

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF ATMOS ENERGY CORPORATION)	
FOR MODIFICATION AND EXTENSION OF ITS)	CASE NO.
GAS COST ADJUSTMENT PERFORMANCE)	2015-00298
BASED RATEMAKING MECHANISM)	

ORDER

On August 24, 2017, Atmos Energy Corporation (“Atmos”) filed a petition requesting that the Commission grant confidential protection to the Performance Based Ratemaking Mechanism (“PBR”) 2017 Annual Report.

Pursuant to 807 KAR 5:001, Section 13(2), a request for confidential treatment of material should establish the specific grounds pursuant to KRS 61.878 for classifying the designated material as confidential and should state the time period for the material to be treated as confidential, along with the reasons for the time period. Further, the moving party has the burden of proof to show that the material falls within the exclusions from disclosure as enumerated in KRS 61.878. Here, Atmos filed a petition stating that it was filing for confidential treatment, but failed to set forth the statutory basis for designating the material as confidential, failed to set forth how the designated material satisfied the statutory basis, and failed to provide the reasons why the material should be deemed confidential indefinitely.

Having considered the petition and the material at issue, the Commission finds that Atmos’s petition fails to comport with 807 KAR 5:001, Section 13(2), and therefore

should be denied. At a minimum, Atmos has an affirmative duty to identify the statutory basis for its request, state how the designated material satisfies the statutory basis, and provide the reasons for the requested confidential treatment time period.

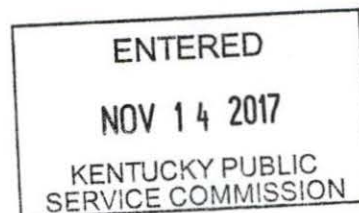
IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection for designated material contained in the PBR 2017 Annual Report is denied without prejudice.

2. Within 20 days of the date of this Order, Atmos shall file a revised version of the PBR 2017 Annual Report for which confidential protection was denied, reflecting as unredacted the information that has been denied confidential treatment.

3. The material for which Atmos's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 20 days from the date of this Order in order to allow Atmos to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

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