

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE FILING OF SEVEN (7) SPECIAL	)	CASE NO.
INDUSTRIAL CONTRACTS BY ATMOS	)	2016-00052
ENERGY CORPORATION	)	

ORDER

On March 16, 2016,<sup>1</sup> and September 1, 2016,<sup>2</sup> Atmos Energy Corporation (“Atmos”) submitted three additional proposed special contracts (“Service Agreements”) with industrial customers through the Commission’s electronic Tariff Filing System (“TFS”), with terms and conditions similar to those in the seven Service Agreements previously filed in this case.<sup>3</sup> As with the prior seven Service Agreements, Atmos filed petitions for confidential protection (“Petitions”), pursuant to KRS 61.878, KRS 278.160(3) and 807 KAR 5:001, Section 13, for an indefinite period for certain information contained in the three additional Service Agreements and in the supporting cost analysis for each. In addition, on March 31, 2016, and April 29, 2016, Atmos filed Petitions for confidential protection for an indefinite period for certain information contained in its responses to

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<sup>1</sup> TFS 2016-154 has been further identified as 2016-00052-H (Ky. PSC Apr. 12, 2016).

<sup>2</sup> TFS 2016-00523 has been further identified as 2016-00052-I; and, TFS 2016-000526 has been further identified as 2016-00052-J (Ky. PSC Oct. 6, 2016).

<sup>3</sup> The Service Agreements, which were originally filed on December 16, 2015, through the Commission’s TFS, have been further identified as 2016-00052-A, 2016-00052-B, 2016-00052-C, 2016-00052-D, and 2016-00052-E. The Service Agreement filed on January 11, 2016, through the TFS has been further identified as 2016-00052-F; and, the Service Agreement filed on January 19, 2016, has been further identified as 2016-00052-G.

Commission Staff's Second Request for Information to Atmos ("Staff's Second Request"), Item 1. On September 22, 2016, Atmos filed a petition for confidential protection for certain information contained in its supplemental response to the Commission's Order of April 12, 2016, related to Service Agreement 2016-00052-I and Service Agreement 2016-00052-J. On September 29, 2016, and on October 20, 2016, Atmos filed Petitions for confidential protection for amendments to previously filed Service Agreement 2016-00052-H.

In support of its Petitions requesting confidential protection, Atmos states that customers are identified by name, and there is identifiable information pertaining to contracts, location, volumetric usage and plant facilities associated with specific customers in: the designated material in the three additional Service Agreements and in the supporting cost analysis for each; the designated material contained in Atmos's response to Staff's Second Request, Item 1; the designated material contained in Atmos's supplemental response to the Commission's Order of April 12, 2016, related to Service Agreements 2016-00052-I and Service Agreement 2016-00052-J; and, the designated material contained in Atmos's amendments to Service Agreement 2016-00052-H. Atmos asserts that the designated material is commercial information that if made public would permit an unfair advantage to its competitors and could cause substantial competitive harm to Atmos. Atmos states that the designated material is not generally disclosed to non-management employees of Atmos and is protected internally by Atmos as proprietary information.

Having considered the Petitions and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary and its open disclosure could result in a commercial disadvantage to Atmos. The material is thus exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's Petitions for confidential protection for designated material contained in the three additional Service Agreements and the cost analysis associated with each, filed on March 16, 2016, and September 1, 2016, are granted.

2. Atmos's Petitions for confidential protection for designated material contained in its responses to Staff's Second Request, Item 1, filed on March 31, 2016, and April 29, 2016, are granted.

3. Atmos's Petition for confidential protection for designated material contained in its supplemental response to the Commission's April 12, 2016 Order regarding Service Agreement 2016-00052-I and Service Agreement 2016-00052-J, filed on September 22, 2016, is granted.

4. Atmos's Petitions for confidential protection for designated material contained in its amendments to Service Agreement 2016-00052-H, filed on September 29, 2016, and October 20, 2016, are granted.

5. The designated material set forth in Service Agreement 2016-00052-H, Service Agreement 2016-00052-I, Service Agreement 2016-00052-J, and the cost

analysis associated with each; the designated material in Atmos's response to Staff's Second Request, Item 1; the designated material contained in Atmos's supplemental response to the Commission's April 12, 2016 Order regarding Service Agreements 2016-00052-I and Service Agreement 2016-00052-J; and the designated material in Atmos's amendments to Service Agreement 2016-00052-H shall not be placed in the public record or made available for public inspection indefinitely, or until further Orders of the Commission.

6. Use of the designated material in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

7. Atmos shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential protection.

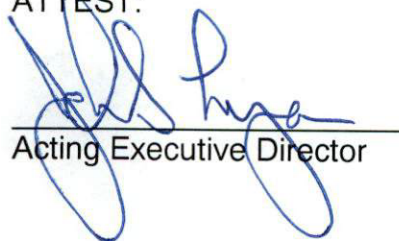
8. If a non-party to this proceeding requests to inspect material granted confidential protection by this Order and the period during which the material has been granted confidential protection has not expired, then Atmos shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878(1)(c). If Atmos is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

9. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential protection in order to allow Atmos to seek a remedy afforded by law.

By the Commission

ENTERED  
AUG 14 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Acting Executive Director

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