

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS	)	CASE NO.
ENERGY CORPORATION FOR AN	)	2021-00214
ADJUSTMENT OF RATES	)	

ORDER

On December 3, 2021, Atmos Energy Corporation (Atmos) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment indefinitely for three audio recordings provided in response to Commission Staff’s Fifth Request for Information (Staff’s Fifth Request), which sought recordings of three phone calls from the previous 18 months in which sensitive personal information was muted from the recording.

In support of its motion, Atmos argued that the recordings should be exempt from public disclosure under KRS 61.878(1)(a) which exempts: “Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” The recordings consist of customer service phone calls to Atmos and contain customer names, birth dates, addresses, and phone numbers. Atmos argues these recordings should not be publicly disclosed due to the personal customer data they contain.

Customer identifying information has previously been granted confidential treatment for an indefinite period for customer identifying information under

KRS 61.878(1)(a).<sup>1</sup> Personal information in the form of a name in combination with an address is also prohibited from public disclosure by 807 KAR 5:001, Section 4(10)(a), but that regulation specifically refers only to paper filings. Regardless, this regulation defines personal information, providing guidance as to what constitutes information of a personal nature under KRS 61.878(1)(a).

The recordings at issue could be redacted instead of given complete confidential treatment; however, customers have an expectation of privacy in the entirety of the calls as well. When making a customer service call, customers do not likely expect public disclosure.

Having considered the motion and the material at issue, the Commission finds that the three audio recordings provided in response to Staff's Fifth Request are public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13 for an indefinite period.

IT IS THEREFORE ORDERED that:

1. Atmos' motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

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<sup>1</sup> Case No. 2020-00174, *Electronic Application of Kentucky Power Company For (1) A General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and (5) All Other Required Approvals and Relief* (Ky. PSC Oct. 27, 2020), Order at 3.

3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Atmos shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Atmos shall have 30 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. 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.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Atmos to seek a remedy afforded by law.

By the Commission

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KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2021-00214

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Randy Hutchinson  
Wilson, Hutchinson & Littlepage  
611 Frederica Street  
Owensboro, KENTUCKY 42301

\*Atmos Energy Corporation  
3275 Highland Pointe Drive  
Owensboro, KY 42303

\*Eric Wilen  
Atmos Energy Corporation  
810 Crescent Centre Drive, Suite 600  
Franklin, TN 37067

\*Brannon Taylor  
Atmos Energy Corporation  
810 Crescent Centre Drive, Suite 600  
Franklin, TN 37067

\*Shelly M Bass  
Atmos Energy Corporation  
5430 LBJ Freeway  
1800 Three Lincoln Centre  
Dallas, TEXAS 75240

\*Honorable John N Hughes  
Attorney at Law  
124 West Todd Street  
Frankfort, KENTUCKY 40601

\*John G Horne, II  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*J. Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204