

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
THE APPLICATION OF KENTUCKY-AMERICAN)
WATER COMPANY FOR A CERTIFICATE OF) **CASE NO. 2014-00258**
CONVENIENCE AND NECESSITY AUTHORIZING)
THE CONSTRUCTION OF RICHMOND ROAD)
STATION FILTER BUILDING IMPROVEMENTS)

PETITION OF KENTUCKY-AMERICAN WATER COMPANY
FOR CONFIDENTIAL PROTECTION OF CONSTRUCTION DRAWINGS

Kentucky-American Water Company (“KAW”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 to grant confidential protection for the item described herein, which KAW is providing in support of its Application in this matter. In support of this Petition, KAW states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain public safety information. KRS 61.878(1)(m). To qualify for the exemption and, therefore, maintain the confidentiality of the information, a party must establish that the material is of a kind generally recognized to be confidential or proprietary.

2. In support of its Application in this matter, KAW has submitted engineering construction drawings of the facilities proposed to be constructed in this case as Exhibit E to KAW’s Application. Those drawings reveal critical utility infrastructure which, if disclosed publicly, would threaten public safety. KRS 61.878(1)(m)1.f exempts from disclosure the following: “Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to ... water

... systems[.]” This information is highly confidential, the disclosure of which could be useful to anyone seeking to threaten or harm public safety. It is therefore highly confidential and must be protected from public disclosure. The entire set of drawings is confidential, and, therefore, they are not highlighted as permitted by 807 KAR 5:001, Section 13(2)(a)3.

3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect Kentucky American’s due process rights and (b) to supply with the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

4. The information for which KAW is seeking confidential treatment is not known outside of KAW and its consultants and contractors, is not disseminated within KAW except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the water industry. Due to its public safety nature, KAW requests that the information be treated confidentially indefinitely.


WHEREFORE, KAW respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Date: July 31, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that Kentucky American Water's July 31, 2014 electronic filing is a true and accurate copy of the documents being filed in paper medium except that the confidential document will not be electronically filed; that the electronic filing was transmitted to the Commission on July 31, 2014; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that a paper copy of the filing will be hand-delivered to the Commission no later than two business days after the electronic filing; and that on July 31, 2014, electronic mail notification of the electronic filing will be provided to the following:

Jennifer Black Hans
Gregory T. Dutton
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Office of Rate Intervention
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Counsel for Kentucky American Water