

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN)	
KENTUCKY WATER DISTRICT FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY TO CONSTRUCT THE FORT)	2021-00047
THOMAS TREATMENT PLANT BASIN)	
IMPROVEMENTS PHASE 2 AND FOR)	
APPROVAL OF FINANCING)	

ORDER

On February 5, 2021, Northern Kentucky Water District (Northern Kentucky Water) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment indefinitely for Exhibit A-2, Engineering Technical Memorandum and Exhibit A-4, Ft. Thomas Improvement Drawings of the Application.

In support of its petition, Northern Kentucky Water argues that public disclosure of the designated materials contained in Exhibit A-2 and Exhibit A-4 of the application is exempted by statute as they contain strategic analysis of the Northern Kentucky Water facilities, capabilities, hardware specifications, maps, and related operational information about its water treatment system.

Northern Kentucky Water contends that the information contained in the specified documents provides detailed information about Northern Kentucky Water's water treatment system and the type and location of critical components of hardware used in the treatment and distribution of water to the public, and as such, the disclosure of which

could threaten the public safety generally and provide sensitive information relevant to the security against terroristic events. Northern Kentucky Water petitions the Commission to classify as confidential and protect from public disclosure the requested Exhibits A-2 and A-4 to the application.

Having considered the petition and the material at issue, the Commission finds that the materials contained in Exhibit A-2, Engineering Technical Memorandum and Exhibit A-4, Ft. Thomas Improvement Drawings, of Northern Kentucky Water's application is generally recognized as confidential or proprietary; 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)(m).

IT IS THEREFORE ORDERED that:

1. Northern Kentucky Water's petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order 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. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Northern Kentucky Water shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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 Water shall have

30 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 Water 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 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Northern Kentucky Water to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

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