

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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IN THE MATTER OF:)

PUBLIC SERVICE
COMMISSION

THE APPLICATION OF KENTUCKY-AMERICAN)
WATER COMPANY FOR A CERTIFICATE OF)
CONVENIENCE AND NECESSITY AUTHORIZING)
THE CONSTRUCTION OF KENTUCKY RIVER)
STATION II, ASSOCIATED FACILITIES AND)
TRANSMISSION MAIN)

CASE NO. 2007-00134

PETITION FOR CONFIDENTIALITY

Kentucky-American Water Company (“KAW”), pursuant to 807 KAR 5:001, Section 7, respectfully petitions the Commission to classify as confidential and protect from public disclosure the “as-built” drawings that are the subject of Ordering Paragraph 5 of the Commission’s April 25, 2008 Order in this matter. These documents, in their entirety, contain critical water utility infrastructure information. For protection of homeland security, KAW respectfully requests that the Commission grant confidential protection to these documents.

In further support of this Petition, KAW states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure 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 limited to: ... (f) infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems and (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.” See KRS 61.878(1)(m)1. Succinctly put, the as-built drawings attached hereto provide very detailed information about water supply infrastructure, the disclosure of which could threaten the public safety generally.

2. The information for which KAW is seeking confidential protection is not known outside of KAW and its contractors, is not disseminated within KAW except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the water industry.

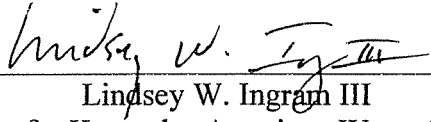
3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the KAW’s due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. KAW is filing with the Commission one copy of the “as-built” drawings under seal and seeks protection of them in their entirety.

WHEREFORE, KAW requests that the Commission grant confidential protection to these documents, in their entirety.

Respectfully submitted,

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BY: 

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CERTIFICATE OF SERVICE

This is to certify that the original and ten (10) copies of the foregoing have been filed with the Public Service Commission this the 14th day of December, 2010, and a copy mailed to:

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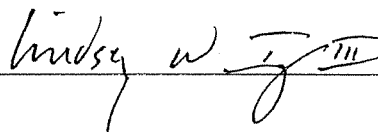
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