

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NATURAL GAS TRANSPORTATION CONTRACT ;	
BETWEEN DELTA NATURAL GAS COMPANY,)	CASE NO.
INC. AND SIPPLE BRICK, INC.)	89-267

O R D E R

This matter arising upon petition of Delta Natural Gas Company, Inc. ("Delta") filed August 30, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of a contract filed for approval with this Commission, and it appearing to the Commission as follows:

Delta has entered into an agreement with Sipple Brick, Inc. ("Sipple") for the purpose of transporting natural gas. Delta has petitioned the Commission to treat the contract as confidential on the grounds that it is proprietary in nature both to Delta and Sipple.

807 KAR 5:001, Section 7, protects information as confidential only when it is established that disclosure will result in competitive injury to the party from whom the information was obtained. In order to satisfy this requirement, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. The request by Delta contains no information to support such a conclusion.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition by Delta for confidential protection of the transportation contract with Sipple shall be held in abeyance to allow Delta to supplement its petition with a statement setting forth, with specificity, its reasons for believing that disclosure of the information sought to be protected would cause Delta substantial competitive injury.

2. If such statement is not filed within 10 days of the date of this Order, the petition for confidentiality shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky this 27th day of September, 1989.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:

Executive Director