

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

APPLICATION OF NORTHERN KENTUCKY	)	
WATER DISTRICT FOR ISSUANCE OF	)	CASE NO. 2016-00303
OHIO RIVER PUMP STATION	)	
NUMBER 2 REHABILITATION	)	
CERTIFICATE OF CONVENIENCE	)	
AND NECESSITY	)	

**PETITION FOR CONFIDENTIALITY**

Northern Kentucky Water District (NKWD), by counsel, petitions the Commission ("Commission"), pursuant to 807 KAR 5:001, Section 13, and all other applicable law, for confidential treatment of the Engineering Plans, Diagrams and Drawings included in Exhibit A of the Application, which are provided in a separate sealed packet. The information in those documents contains strategic analysis of the NKWD distribution and transmission systems, including diagrams and maps of the system. NKWD also requests that the PDF electronic copy be maintained as confidential.

KRS Chapter 61 requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from public disclosure of the information relevant to this petition are provided in KRS 61.878(1)(m). Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information disclosed to it to the extent that open disclosure 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 and limited to: . . . ,

(f) 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 information technology, communications, electrical, fire suppression, ventilation, **water**, wastewater, sewage, and gas systems and;

(g) The following records when their disclosure will expose a vulnerability referred to in this subparagraph: **detailed drawings, schematics, maps, or specifications of structural elements**, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency.”

This Commission has recognized that similar reports with diagrams and maps "are infrastructure records that disclose the location, configuration, or security of public utility systems" and therefore, should be treated as confidential. See Case No. 2014-00166 *In the Matter of 2104 Integrated Resource Plan of Big Rivers Electric Corporation*, KY PSC Order, p. 7 (August 26, 2014).

The information contained in the specified documents provides detailed information about NKWD's distribution system and the location of critical components; as such, the disclosure of which could threaten the public safety generally and provide sensitive information relevant to the security against terroristic events. NKWD petitions the Commission to classify as confidential and protect from public disclosure the requested report. Because of the nature of the documents, providing a redacted copy

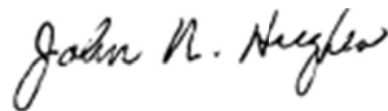
for public view would be uninformative and of no practicable value to anyone. NKWD seeks a deviation pursuant 807 KAR 5:001(22) to allow the entire documents to be considered redacted and an exemption from filing a partially redacted version of the documents for the public record.

The information for which the Company is seeking confidential treatment is not disseminated within the Company 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 industry.

If the Commission disagrees with this request for confidential protection, NKWD requests that it hold an evidentiary hearing (a) to protect the Company's due process rights and (b) to supply 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., Ky. App., 642 S.W.2d 591, 592-94 (1982).

NKWD requests that the information referenced herein be kept confidential for an indefinite period.

For these reasons, NKWD petitions the Commission to treat as confidential, indefinitely, the information referenced in this petition in its entirety



John N. Hughes  
124 West Todd Street  
Frankfort, Kentucky 40601  
502-227-7270  
[inhughes@johnnhughespsc.com](mailto:inhughes@johnnhughespsc.com)  
Attorney for Northern Kentucky  
Water District