

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING) CASE NO. 2013-00246
OF ATMOS ENERGY CORPORATION)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 26, 2013, Atmos Energy Company (“Movant”) filed a motion, pursuant to 807 KAR 5:001, Section 13,¹ requesting that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in portions of two attachments to its Gas Cost Adjustment for the quarterly period of August 1, 2013 through October 31, 2013. Exhibit D, page 5 of 6, contains recent supplier-specific cost information that Atmos is seeking to be held as confidential. Exhibit C, page 2 of 2, contains information about the components of the projected weighted average cost of gas in the instant filing.

807 KAR 5:001, Section 13(2)(a)(3), provides, in relevant part:

A person who requests confidential treatment of material shall file a motion that includes, in a separate sealed envelope marked confidential, one (1) copy of the material in paper medium which identifies by underscoring, highlighting with transparent ink, or other reasonable means only those portions which unless redacted would disclose confidential material. Text pages or portions thereof which do not contain confidential material shall not be included in this identification.

¹ The motion incorrectly referenced 807 KAR 5:001, Section 7. The section of the Commission's Rules of Procedure pertaining to confidential treatment of records is found at Section 13.

The Commission notes that Movant only partially redacted the information it is seeking to be held confidential in the instant filing. Therefore, Movant should re-file this information to comply with 807 KAR 5:001, Section 13(2)(a)(3).

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

1. Portions of Exhibit D, page 5 of 6, and Exhibit C, page 2 of 2, for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. Portions of Exhibit D, page 5 of 6, and Exhibit C, page 2 of 2, for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time.

3. Movant should file a new Exhibit D, page 5 of 6, with the supplier-specific cost information redacted and with the remainder of the page, including the information contained in the "Total" rows, in lines 15, 26, 36, 47, 58, and 62 not redacted.

4. Movant should file a new Exhibit C, page 2 of 2, with all of the components of the projected weighted average cost of gas redacted, and with the remainder of the page not redacted.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.
2. Portions of Exhibit D, page 5 of 6, and Exhibit C, page 2 of 2, for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time.

3. Within ten days of the date of this Order, Movant shall file a new Exhibit D, page 5 of 6, with the supplier-specific cost information redacted and with the remainder of the page, including the information contained in the "Total" rows, in lines 15, 26, 36, 47, 58, and 62 not redacted.

4. Within ten days of the date of this Order, Movant shall file a new Exhibit C, page 2 of 2, with all of the components of the projected weighted average cost of gas redacted and the remainder of the page not redacted.

5. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Movant shall have 20 days from receipt of written notice of the request to demonstrate 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.

8. 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
SEP 06 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00246

Honorable Mark R Hutchinson
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