

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 July 1, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of information contained in its amended 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. On April 16, 1993 in support of the request, KOG submitted a "statement of financing" which identified the name of the investor and sets forth the terms of the loan. In a separate petition filed on April 16, 1993, KOG sought to protect this information as confidential. On May 5, 1993, the petition was granted with respect to the identity of the investor but denied with respect to the terms of financing.

On July 1, 1993, KOG filed an "amended statement of financing" containing the same information as the original. By this petition, KOG seeks to protect as confidential the identity of the investor.

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).

As stated in the earlier Order, 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.

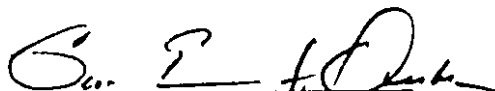
This Commission being otherwise sufficiently advised,

IT IS ORDERED that 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.

Done at Frankfort, Kentucky, this 21st day of July, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director