

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF HENDERSON)	
COUNTY WATER DISTRICT FOR A)	
DECLARATORY ORDER OR ALTERNATIVELY A)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND)	2025-00280
NECESSITY AND ISSUANCE OF EVIDENCE OF)	
INDEBTEDNESS AND OTHER GENERAL RELIEF)	

ORDER

On August 29, 2025, Henderson County Water District (Henderson District) 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 Exhibit 5, provided with its application.¹

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records “be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884.”² Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.³ The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.⁴

¹ Henderson District’s Motion for Confidential Treatment (filed Aug. 29, 2025) (Motion).

² KRS 61.872(1).

³ See KRS 61.871

⁴ 807 KAR 5:001, Section 13(2)(c).

In support of its motion, Henderson District argued that Exhibit 5 contains a map of its water infrastructure system and associated meters which includes identifications and depictions of certain critical utility infrastructure necessary to transmit water in the region and if disclosed, the information could be utilized to commit or further a criminal or terrorist act.⁵ Additionally, Henderson District explained that disclosure of the map could result in the disruption of innumerable other infrastructure systems which relate to, or rely upon, the safe and reliable provision of water in the area.⁶ Finally, Henderson District argues that the confidential information is proprietary information that is retained by Henderson District on a “need-to-know” basis and is not publicly available.⁷ Henderson District argued that such information is protected under KRS 61.878(1)(m)(1) which protects public records the disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing protecting against, mitigating, or responding to a terrorist act.⁸

Having considered the motion and the material at issue, the Commission finds that the map included in Exhibit 5 is generally recognized as confidential and proprietary; it therefore 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).

⁵ Motion at 2.

⁶ Motion at 2.

⁷ Motion at 2.

⁸ Motion at 1.

IT IS THEREFORE ORDERED that:

1. Henderson District's August 29, 2025 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, Henderson 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, Henderson District shall have 20 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 Henderson 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 Henderson District to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

 

Executive Director

ENTERED
FEB 26 2026 ^{AB}
KENTUCKY PUBLIC
SERVICE COMMISSION

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