

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JESSAMINE-SOUTH)
ELKHORN WATER DISTRICT FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 2012-00470
NECESSITY TO CONSTRUCT AND FINANCE A)
WATERWORKS IMPROVEMENT PROJECT)
PURSUANT TO KRS 278.020 AND 278.300)

ORDER

Jessamine-South Elkhorn Water District (“Jessamine-South Elkhorn”) has petitioned for confidential treatment of a map of its water distribution system.¹ In support of its petition, Jessamine-South Elkhorn refers to KRS 61.878(1)(m)(1), which excludes from public inspection any “[p]ublic records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.” KRS 61.878(1)(m)(1)(f) includes within this class of public records the infrastructure records of public water utilities.²

While the Commission recognizes that the map in question provides the general location and size of certain Jessamine-South Elkhorn water mains, the Commission finds that the map does not qualify for confidential treatment. The information set forth

¹ Jessamine-South Elkhorn has provided the map in response to Item 35 of Forest Hills Residents’ Association, Inc. and William Bates’s First Request for Information.

² Forest Hills Residents’ Association, Inc. and William Bates subsequently filed with the Commission a report that contains information from the map in question. Pursuant to 807 KAR 5:001, Section 13(9), they filed the report under seal and provided copies with the information at issue redacted.

on the map is of such general nature that its disclosure would not have a reasonable likelihood of threatening public safety. Moreover, the general public may readily access this information through the Water Resource Information System's internet website.³ As the information is already available to the public, we find no reason to remove it from the Commission's public files.

IT IS THEREFORE ORDERED that:

1. Jessamine-South Elkhorn's petition for confidential treatment for the map filed as its response to Item 35 of Forest Hills Residents' Association, Inc. and William Bates's First Request for Information is denied.

2. The material in question shall be afforded confidential treatment for 33 days from the date of this Order to afford Jessamine-South Elkhorn the opportunity to seek review of this Order pursuant to KRS 278.400 or KRS 278.410.


3. Thirty-three days after the date of this Order, the map in question and any other documents that contain the map or information from the map that have previously been afforded confidential treatment pending review of Jessamine-South Elkhorn's petition shall be made available for public inspection.

4. In addition to the parties, the Executive Director shall serve a copy of this Order upon:

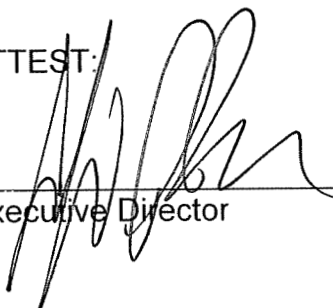
- a. Executive Director, Kentucky Infrastructure Authority;
- b. Attorney General; and,
- c. Executive Director, Kentucky Office of Homeland Security.

³ See <http://kia.ky.gov/wris/portal/>.

By the Commission

ENTERED 
MAR 20 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00470

Honorable W. Randall Jones
Attorney at Law
Rubin & Hays
Kentucky Home Trust Building
450 South Third Street
Louisville, KENTUCKY 40202

Honorable Anthony G Martin
Attorney at Law
P.O. Box 1812
Lexington, KENTUCKY 40588

Bruce E Smith
201 South Main Street
Nicholasville, KENTUCKY 40356

Honorable Robert M Watt, III
Attorney At Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801