

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic INVESTIGATION OF)
JURISDICTIONAL STATUS OF EAST)
KENTUCKY MIDSTREAM, LLC, AND OF)
ITS COMPLAIANCE WITH KRS CHAPTER)
278, 807 KAR CHAPTER 005, AND 49 CFR)
PARTS 191 AND 192)

Case No.
2020-00238

Motion for Confidential Treatment of Information

East Kentucky Midstream, LLC (“EKM”) respectfully submits this Motion pursuant to 807 KAR 5:001, § 13, for confidential treatment of certain information filed concurrently with its Response to the Commission Staff’s Post Formal Conference Request for Information in this case. In support of this Motion, EKM states as follows:

1. On this date, EKM filed with the Commission its Response to the Staff’s post formal conference data requests (“PH PSC __”).
2. EKM seeks confidential treatment for the personal information contained the responses to PH PSC 01, 03, 05, 07 and 09 (collectively “Responses”) and filed as attachments PH 01-0014 – 0023. These include names and addresses along with other identifying information. The publicly-filed Responses and attachments have been redacted; unredacted copies with confidential information highlighted have been provided under seal.
3. The private information in the Responses should be kept confidential. EKM should not be forced to share this information publicly to its and these individuals’ possible detriment. The non-party tap customers and other individuals named in the Responses and the attachments are covered by the provisions of 807 KAR 5:001, § 4(10)(a), which require privacy

protection for filings that include an individual's first name or first initial and last name in combination with information such as the individual's address or telephone number, if that individual is not a party and has not requested to be a party. 807 KAR 5:001, § 4(10)(a)(7). None of the tap customers or other individuals named or shown in the Responses has filed a request for intervention or otherwise requested to be a party.

4. If the Commission's tentative assessment is that any of the information identified herein is not exempt from disclosure as confidential commercial information, it must hold an evidentiary hearing to protect EKM's due process rights and permit an opportunity to create a complete record enabling the Commission to decide this confidentiality request.

5. In compliance with 807 KAR 5:001 § 13(2)(a)(3), EKM is filing with the Commission one copy of the Responses, entirely unredacted and with highlighting of the material for which confidential treatment is sought. The unredacted copies are filed under seal pursuant to the instructions regarding confidential filings in the 3/24/20 Order issued in KY. PSC Case No. 2020-00085; redacted pages have been publicly filed with the electronic copy of EKM's Response.

6. Section 13(2)(a)(2) of 807 KAR 5:001 provides that a motion for confidential treatment shall state the time period in which the material should be treated as confidential and the reasons for this time period. EKM respectfully submits that the material be treated as confidential indefinitely in the light of the regulatory requirements set forth by 807 KAR 5:001, § 4(10)(a).

WHEREFORE, EKM respectfully requests that the Commission grant confidential treatment of the information described herein, filed under seal and shown as redacted in the publicly-filed Response and attachments thereto.

Respectfully submitted,

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