

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF RATES OF) CASE NO.
DELTA NATURAL GAS COMPANY, INC.) 90-342

O R D E R

This matter arising upon petition of Delta Natural Gas Company, Inc. ("Delta") filed April 3, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial statements of Delta's subsidiaries (except Enpro, Inc.) filed in response to Item 4 of the Attorney General's Supplemental Data Request dated March 20, 1991 on the grounds that disclosure of the information is likely to cause Delta competitive injury, and it appearing to this Commission as follows:

On March 5, 1991, in response to a request for information in this proceeding by the Attorney General, Delta filed copies of the financial statements of four of its subsidiaries. The financial information contained in these statements has never been made publicly available or generally known outside of Delta's business, is known by only a small percentage of Delta's employees, and its confidentiality has been carefully guarded by Delta.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the

party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information contained in the subsidiaries' financial statements would enable competitors of the subsidiaries to determine their pricing strategies. Obviously, competitors could use this information in formulating their pricing strategies to the detriment of Delta's subsidiaries. Therefore, disclosure of this information is likely to cause the subsidiaries competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

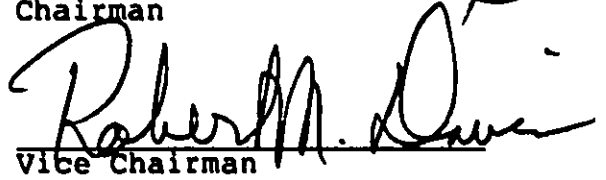
1. The financial statements of Delta's subsidiaries, except Enpro, Inc., filed in response to Item 4 of the Attorney General's Supplemental Data Request of March 20, 1991, which Delta has requested be protected from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

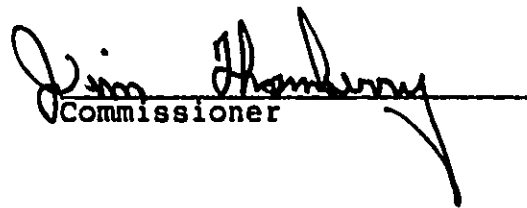
2. Delta shall, within 10 days of the date of this Order, file edited copies of the financial statements with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 15th day of April, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director