

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF RATES OF DELTA)	CASE NO.
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 11, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain portions of its state and federal income tax returns for the fiscal year ending June 30, 1990 on the grounds that disclosure of the information is likely to cause competitive injury to Delta's subsidiaries, Delta Resources, Inc., Delgasco, Inc., and Deltran, Inc., and it appearing to this Commission as follows:

Delta seeks to protect as confidential certain portions of its consolidated federal income tax return relating to three of its subsidiaries, Delta Resources, Inc., Delgasco, Inc., and Deltran, Inc. Delta also seeks to protect as confidential its state income tax return for those same subsidiaries. As grounds for its petition, Delta incorporates by reference petitions filed on March 5, 1991 and April 3, 1991 for confidential protection of information relating to the same subsidiaries. Delta further states that the information sought to be protected in the petition filed on March 5, 1991 was granted confidential protection on March 26, 1991.

The procedure for obtaining confidential protection of information filed with the Commission is contained in 807 KAR 5:001, Section 7. Subsection 2(a) requires that requests for confidential protection be submitted by "a formal written petition identifying the material or information sought to be protected and setting forth the specific facts, reasons or other grounds upon which the Commission should classify that material or information as proprietary, confidential or otherwise privileged, . . ." Incorporating, by reference, allegations in other petitions pertaining to different information does not satisfy this requirement. Therefore, Delta's petition is insufficient for the Commission to protect the information as confidential. Delta should therefore file a supplementary petition setting forth, with specificity, the grounds upon which it relies.

This Commission being otherwise sufficiently advised,

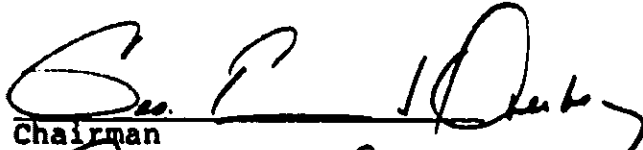
IT IS ORDERED that:

1. Those portions of Delta's federal income tax return for the year ended June 30, 1990 and the state income tax returns of Delta Resources, Inc., Delgasco, Inc., and Deltran, Inc., which Delta has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential for 20 days from the date hereof to allow Delta an opportunity to supplement its petition in accordance with 807 KAR 5:001, Section 7.

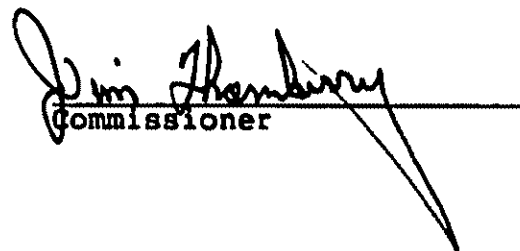
2. If, at the expiration of the 20-day period, Delta has not filed a supplemental petition, the information shall, without further Orders herein, be placed in the public record.

Done at Frankfort, Kentucky, this 3rd day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director