

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE UNION LIGHT, HEAT AND POWER)
COMPANY'S FILING OF A PROPOSED CONTRACT) CASE NO. 91-139
WITH NEWPORT STEEL CORPORATION)

O R D E R

This matter arising upon petition of The Union Light, Heat and Power Company ("ULH&P") filed April 5, 1991 for confidential protection of the billing information contained in the "Full Requirements Interruptible Natural Gas Transportation Contract" with Newport Steel Corporation on the grounds that such information is proprietary to both ULH&P and Newport Steel Corporation, and it appearing to this Commission as follows:

ULH&P has entered into a written contract to transport natural gas to Newport Steel Corporation. By this petition, ULH&P seeks to protect as confidential the billing information in the contract. ULH&P maintains that disclosure of this information will affect its ability to retain full requirements transportation customers at existing tariff rates, thereby causing harm to ULH&P.

The procedure for obtaining confidential protection of information filed with the Commission is set forth by regulation 807 KAR 5:001, Section 7, which requires any person wishing to protect information filed with the Commission as confidential to submit a formal written petition identifying the material sought to be protected and setting forth the specific grounds upon which

the petition is based. To qualify for protection as confidential commercial information, the petition must establish that the information cannot be obtained from other sources and that disclosure is likely to cause substantial competitive harm to the party who filed the information. 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 petition filed by ULH&P satisfies none of the requirements for confidential protection of information. ULH&P should therefore be allowed a reasonable period of time to supplement its petition.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

1. ULH&P shall be allowed to file a supplemental petition certifying that the information is confidential and not available from any other source, identifying competitors who would benefit from the information sought to be protected and describing the benefit competitors could derive from the information.

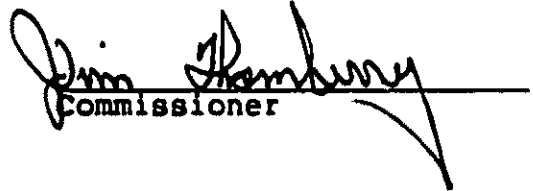
2. If the supplemental petition is not filed within 20 days from the date of this Order, the petition shall, without further Orders herein, be dismissed and the information shall be placed in the public record.

Done at Frankfort, Kentucky, this 6th day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director