

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COLUMBIA GAS)	
OF KENTUCKY, INC. FOR AN)	CASE NO.
ADJUSTMENT IN RATES)	2016-00162

ORDER

On July 28, 2016, Columbia Gas of Kentucky, Inc. (“Columbia”), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, filed a petition (“Petition”) for confidential protection indefinitely of certain material that Columbia is providing in response to the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention’s Initial Request for Information (“AG’s Initial Request”), Item 38, dated July 8, 2016. The material requested by the AG’s Initial Request, Item 38, includes copies of any salary surveys/studies or analysis of prevailing wage and salary amounts or any other documents utilized in the process of determining the amount of compensation, benefits, bonuses, and raises for wage and salaried employees.

In support of its Petition, Columbia states that KRS 61.878(1)(c) exempts from disclosure information that “would permit an unfair commercial advantage to competitors.”¹ Columbia also states that providing salaries and studies are “the product of extensive time and substantial investment by Columbia and its parent company, NiSource. In order to produce these documents, Columbia had to obtain the express permission of the survey providers, including Mercer, Towers Watson, Aon Hewitt, and

¹ July 28, 2016 Petition at 2.

World at Work” and that each of these providers have requested that Columbia seek confidential protection of this information and that “their customers – such as Columbia – pay to access these studies and the data therein; the providers rightfully consider this work proprietary.”² Columbia maintains that disclosure of these studies “would place Columbia and the survey providers at a competitive disadvantage.”³ Columbia further states that the information for which it is seeking confidential treatment “is not known outside of Columbia, and it is not disseminated within Columbia except to those employees with a legitimate business need to know the information.”⁴

No intervening party to the instant case filed a pleading in response to Columbia’s Petition.

Having carefully considered Columbia’s Petition and the material at issue, the Commission finds that the material from Columbia’s response to the AG’s Initial Request, Item 38, submitted with the Petition meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), and 807 KAR 5:001, Section 13. The Commission further finds that the material should not be placed in the public record or made available for public inspection for an indefinite time, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. Columbia’s motion for confidential protection for certain material contained in its response to the AG’s Initial Request, Item 38 is granted.

² *Id.* at 2.

³ *Id.*

⁴ *Id.*

2. The material supplied in Columbia's response to the AG's Initial Request, Item 38, shall not be placed in the public record or made available for public inspection indefinitely, or until further Orders of this Commission.

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

4. Columbia 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, Columbia 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 Columbia 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 Columbia to seek a remedy afforded by law.

By the Commission

ATTEST:


Executive Director

Case No. 2016-00162

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