

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)	CASE NO.
COMPLIANCE WITH KRS CHAPTER 278, 807)	2022-00238
KAR CHAPTER 005, AND 49 CFR PARTS 191)	
AND 192)	

ORDER

On August 10, 2023, East Kentucky Midstream, LLC (East Kentucky Midstream) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for indefinite period for East Kentucky Midstream’s response to Commission Staff’s Post-Deposition Request for Information (Staff’s Post-Deposition Request), Item 1. The designated material consists of maps that depict the KZ, A, and C pipelines in East Kentucky Midstream’s natural gas system.

In support of its motion, East Kentucky Midstream argued that the designated material identifies critical energy infrastructure necessary to transmit natural gas in the region, and thus public disclosure is prohibited under KRS 61.878(1)(m)(1), which exempts from public disclosure records pertaining to utility critical infrastructure that, if publicly disclosed, have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigation, or responding to a terrorist act.

Having considered the motion and the material at issue, the Commission finds that the designated material depicts natural gas system pipelines, which are utility critical infrastructure that, if publicly disclosed, could be used to commit a terrorist act and disrupt

a natural gas public utility system. For this reason, the Commission further finds that the designated material meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m)(1).

IT IS THEREFORE ORDERED that:

1. East Kentucky Midstream'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 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. East Kentucky Midstream 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, East Kentucky Midstream 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 East Kentucky Midstream 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 East Kentucky Midstream to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION



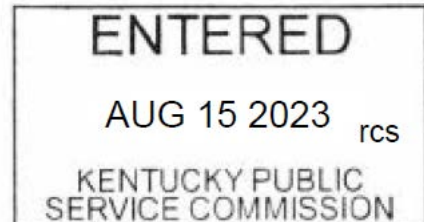
Chairman



Vice Chairman



Commissioner



ATTEST:



Executive Director

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 6202
Lexington, KENTUCKY 40509

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Steven E Shute
Kentucky Frontier
PO Box 408
2963 Ky Rte 321 North
Prestonsburg, KENTUCKY 41653

*Jack Justice
East Kentucky Midstream, LLC
525 George Road
PO Box 565
Betsy Layne, KENTUCKY 41605

*Honorable Jason R Bentley
Attorney at Law
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KENTUCKY 40507

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Kathryn A Eckert
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KENTUCKY 40507

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204