

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)	
WATER DISTRICT FOR AN ADJUSTMENT OF)	CASE NO. 2015-00143
RATES)	

ORDER

On December 17, 2015, Northern Kentucky Water District ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m), that certain materials filed electronically with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. Movant also requested that its electronically filed materials be accepted without having to file one copy in paper medium as required by KAR 5:001, Sections 8(3) and 8(12)(a)2, for an electronic case due to the purportedly voluminous content of the electronically filed materials.

In support of its motion for confidential protection, Movant states that the information it is requesting to be held confidential is contained in its Asset Management Program Report ("AMP"), a 306 page document which was filed pursuant to a request at the December 3, 2015 hearing in this matter. Movant states that the AMP contains critical infrastructure information the disclosure of which would threaten public safety.

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

1. A portion of the materials for which Movant seeks confidential treatment meets the criteria for confidential treatment. Pages 1-1 through 5-9 and Figure 4-1 of

the AMP contain critical infrastructure information and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. A portion of the materials for which Movant seeks confidential treatment does not meet the criteria for confidential treatment. The AMP cover page, table of contents pages i-vii, and the Executive Summary title page through page E-19, do not contain critical infrastructure information and do not meet the criteria set forth in KRS 61.878(1)(m) and are therefore not entitled to confidential protection.

3. Pursuant to KRS 61.878, the AMP, excluding the cover page, table of contents, and Executive Summary, for which Movant requests confidential protection should not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

4. Movant has failed to demonstrate that the 306 page AMP is sufficiently voluminous as to justify granting a deviation to allow the filing of only an electronic copy and no paper original as required by 807 KAR 5:001, Sections 8(3) and 8(12)(a)2, for electronic cases.¹

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection of the AMP is granted in part and denied in part.

2. Pursuant to KRS 61.878(1)(m), the AMP, excluding the cover page, table of contents, and Executive Summary, is granted confidential protection and shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

¹ See, e.g., Case No. 2014-00455, *An Examination of the Application of the Fuel Adjustment Clause of Big Rivers Electric Corporation from November 1, 2012 through October 31, 2014* (Ky. PSC Apr. 30, 2015).

3. The AMP cover page, table of contents pages i-vii, and Executive Summary through page E-19, do not fall within the scope of KRS 61.878 and are therefore denied confidential protection. Pursuant to 807 KAR 5:001, Section 13(5), these pages shall not be placed in the public record for the period permitted to request rehearing or bring an action for review.

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

5. Movant shall inform the Commission if the materials granted confidential treatment 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, the Movant 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 Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

8. Movant's motion to deviate from the requirement to file one copy of its AMP in paper medium as required by 807 KAR 5:001, Sections 8(3) and 8(12)(a)2, for an electronic case is denied.

9. Movant shall file within 20 days of the date of this Order one copy of the AMP cover page, table of contents page, and Executive Summary in paper medium for

inclusion in the public file and one copy of the AMP, pages 1-1 through 5-9 and Figure 4-1, in a sealed envelope marked confidential.

By the Commission

ENTERED ^{gk}
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

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