

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN KENTUCKY)
WATER DISTRICT FOR APPROVAL OF) CASE NO. 2021-00047
THE FT. THOMAS TREATMENT PLANT)
BASIN IMPROVEMENTS, PHASE 2)
CERTIFICATE OF CONVENIENCE AND)
NECESSITY AND APPROVAL OF FINANCING)

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 Exhibit A-2, Engineering Technical Memorandum and Ft. Thomas Improvement Drawings Exhibit A-4 of the Application, which are provided in a separate email (as required by recent Commission orders applicable to the COVID-19 emergency). The information in those documents contains strategic analysis of the NKWD facilities, capabilities, hardware specifications, maps and related operational information about its water treatment 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 in KRS 61.878(1)(m). Under this section of 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.” (Emphasis added).

This Commission has recognized that similar NKWD 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. 2020-00127, *Application of Northern Kentucky Water District for SCADA Improvements*.

The information contained in the specified documents provides detailed information about NKWD’s water treatment system and the type and location of critical components of hardware 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 against terroristic events. NKWD petitions the Commission to classify as confidential and protect from public disclosure the requested report.

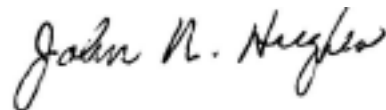
The information for which NKWD is seeking confidential treatment is not disseminated within NKWD except to those employees with a legitimate business need to know and act upon the information and is generally recognized as confidential and proprietary information in the industry.

If the Commission disagrees with this request for confidential protection, NKWD requests that it hold an evidentiary hearing (a) to protect the 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 as confidential, indefinitely, the information referenced in this petition in its entirety.

SUBMITTED BY:



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