

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)	
WATER DISTRICT FOR APPROVAL OF THE)	CASE NO.
ISSUANCE OF A CERTIFICATE OF)	2016-00147
CONVENIENCE AND NECESSITY AND)	
APPROVAL OF FINANCING FOR LATONIA)	
LAKES PROJECT)	

ORDER

On April 25, 2016, via electronic filing, Northern Kentucky Water District (“NKWD”) moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. NKWD also request pursuant to 807 KAR 5:001, Section 22, to deviate from the requirement to file a redacted version of the document containing the material for which it seeks confidential treatment for the public record.

In support of its petition, NKWD states that the information it is requesting to be held confidential is contained Exhibit A of its application (“Exhibit A”). The information is more particularly described as engineering plans, diagrams and drawings that contain detailed information about NKWD’s distribution system and the location of critical components, and which therefore are exempt from public disclosure pursuant to KRS 61.878(1)(m)1.f.

NKWD states that because of the nature of the documents, providing a redacted copy of Exhibit A would be uninformative and of no practical value to the public. For this

reason, NKWD requests permission to deviate from the requirement to file a redacted copy of Exhibit A for the public record.

Having carefully considered NKWD's petition requesting confidential treatment and the materials at issue, the Commission finds that the materials contained in Exhibit A meet the criteria for confidential protection as set forth in KRS 61.878(1)(m)1.f. and should not be placed in the public record for an indefinite period of time, or until further Order of this Commission.

The Commission further finds that NKWD has failed to show good cause to deviate from the requirement to file a redacted version of Exhibit A for the public record. The fact that a redacted version of Exhibit A could be "uninformative" is not grounds to accord confidential treatment to material that is not exempt from public inspection.¹

IT IS THEREFORE ORDERED that:

1. NKWD's Petition for Confidential Protection of the Engineering Plans, Diagrams and Drawings included in Exhibit A is hereby granted.

2. NKWD's motion for deviation from the requirement to file a redacted copy of Exhibit A is denied.

3. The materials contained in Exhibit A for which confidential treatment is sought meet the criteria for confidential protection as set forth in KRS 61.878(1)(m)1.f and are hereby granted confidential protection. The materials granted confidential protection shall not be placed in the public record or made available for public inspection for an indefinite period of time, or upon further Order of this Commission.

¹ KRS 61.878(4) provides: "If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination." (emphasis added).

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

5. NKWD shall inform the Commission if the materials granted confidential treatment become publicly available or no longer qualify for exemption from public inspection.

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, NKWD 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 NKWD is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. Within ten days of the date of this Order, NKWD shall file copies of Exhibit A with the materials granted confidential treatment redacted or otherwise obscured in accordance with 807 KAR 5:001, Section 13(2)3.

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

By the Commission

ENTERED
SEP 23 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director *for*

Case No. 2016-00147

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