

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|------------------------------------|---|-----------------|
| APPLICATION OF COLUMBIA GAS OF |) | |
| KENTUCKY, INC. FOR AUTHORITY TO |) | |
| ACQUIRE CERTAIN FACILITIES OF THE |) | |
| INLAND GAS COMPANY, INC. AND FOR A |) | CASE NO. 92-274 |
| CERTIFICATE OF CONVENIENCE AND |) | |
| NECESSITY TO SERVE CUSTOMERS IN |) | |
| CARTER AND BOYD COUNTIES, KENTUCKY |) | |

O R D E R

This matter arising upon petition of Columbia Gas of Kentucky, Inc. ("Columbia Gas") filed August 21, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its response to Item 10 of Kentucky Ohio Gas Company's ("KOG") request for information on the grounds that disclosure of the information is likely to cause Columbia Gas competitive injury, KOG having filed its response thereto on August 25, 1992, and it appearing to this Commission as follows:

In this proceeding, Columbia Gas seeks authority to acquire facilities belonging to Inland Gas Company, Inc. ("Inland Gas Company") and to serve customers in Carter and Boyd counties. In support of its application, Columbia Gas has filed as Exhibit H a list identifying Inland Gas Company's transportation and contract customers. In its request for information, KOG has also requested the date of contract expiration of the customers listed. Columbia Gas, by this petition, seeks to protect that information as confidential.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. 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.

KOG and Columbia Gas currently compete to provide natural gas service in the Ashland area. Columbia Gas maintains that knowledge of the expiration date of existing contracts with customers that Columbia Gas would acquire upon approval of its application in this proceeding would allow KOG to better focus its marketing efforts directed toward those customers to the detriment of Columbia Gas.

KOG maintains that the customer list Columbia Gas seeks to protect does not identify Columbia Gas's customers, but Inland Gas Company's customers. Therefore, while disclosure of the information might have a detrimental affect upon Inland Gas Company, it will not have a detrimental affect upon Columbia Gas.

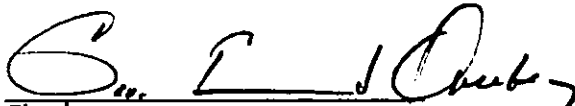
KOG's argument is without merit. Clearly, Columbia Gas, as well as Inland, has an interest in the information which is entitled to protection under the statute. If the acquisition is approved, the customers listed in the response will become Columbia Gas's customers. If the acquisition is not approved, then Columbia Gas will no longer have any right to protect that information and it will lose its exemption from disclosure.

This Commission being otherwise sufficiently advised,

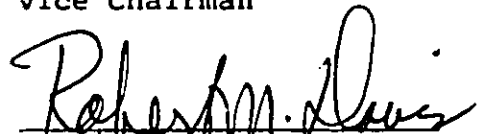
IT IS ORDERED that Columbia Gas's response to Item 10 of KOG's request for information, which Columbia Gas has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 21st day of September, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director