

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                     |   |            |
|-------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF KENTUCKY  | ) |            |
| FRONTIER GAS, LLC FOR A DECLARATORY | ) | CASE NO.   |
| ORDER REGARDING COMMISSION          | ) | 2022-00224 |
| JURISDICTION                        | ) |            |

ORDER

On July 22, 2022, Kentucky Frontier Gas, LLC (Kentucky Frontier) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for natural gas prices and delivery points, and for an indefinite period for the location of natural gas infrastructure belonging to East Kentucky Midstream, LLC (EKM), that were filed as part of Kentucky Frontier’s request for a declaratory order that EKM is a utility subject to the Commission’s jurisdiction

In support of its motion, Kentucky Frontier argued that public disclosure of the natural gas prices and delivery points would result in commercial harm to Kentucky Frontier in obtaining advantageous terms and prices when negotiating other natural gas purchase agreements. Kentucky Frontier further argued that the prices and delivery points should be granted confidential treatment in accordance with KRS 61.878(1)(c)(1), which prohibits public disclosure of confidential or proprietary information that, if publicly disclosed, would result in a competitive harm to the party disclosing the information.

Kentucky Frontier also argued that the location of EKM’s natural gas infrastructure falls within the type of critical energy infrastructure information that, in accordance with KRS 61.878(1)(m), is exempted from public disclosure because the disclosure would

have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.

Having considered the motion and the material at issue, the Commission finds that the designated material regarding natural gas prices and delivery points is generally recognized as confidential or proprietary and meets the criteria for confidential treatment because public disclosure could result in commercial harm to Kentucky Frontier in future gas purchase agreement negotiations. Therefore, the Commission finds that the designated material regarding natural gas prices and delivery points is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

The Commission further finds that the designated material regarding the location of critical natural gas infrastructure meets the criteria for confidential treatment because public disclosure could result in a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act. Therefore, the Commission finds that the designated material regarding natural gas prices and delivery points is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m).

IT IS THEREFORE ORDERED that:

1. Kentucky Frontier's motion for confidential treatment is granted.
2. The designated material regarding natural gas prices and delivery points granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. The designated material regarding the location of critical natural gas infrastructure 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.

4. 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).

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

6. 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, Kentucky Frontier 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 Kentucky Frontier is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. 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 Kentucky Frontier to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

  
\_\_\_\_\_  
Executive Director

\*L. Allyson Honaker  
Honaker Law Office, PLLC  
1795 Alysheba Way  
Suite 6202  
Lexington, KENTUCKY 40509

\*Kentucky Frontier Gas, LLC  
111 W 2nd Street  
Glenwood Springs, CO 81601

\*Steven E Shute  
Kentucky Frontier Gas, LLC  
4891 Independence Street, Suite 200  
Wheat Ridge, CO 80033