

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF KENTUCKY-OHIO GAS)
COMPANY FOR APPROVAL OF SPECIAL)
CONTRACT WITH ASHLAND PETROLEUM)
COMPANY AND A CERTIFICATE OF) CASE NO. 93-144
CONVENIENCE AND NECESSITY TO)
CONSTRUCT PIPELINE FACILITIES AND)
APPROVAL OF FINANCING)

O R D E R

This matter arising upon petition of Kentucky-Ohio Gas Company ("KOG") filed April 16, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of information contained in a financing statement on the grounds that disclosure of the information would constitute an unwarranted invasion of the individual's personal privacy, and it appearing to this Commission as follows:

KOG is seeking a certificate of convenience and necessity for construction of pipeline facilities which will be financed by a loan from an individual investor. In support of the request, KOG has submitted a "statement of financing" which identifies the name of the investor and sets forth the terms of the loan. By this petition, KOG seeks to protect this information as confidential.

KRS 61.878(1)(a) exempts from disclosure "information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." This provision is intended to protect from public disclosure any

information contained in public records that relates to the details of an individual's private life where the individual's privacy interest in the information outweighs the public's interest in the information. Board of Education of Fayette County v. Lexington-Fayette Urban County Human Rights Commission, Ky. App., 625 S.W.2d 109, 111 (1981).

The statement of financing if made public would reveal the extent of the investor's participation in the project. This information could, in turn, affect his involvement in other unrelated ventures and the disclosure of his identity outweighs the public's interest in the information. Therefore, the sections of the financing statement identifying the investor should be protected as confidential.

The public does have a right to know the extent to which KOG will be indebted for the construction, including the terms of repayment of that debt. The public's right to know in this instance outweighs any privacy interests which the investor may have in the information, particularly after the identity of the investor is kept confidential. Therefore, those portions of the financing statement relating to the terms of the loan should not be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

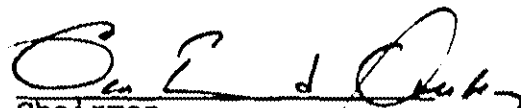
1. The petition to protect as confidential the identity of the investor financing the proposed construction, which KOG has petitioned be withheld from public disclosure, shall be held and

retained by this Commission as confidential and shall not be open for public inspection.


2. KOG shall, within 20 days from the date of this Order, file an edited copy of the financing statement with only the identity of the investor obscured for inclusion in the public record.

Done at Frankfort, Kentucky, this 5th day of May, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director