

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN)	
KENTUCKY WATER DISTRICT FOR A)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND)	2024-00025
NECESSITY TO CONSTRUCT A 0.50 MG)	
WATER STORAGE TANK)	

ORDER

On February 23, 2024, 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 that contains plan specifications and a portion of Exhibit B-2 that contains the same plan specifications within the Kentucky Transportation Cabinet permit documents.

KRS 61.878(1)(m)(1)(f) and KRS 61.878(1)(m)(1)(g) entitles prohibition of disclosure to extent disclosure would:

(m)(1) 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 limited to:

(f) infrastructure records that expose a vulnerability through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems;

(g) The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security

systems of any building or facility owned, occupied, leased, or maintained by a public agency.

In support of its motion Northern Kentucky District argues that the specified documents contain information about the district's water distribution system, including connections used within the system and the type and location of equipment used to distribute water to the public. Further, Northern Kentucky District argues that the specified documents contain information relevant to the security measures used to combat terrorism and other threats to the public drinking water system. Finally, Northern Kentucky District argues the material in which the district is seeking confidential treatment is not disseminated within Northern Kentucky District except to those employees with a legitimate business need to know and act upon the information and is generally recognized as confidential and proprietary in the industry.

Having considered the motion and the material at issue, the Commission finds portions of plan specifications in Exhibit A-6 and Exhibit B-2 meet the criteria for confidential treatment and should be exempt from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m)(1)(f) and 61.878(1)(m)(1)(g). The documents, if disclosed, would have a reasonable likelihood of threatening public safety by exposing detailed drawings and schematics related to the distribution of water to the public. Further, the disclosure of the sensitive information could pose a threat to the safety of the public drinking water system by increasing vulnerability to a terrorist act. The Commission has previously held that documents regarding details about a vital bottleneck in Northern

Kentucky District's water distribution system and the type and location of equipment used in the distribution of water to the public, should be afforded confidential treatment.¹

IT IS THEREFORE ORDERED that:

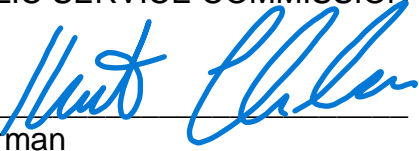
1. Northern Kentucky District's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Commission.
3. 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Northern Kentucky District shall inform the Commission and file with the Commission an unredacted copy of the designated material.
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.

¹ Case No. 2022-00209, *N. Kentucky Water Dist. for A Certificate of Pub. Convenience & Necessity to Construct A 36 Licking River Crossing & Approval of Fin.*, (Ky. PSC Oct. 25, 2022), Order.

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

ENTERED
MAR 22 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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