

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING) CASE NO. 2013-00357
OF ATMOS ENERGY CORPORATION)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 27, 2013, Atmos Energy Corporation (“Movant”) moved, pursuant to 807 KAR 5:001, Section 13,¹ and KRS 61.878, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in its Application pertaining to Movant’s projected gas prices. Specifically, Movant requests confidential treatment of Exhibit D, Page 5 of 6, which contains information from which the actual price being paid by Movant for natural gas to its suppliers, can be determined. In addition, Movant requests confidential treatment of the Weighted Average Cost of Gas (“WACOG”) schedule in support of Exhibit C, Page 2 of 2, which contains information pertaining to prices projected to be paid by Movant for purchase contracts. Movant states that the Commission has granted confidential protection to this type of information in each of its prior Gas Cost Adjustment filings and that this information would not normally be disclosed.

¹ Although the Petition for Confidential Treatment was filed pursuant to 807 KAR 5:001, Section 7, this regulation was amended as of Jan. 4, 2013, and the confidential material section is now contained in Section 13.

Movant states that the information sought to be protected as confidential, if publicly disclosed, would have serious adverse consequences to Movant and its customers and would impose an unfair commercial disadvantage. Movant states that it has successfully negotiated an extremely advantageous gas supply contract that is very beneficial to Movant and its ratepayers and that detailed information concerning that contract, including commodity costs, demand and transportation charges, reservation fees, etc., on specifically identified pipelines, if made available to Movant's competitors (including specifically non-regulated gas marketers), would also disclose Movant's purchasing strategies and put it at a commercial disadvantage in future negotiations. Finally, Movant states that the information sought to be protected constitutes a trade secret under the two-prong test of KRS 265.880.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time due to the private and proprietary nature of the information requested to be held confidential, the disclosure of which could result in competitive harm to Movant.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.

2. The materials for which Movant seeks confidential treatment shall neither be placed in the public record nor made available for public inspection for an indefinite period of time.

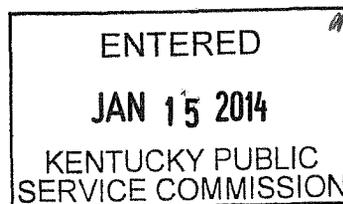
3. Use of the materials in question in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

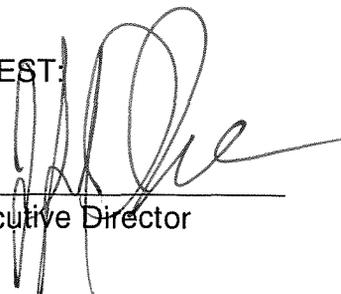
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST:



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