

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA	)	
GAS OF KENTUCKY, INC. TO EXTEND ITS GAS	)	CASE NO.
COST ADJUSTMENT PERFORMANCE BASED	)	2017-00453
RATE MECHANISM	)	

ORDER

On February 28, 2020, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for its redacted response to Commission Staff's Second Rehearing Request (Staff's Second Rehearing Request) Item 6, asking how Columbia Kentucky was able to negotiate with transmission company TCO Corporation (TCO) to not be subject to a Capital Cost Recovery Mechanism (CCRM) rider.

In support of its motion, Columbia Kentucky argued that this information is exempt from public disclosure under KRS 61.878(1)(c)(1), which exempts "[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." Columbia Kentucky asserted that its response includes legal strategies and descriptions of the results of confidential negotiations with TCO and disclosure would cause competitive harm to Columbia Kentucky and TCO.

Having considered the motion and the material at issue, the Commission finds that confidential treatment is granted for Columbia Kentucky's redacted response to Staff's Second Rehearing Request, Item 6. Columbia Kentucky negotiates discounts with transmission companies that benefit ratepayers. Under these circumstances, the more gas companies that employ the same tactics as Columbia Kentucky and receive the same discounts, the less costs that are shifted to other gas utilities from Columbia Kentucky and its ratepayers. The Commission has previously granted confidential treatment to internal business strategies.<sup>1</sup> Therefore, the designated material is generally recognized as confidential or proprietary and meets the criteria for confidential treatment and is exempted from public disclosure for an indefinite period pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's 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.
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. Columbia Kentucky shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

---

<sup>1</sup> Case No. 2016-00370, *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates and for Certificates of Public Convenience and Necessity*, (Ky. PSC Dec. 10, 2018), Order at 3, 5.

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

By the Commission



ATTEST:

  
Executive Director

Case No. 2017-00453

\*Brooke E Wancheck  
Assistant General Counsel  
Columbia Gas of Kentucky, Inc.  
290 W. Nationwide Blvd.  
Columbus, OHIO 43215

\*Judy M Cooper  
Director, Regulatory Services  
Columbia Gas of Kentucky, Inc.  
2001 Mercer Road  
P. O. Box 14241  
Lexington, KY 40512-4241

\*Columbia Gas of Kentucky, Inc.  
290 W Nationwide Blvd  
Columbus, OH 43215