

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE)	
GAS AND ELECTRIC COMPANY FOR)	CASE NO.
APPROVAL OF STATE WAIVER OF THE)	2016-00386
REASSESSMENT INTERVAL REQUIRED BY)	
49 C.F.R. § 192.939)	

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company (“LG&E”), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure a gas pipeline map provided by LG&E as requested by the Staff of the Kentucky Public Service Commission in an informal conference held in the above-captioned proceeding on January 18, 2017. For reasons involving homeland security, the Company respectfully requests that the Commission grant confidential protection to the Ballardsville West Pipeline HCA map.

In further support of this Motion, the Company states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially 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, communication, 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.” See KRS 61.878(1)(m)1. Succinctly put, the HCA map attached hereto provides information about one of the Company’s gas pipelines; as such, the disclosure of which could threaten the public safety generally.

2. The information for which the Company is seeking confidential treatment is not known outside of the Company, except by regulators, is not broadly available within the Companies, and is generally recognized as confidential and proprietary information in the energy industry.

3. If the Commission disagrees with this request for confidential protection, it must 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).

4. The Company is filing with the Commission an original of the Ballardsville West Pipeline HCA map identified as confidential.

WHEREFORE, Louisville Gas and Electric Company respectfully requests the Commission to grant confidential protection to the Ballardsville West Pipeline HCA map provided as requested by Commission Staff indefinitely.

Dated: January 30, 2017

Respectfully submitted,



Allyson K. Sturgeon
Senior Corporate Attorney
LG&E and LG&E Services Company
220 West Main Street
Louisville Kentucky, 40202
Telephone: (502) 627-2088
allyson.sturgeon@lge-ku.com

Counsel for Louisville Gas and Electric Company