

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN KENTUCKY)
WATER DISTRICT FOR A CERTIFICATE OF PUBLIC) **CASE NO. 2022-00209**
CONVENIENCE AND NECESSITY CONSTRUCT A 36")
LICKING RIVER CROSSING AND APPROVAL OF FINANCING)

MOTION FOR CONFIDENTIALITY

Northern Kentucky Water District (“NKWD”), by and through counsel, moves the Commission for an order pursuant to 807 KAR 5:001, Section 13 and all other applicable law, for confidential treatment of a portion of [Exhibit A-6](#) that contains plan specifications and have been provided to the Commission through a separate email in accordance with the March 24, 2022 Order issued in Ky. PSC Case No. 2020-00085. The information in those documents

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 matter are provided in KRS 61.878(1)(m). Specifically, KRS 61.878(1)(m) entitles prohibition of disclosure to extent 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 a vital bottleneck in the NKWD's water distribution system and the type and location of equipment used in the 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.

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. See Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky App. 1982).

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

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

RESPECTFULLY SUBMITTED:



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CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that this document was submitted electronically to the Public Service Commission on July 22, 2022 and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.



Tom Edge, Esq. (KBA #95534)