

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR APPROVAL OF)	CASE NO.
STATE WAIVER OF THE REASSESSMENT)	2016-00386
INTERVAL REQUIRED BY 49 C.F.R. § 192.939)	

ORDER

On January 30, 2017, Louisville Gas and Electric Company (“LG&E”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to its response to questions raised at an informal conference (“IC”) with Commission Staff on January 18, 2017, for an indefinite period of time. The designated materials for which confidential protection is requested are more specifically described as the identity of and a map depicting segments of a transmission pipeline that is located in high consequence areas (“HCA”) of the Ballardsville West pipeline.

For reasons involving homeland security, LG&E requests confidential protection of the Ballardsville West pipeline map that shows the location of HCAs. In support of its petition requesting confidential treatment, LG&E asserts that the designated materials contain information about critical energy infrastructure that, if publicly disclosed, 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 thus are exempt from public disclosure pursuant to KRS 61.878(1)(m)1.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in LG&E's Ballardsville West pipeline map filed on January 30, 2017, are generally recognized as confidential on the grounds of public safety, and are exempt from public disclosure pursuant to KRS 61.878 (1)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:


1. LG&E's petition for confidential protection for the Ballardsville West pipeline map filed on January 30, 2017, is granted.
2. LG&E's Ballardsville West pipeline map shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. LG&E shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow LG&E to seek a remedy afforded by law.

By the Commission

ENTERED
MAY 15 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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