

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION FOR A DECLARATORY)	CASE NO.
ORDER REGARDING COMMISSION JURISDICTION)	2022-00224

KENTUCKY FRONTIER GAS LLC’S
MOTION FOR CONFIDENTIAL TREATMENT

Comes now Kentucky Frontier Gas, LLC (“Kentucky Frontier”), 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 items contained in its Application for a Declaratory Order, in the above-styled case, respectfully states as follows:

1. Kentucky Frontier filed a Notice of Election to Use Electronic Filing Procedures on July 18, 2022 to file its Application for a Declaratory Order Regarding Commission Jurisdiction.

2. Contemporaneously with this Motion, Kentucky Frontier is tendering its Application. As part of that Application, Kentucky Frontier provides the latitude and longitude coordinates for certain sections of natural gas infrastructure. Kentucky Frontier is filing a marketing brochure, as Exhibit A, it received regarding the Jefferson Gas system. Although this information was provided before a non-disclosure agreement was requested, it was marked Confidential and contains maps of the location of natural gas infrastructure. Kentucky Frontier is also filing maps created on Google Earth that show the approximate locations of natural gas

infrastructure at Exhibit B and the contract it has in place with East Kentucky Midstream LLC as Exhibit D.

3. Pursuant to 807 KAR 5:001, Section 13(3), the information provided by Kentucky Frontier in its Application is being tendered in redacted form, where possible, in the public version of Kentucky Frontier's filing and in an un-redacted form emailed under seal to the Commission. Collectively, this information is hereinafter referred to as the "Confidential Information."

4. The Confidential Information is retained by Kentucky Frontier 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 location of critical natural gas infrastructure. This information if released publicly could aid someone in causing significant damage to this natural gas infrastructure, including the potential loss of life and property and disruption of natural gas service to hundreds of customers. The Confidential Information also includes details regarding the prices paid and delivery points for natural gas by Kentucky Frontier which could cause competitive harm to Kentucky Frontier and its customers when negotiating other natural gas purchase agreements and should be exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

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 a natural gas company, it satisfies both the statutory and common law standards for being afforded confidential treatment.

6. Kentucky Frontier respectfully requests that the Confidential Information contained in the contract be withheld from public disclosure for a period of ten years and the Confidential Information pertaining to critical energy infrastructure be withheld from public disclosure for an indefinite period of time. The location of these facilities could remain in the same place for many more years to come. Accordingly, any release of this Confidential Information in the future could still pose a significant risk and threat to this natural gas system's integrity. Anyone with malicious intent could gain access to information that would help them gain a level of knowledge of the natural gas distribution system that they could not gain from any other publicly available source.

WHEREFORE, on the basis of the foregoing, Kentucky Frontier respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and thereby affording confidential protection to the un-redacted Confidential Information for the time periods requested herein.

This 22th day of July, 2022.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on July 22, 2022; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.



Counsel for Kentucky Frontier Gas, LLC