

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COLUMBIA GAS OF)	CASE NO.
KENTUCKY, INC. FOR AN ADJUSTMENT)	2013-00167
OF RATES FOR GAS SERVICE)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On August 28, 2013, Columbia Gas of Kentucky, Inc. (“Movant”) filed a petition pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a), requesting that the Commission grant confidential protection indefinitely of certain information that would readily identify an employee of Movant and make known the individual’s compensation, which is contained in Movant’s response to Data Request No. 8 of the Commission Staff’s Third Request for Information (“PSC 3-8”).

Movant states that this information is generally accepted as private, pursuant to KRS 61.878(1)(a), and disclosure of this specific employee’s compensation would invade the privacy rights of the individual named. In support of its request for confidential protection, Movant cites a Kentucky Court of Appeals case, which states that “information such as . . . wage rate . . . [is] generally accepted by society as [a] detail in which an individual has at least some expectation of privacy.”¹

Movant also requests confidential protection for its response to “Data Request No. 34,” which “consists of salary survey information that is the product of extensive time and money invested by NiSource”

¹ *Zink v. Department of Workers’ Claims, Labor Cabinet*, 902 S.W.2d 825, 828 (Ky. Ct. App. 1994).

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The material for which Movant seeks confidential treatment in its response to PSC 3-8 meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13. Movant's request for confidential treatment of its response to PSC 3-34 is inconsistent and should be dismissed.

2. The materials for which Movant seeks confidential treatment in its response to PSC 3-8 should not be placed in the public record or made available for public inspection for an indefinite period of time due to the highly personal nature of the information requested to be held confidential, the disclosure of which could result in an invasion of personal privacy.

3. In reviewing PSC 3-34 and the response filed in the context of this motion, it appears that Movant has not filed any salary survey information in response to this request. PSC 3-34 requests information regarding the frequency of inspection of Movant's AMR devices, which Movant publically answered, and which has nothing to do with a salary survey. Movant did not file anything under seal in response to PSC 3-34 and its request for confidentiality should be denied.

IT IS THEREFORE ORDERED that:

1. Movant's petition for confidential protection of its response to PSC 3-8 regarding salary information for a specific employee is granted.

2. Movant's petition for confidential protection of its response to PSC 3-34 is denied as moot.

3. The materials containing Movant's response to PSC 3-8 for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for an indefinite period of time. Movant's response to PSC 3-34 was filed publically and remains in the public record.

4. Use of the materials in question in Movant's response to PSC 3-8 in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

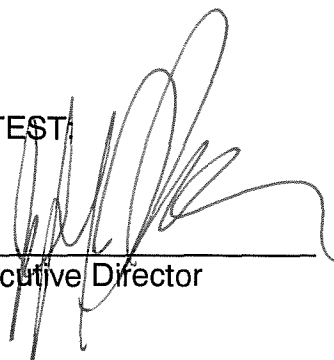
5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Movant in writing and direct Movant to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED
OCT 29 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST

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