

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY)
CORPORATION FOR CONTINUATION) CASE NO. 2013-00421
OF ITS HEDGING PROGRAM)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On January 31, 2014, Atmos Energy Corporation (“Movant”) moved, pursuant to 807 KAR 5:001, Section 13,¹ and KRS 61.878, 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 found in its responses to Commission Staff’s request for information, Item 2 and Item 3, and the attachments to Item 5, and that these responses contain sensitive pricing information and confidential information about Movant’s hedging strategies. Movant states that its hedging strategies (including the prices Movant would likely pay for hedging contracts under various market conditions) constitute sensitive, proprietary information, which if publicly disclosed, could put Movant at a commercial disadvantage in future hedging negotiations. Movant states that it would not, as a matter of company policy, disclose information like that contained in the confidential information to any person or entity, except as required by law or pursuant to a court

¹ Atmos Energy Corporation filed its petition pursuant to 807 KAR 5:001, Section 7; however, 807 KAR 5:001 was amended effective Jan. 4, 2013, with Section 13 replacing Section 7 regarding confidential materials.

order or subpoena, and that this information is not disclosed to any personnel of Movant except those who need to know in order to discharge their responsibility. Finally, Movant states that the confidential information is also entitled to confidential protection because it constitutes a trade secret under the two-prong test of KRS 365.880.²

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

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878 and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for an indefinite period.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.

2. The materials for which Movant seeks confidential treatment shall neither be placed in the public record nor made available for public inspection for an indefinite period.

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

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

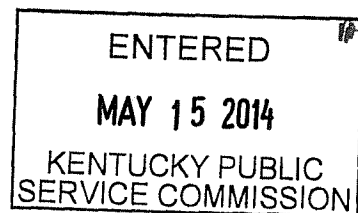
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have

² Movant claims that the information should be afforded confidential protection because it constitutes a trade secret under the two-prong test of KRS 265.880; however, the correct citation should be KRS 365.800(4).

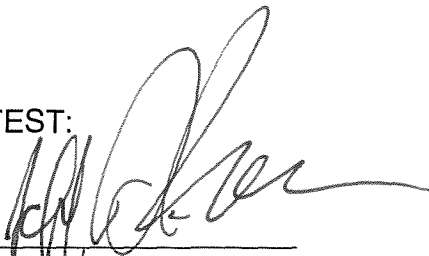
been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. 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



ATTEST:



Executive Director

Mark R Hutchinson
Wilson, Hutchinson & Poteat
611 Frederica Street
Owensboro, KENTUCKY 42301

Mark A Martin
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303

Honorable Douglas Walther
Associate General Counsel
Atmos Energy Corporation
P.O. Box 650205
Dallas, TEXAS 75265-0205