

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS)	
ENERGY CORPORATION FOR AN ORDER)	CASE NO.
AUTHORIZING THE IMPLEMENTATION OF A)	2021-00193
\$5,000,000,000 UNIVERSAL SHELF)	
REGISTRATION)	

ORDER

This matter arises on two petitions filed on November 19, 2021, and on November 22, 2022, by Atmos Energy Corporation (Atmos), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for certain documents.

NOVEMBER 19, 2021 PETITION

In its petition filed on November 19, 2021, Atmos requested grant confidential treatment for indefinite period for the entirety of Exhibit B to Atmos's annual report filed pursuant to the Commission's May 26, 2021 Order entered in this proceeding. The designated material consists of a termination agreement of the interest rate master agreement and contains terms, conditions, and financial analyses of interest rates negotiated by Atmos with various banks.

As a basis for its petition, Atmos asserted that the designated material is commercially sensitive financial data used to negotiate interest rates and that public disclosure would adversely affect Atmos's ability to negotiate the most favorable interest rates in future interest rate hedging transactions. For this reason, Atmos argued that

public disclosure is prohibited under KRS 61.878(1)(c)(1), which prohibits public disclosure of records that are confidential or proprietary that, if publicly disclosed, would result in competitive advantage to the discloser's competitors

NOVEMBER 22, 2022 PETITION

In its November 22, 2022 petition, Atmos requested grant confidential treatment for indefinite period for the entirety of Exhibit B to Atmos's annual report filed pursuant to the Commission's May 26, 2021 Order entered in this proceeding. The designated material consists of a termination agreement of the interest rate master agreement and contains terms, conditions, and financial analyses of interest rates negotiated by Atmos with various banks.

As a basis for its petition, Atmos asserted that the designated material is commercially sensitive financial data used to negotiate interest rates and that public disclosure would adversely affect Atmos's ability to negotiate the most favorable interest rates in future interest rate hedging transactions. For this reason, Atmos argued that public disclosure is prohibited under KRS 61.878(1)(c)(1), which prohibits public disclosure of records that are confidential or proprietary that, if publicly disclosed, would result in competitive advantage to the discloser's competitors.

DISCUSSION AND FINDINGS

Having considered the petitions and the material at issue, the Commission finds that the designated material contained in the November 19, 2021 and November 22, 2022 petitions are generally recognized as confidential or proprietary and public disclosure could result in commercial harm to Atmos because the designated material, if publicly disclosed, would provide competitors and future vendors with information that could

impact future negotiations for favorable rates in future interest rate hedging transactions and could result in higher financing costs for Atmos, which in turn impacts ratepayers if the higher costs are recovered in rates. For this reason, the Commission further finds the designated material in the November 19, 2021 and November 22, 2022 petitions meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Atmos's November 19, 2021 and November 22, 2022 petitions for confidential treatment are 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 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. 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]


PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner



ATTEST:



Executive Director

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

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

*Erikka Hise
Atmos Energy Corporation
810 Crescent Centre Drive, Suite 600
Franklin, TN 37067

*Honorable John N Hughes
Attorney at Law
7106 Frankfort Road
Versailles, KENTUCKY 40383

*Mark R Hutchinson
Wilson, Hutchinson & Littlepage
611 Frederica Street
Owensboro, KENTUCKY 42301

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