

COMMONWEALTH OF KENTUCKY
BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

In the matter of:)
)
THE ELECTRONIC APPLICATION OF COLUMBIA)
GAS OF KENTUCKY, INC. FOR: 1) A DECLARATION)
THAT CONSTRUCTION OF A LOW PRESSURE)
SYSTEM SAFETY IMPROVEMENT IS AN EXTENSION)
OF ITS SYSTEM IN THE ORDINARY COURSE OF)
BUSINESS; 2) IN THE ALTERNATIVE, FOR THE) Case No. 2019-00257
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR SUCH)
CONSTRUCTION; 3) APPROVAL OF AN)
AMENDMENT AND EXPANSION OF ITS)
ACCELERATED MAIN REPLACEMENT TARIFF TO)
ITS SAFETY MODIFICATION AND REPLACEMENT)
TARIFF; AND (4) APPROVAL TO MODIFY THE 2019)
AMRP CONSTRUCTION PLAN)

**COLUMBIA GAS OF KENTUCKY, INC.’S
MOTION FOR CONFIDENTIAL TREATMENT**

Comes now Columbia Gas of Kentucky, Inc. (“Columbia”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to its Response to Commission Staff’s First Request for Information, Response No. 1, in the above-captioned proceeding, respectfully states as follows:

1. Columbia filed this case on July 29, 2019, seeking a declaration that no CPCN was required for certain improvements to its low pressure system, for an amendment of its Accelerated

Main Replacement Program (“AMRP”) Tariff, for an amendment of its 2019 AMRP Construction Plan and other relief.

2. On August 15, 2019, the Commission Staff served its First Set of Requests for Information. Request No. 1, states as follows:

Refer to the application, paragraph 1. Provide a copy of all the information collected by Columbia Kentucky that was used in formulating a design and threat assessment. Also, provide a copy of the assessment created by Columbia Kentucky that resulted in the initiation of the low-pressure gas distribution system safety enhancement program (LP Program).

3. In its response to Request No. 1, Columbia is providing several thousand pages of documents that were collected or created as part of its survey of the low pressure gas distribution systems in operation across its service areas. These documents include detailed drawings, maps, schematics, photos, notes and other materials that describe and identify the various components of the low pressure gas distribution systems in great detail.

4. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the information provided by Columbia in response to Request No. 1 is being tendered in redacted form in the public version of Columbia’s filing and in an un-redacted form on a flash-drive filed under seal herewith. The volume of materials is so great (approximately 20 gigabytes) that it would be practically impossible to file it via the Commission’s electronic filing system in any event. Collectively, this information is hereinafter referred to as the “Confidential Information.”

4. The Confidential Information is retained by Columbia on a “need-to-know” basis and is not publicly available. If disclosed, the Confidential Information would give the public highly detailed information concerning the workings of Columbia’s low-pressure natural gas distribution systems, the location of key utility infrastructure, potential vulnerabilities and other information related to critical utility infrastructure. Someone bent on mayhem who became aware

of the Confidential Information could cause significant damage to Columbia's system, including the potential loss of life and property and disruption of natural gas service to thousands of customers.

5. The Kentucky Open Records Act ("Act") exempts the Confidential Information from public disclosure due to the fact that the documents being provided are exclusively related to critical utility infrastructure information. *See* KRS 61.878(1)(m). Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). Because the Confidential Information is critical utility infrastructure information and such information has always been regarded as unique to the inner workings of Columbia as a natural gas utility, it satisfies both the statutory and common law standards for being afforded confidential treatment.

6. Columbia respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period of time. While the LP System will change over time from its current configuration, the location of many of its facilities will remain in place for many years to come. Accordingly, any future release of the Confidential Information would still pose a threat to the system's integrity by allowing the public – and particularly those with malicious intent – to gain a level of knowledge of the natural gas distribution system that they could gain from no other source.

WHEREFORE, on the basis of the foregoing, Columbia respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and to so afford such protection from public disclosure to the un-redacted copies of Confidential Information, which is filed herewith under seal, for an indefinite period of time.

This 27th day of August, 2019.

Respectfully submitted,

Brooke E. Wancheck
(SLD)

Brooke E. Wancheck

Assistant General Counsel

Stephen B. Seiple

Assistant General Counsel

290 W. Nationwide Blvd.

Columbus, Ohio 43215

Telephone: (614) 460-5558

Fax: (614) 460-6986

Email: bwancheck@nisource.com

sseiple@nisource.com

and

Mark David Goss

David S. Samford

L. Allyson Honaker

GOSS SAMFORD, PLLC

2365 Harrodsburg Road, Suite B-325

Lexington, Kentucky 40504

(859) 368-7740

mdgoss@gosssamfordlaw.com

david@gosssamfordlaw.com

allyson@gosssamfordlaw.com

Counsel for Columbia Gas of Kentucky, Inc.