

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On July 22, 2022, Northern Kentucky Water District (Northern Kentucky District) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for a portion of Exhibit A-6 provided with its application.

In support of its motion, Northern Kentucky District argued that a portion of Exhibit A-6 to the application contains detailed information about a vital bottleneck in its water distribution system and the type and location of equipment used in the distribution of water to the public; as such, the disclosure of this information 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. Northern Kentucky District argued that such information is protected under KRS 61.878(1)(m)(1)(f)-(g), which prohibits disclosure of such infrastructure records, maps and specifications of structural elements which 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.

Having considered the motion and the material at issue, the Commission finds that the plan specifications included in Exhibit A-6 is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m).


IT IS THEREFORE ORDERED that:

1. Northern Kentucky District's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Northern Kentucky District shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Northern Kentucky District shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Northern Kentucky District is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Northern Kentucky District to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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