

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)	
WATER DISTRICT FOR APPROVAL OF)	
RESIDUALS HANDLING EQUIPMENT)	Case: 2020-00283
REPLACEMENT AND IMPROVEMENTS)	
AS AN ORDINARY EXTENSION)	

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 documents included in Exhibits A.1, A.2, and A.4 of the Application/Petition, which are provided in a separate sealed packet. The information in those documents contains strategic analysis and details of the NKWD water treatment, distribution, and transmission systems, including specifications, plans, diagrams, and maps of the system and items related to NKWD's system.

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 within the Kentucky Open Records Act, specifically KRS 61.878(1)(m)(1). Pursuant to this statute, 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. (emphasis added).

The information contained in the specified documents provides detailed information about NKWD's water treatment system and the type and location of equipment used in the treatment and distribution of water to the public; as such, the disclosure of which could threaten the public safety generally and provide sensitive information relevant to the security measures to combat terrorism and other threats to the public drinking water system. NKWD petitions the Commission to classify the applicable exhibits as confidential and prevent their public disclosure.

The information for which NKWD is seeking confidential treatment is not disseminated within the District 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 within the water treatment industry.

If the Commission disagrees with this request for confidential protection, NKWD requests that it hold an evidentiary hearing (a) to protect NKWD'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.

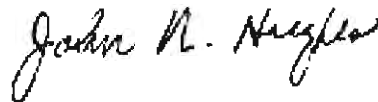
For these reasons, NKWD petitions the Commission to treat the information referenced in this petition as confidential in its entirety, and for an indefinite time period.

SUBMITTED BY:



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