

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC ANNUAL PIPELINE REPLACEMENT)	CASE NO.
PROGRAM FILING OF APACHE GAS)	2024-00167
TRANSMISSION COMPANY, INC.)	

**APACHE GAS TRANSMISSION COMPANY, INC.’S
MOTION FOR CONFIDENTIAL TREATMENT**

Comes now Apache Gas Transmission Company, Inc., (“Apache”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and requests that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain information filed in its Responses to Commission Staff’s First Request for Information (“Staff’s First Request”). In support of the motion Apache respectfully states as follows:

1. On July 31, 2024, Commission Staff issued its First Request for Information to Apache in the above styled proceeding.
2. As part of Apache’s responses to Staff’s First Request, Apache is filing responses to information requests concerning critical infrastructure information. Collectively the information is hereinafter referred to as the “Confidential Information”.
3. Specifically, the Confidential Information is being provided in response to Staff’s First Request No. 4(c).

4. KRS 61.878(1)(m) allows confidential protection of information that if disclosed could threaten public safety by disclosing critical infrastructure. The Kentucky courts have upheld these protections for information provided, *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995).

5. Staff's First Request Item 4(c) required Apache to provide information about a pipeline location. Apache is requesting confidential treatment of the response to Staff's First Request, Item 4(c) pursuant to KRS 61.878(1)(m) because the information contains the locations of key utility infrastructure. This information has been granted confidential treatment in the past.

6. The map constitutes critical infrastructure information and should not be shared publicly. In the hands of nefarious actors, this information could be harmful to Apache's gas system and public safety.

7. Apache does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to any intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Apache is providing one copy of the Confidential Information separately under seal. The filing of the Confidential Information is noted in the public version of Apache's response. Apache is requesting confidential treatment for the entirety of the Confidential Information therefore no redacted copy is being filed in the public record and no highlighted version is being filed under seal.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Apache respectfully requests that the documents be withheld from public disclosure for an indefinite period.

WHEREFORE, on the basis of the foregoing, Apache respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and affording confidential protection to the Confidential Information for an indefinite period of time.

This the 16th day of August, 2024.

Respectfully submitted,

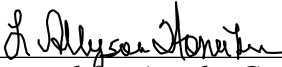


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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission for filing on August 16, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; by virtue of the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of this filing will be made.



Counsel for Apache Gas Transmission Company, Inc.