public version with the Commission.

Having considered the petition and the material at issue, the Commission finds that the Engineering Plans, Diagrams, and Drawings included in Exhibit A of the application is generally recognized as confidential critical infrastructure; it, therefore, meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). Additionally, the Commission finds that Northern Kentucky District's requested deviation, pursuant to 807 KAR 5:001(22), from the requirement that it file a partially redacted copy of the material for which it seeks confidential treatment should be granted.

IT IS THEREFORE ORDERED that:

1. Northern Kentucky District's petition for confidential protection for the Engineering Plans, Diagrams, and Drawings included in Exhibit A of the application is granted.

2. The designated information contained in Exhibit A of the application shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

3. Northern Kentucky District's requested deviation, pursuant to 807 KAR 5:001(22), from the requirement that it file a partially redacted copy of the material for which it seeks confidential treatment is granted. Use of the material in question in any

Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). Northern Kentucky District shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

4. If a non-party 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, Northern Kentucky District 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 Northern Kentucky District is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

5. 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 Northern Kentucky District to seek a remedy afforded by law.

By the Commission

ENTERED
DEC 17 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

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