

COMMONWEALTH OF KENTUCKY

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BEFORE THE

MAR 26 2007

PUBLIC SERVICE COMMISSION OF KENTUCKY

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

APPLICATION OF HOLLY CREEK PRODUCTION)  
CORPORATION PURSUANT TO KRS 278.485 )  
AND 807 KAR 5:026 FOR AN ADJUSTMENT )  
OF ITS RETAIL RATES FOR GAS SERVICE )  
PROVIDED BY ITS FARMTAP SYSTEM )

CASE NO. 2007-0007

Petition for Confidential Treatment  
And To Substitute Redacted Document

Holly Creek Production Corporation moves the Commission pursuant to KRS 61.878 and 807 KAR 5::001, Section 7 to substitute the attached redacted Exhibit to its Response to Staff's Data Request No. 12 that was filed with the Commission on March 21, 2007 and to accord confidential treatment to the Exhibit. In support thereof, Holly Creek states:

1. On March 21, 2007 Holly Creek filed its Responses to Staff's Data Requests. Attached as an exhibit to the Response to Request No. 12 was certain material that inadvertently was filed without requesting confidential treatment.
2. The natural gas production and sales industry is highly competitive.
3. Paragraph 17 of the document requires that the document not be publicly disclosed.

4. Public disclosure of Petitioner's confidential information would aid its competitors by allowing them to compete more effectively with Holly Creek and its purchaser. KRS 61.878(c)(1)(b) excludes from the Open Records Act:

"Records confidentially disclosed to an agency, generally recognized as confidential or proprietary, which if openly disclosed would present an unfair commercial advantage to competitors of the entity that disclosed the records, and which are compiled and maintained . . . in conjunction with the regulation of commercial enterprise . . ."

This exception applies to the information to be provided by Holly Creek.

The Information Is Generally Recognized As Confidential and Proprietary.

5. First, the information for which confidential treatment is sought is "generally recognized as confidential or proprietary." This information is highly confidential and subject to a non-disclosure agreement. Except for the inadvertent filing, dissemination of the requested information is restricted by Holly Creek and the company takes all reasonable measures to prevent its disclosure to the public as well as persons within the company who do not have a need for the information.

Disclosure Of The Information Will Result In An Unfair Commercial Advantage.

6. Disclosure of the confidential information also will result in a significant, non-trivial unfair commercial advantage to competitors of Holly Creek. *Southeastern United Medigroup, Inc. v. Hughes*, Ky. App., 952 S.W.2d 195, 199 (1997). In particular, it will permit competitors to target their sales and purchasing efforts. Accordingly, Holly Creek would be placed at a competitive disadvantage vis-à-vis other natural gas producers in Kentucky if required to disclose the information publicly.

The Information Is Compiled And Maintained In Conjunction With The Board's Regulation of Holly Creek.

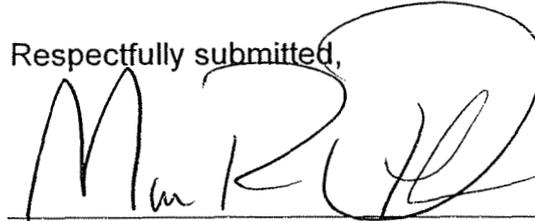
7. Finally, the information requested is compiled and maintained "in conjunction with the regulation of a commercial enterprise." Holly Creek acknowledges its obligation to file the information for which confidential treatment is requested. Any filing, however, should be subject to a confidentiality Order.

8. The redacted copy should be substituted.

Wherefore, Holly Creek respectfully requests that the Public Service Commission of Kentucky protect from public disclosure the exhibit filed in connection with its responses to the Staff's Data Requests.

This 26<sup>th</sup> day of March, 2007.

Respectfully submitted,



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COUNSEL FOR Holly Creek Production  
Corporation

[ENTIRE DOCUMENT REDACTED]