

Columbia Gas  
of Kentucky

A NiSource Company

200 Civic Center Drive  
Columbus, Ohio 43215

August 28, 2013

Mr. Jeff Derouen, Executive Director  
Public Service Commission  
Commonwealth of Kentucky  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, KY 40602

**RECEIVED**

AUG 28 2013

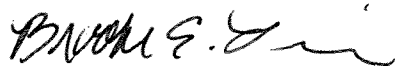
PUBLIC SERVICE  
COMMISSION

RE: In the matter of adjustment of rates of Columbia Gas of Kentucky, Inc.,  
KY PSC Case No. 2013-00167

Dear Mr. Derouen,

Enclosed for docketing with the Commission are an original and ten (10) copies of Columbia Gas of Kentucky, Inc.'s Motion for Confidential Treatment. Should you have any questions about this filing, please contact me at 614-460-5558.

Very truly yours,



Brooke E. Leslie  
Senior Counsel

Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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AUG 28 2013

PUBLIC SERVICE  
COMMISSION

In the matter of adjustment of rates of )  
Columbia Gas of Kentucky, Inc. ) Case No. 2013-00167

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PETITION OF COLUMBIA GAS OF KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF DATA

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Columbia Gas of Kentucky, Inc., ("Columbia") petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001 § 13 and KRS 61.878(1)(a) to grant confidential protection indefinitely of certain information that would readily identify a Columbia employee and make known the individual's compensation, which information Columbia is providing in response to Data Request No. 8 of the Commission Staff's Third Request for Information dated August 15, 2013, in the above captioned proceeding. In support of this petition, Columbia states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information. KRS 61.878 (1)(a). The Kentucky Court of Appeals has stated, "information such as...wage rate...[is] generally accepted by society as [a] detail[] in which an individual has at least some expectation of privacy." *Zink v.*

*Department of Workers' Claims, Labor Cabinet, 902 S. W. 2d 825, 828 (Ky. Ct. App. 1994).*

2. Therefore, Columbia respectfully requests confidential treatment of the information redacted from its response to Data Request 8 because disclosing the contents thereof – which includes a specific employee's compensation- would invade the privacy rights of the individuals named. The employee's salary information is personal and private information and should not be in the public realm
3. The Kentucky Open Records Act also exempts from disclosure certain confidential or proprietary information. KRS 61.878(1)(c). To qualify for this exemption, and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality.
4. The response to Data Request No. 34 consists of salary survey information that is the product of extensive time and money invested by NiSource, the parent company of Columbia, in order to develop compensation, benefit and salary increases of its employees. The information contained in response to Data Request No. 34 consists of commercial information that is confidential and proprietary, the disclosure of which would unfairly advantage Nisource's and/or

Columbia's competitors. If those competitors have access to the same information that NiSource expended substantial resources to develop, they will derive an unfair commercial advantage. In PSC Case No. 2010-00036, *In the matter of the Application of Kentucky-American Water Company for an Adjustment of Rates*, this Commission, by letter dated June 16, 2010, granted confidential treatment of similar information. Columbia respectfully requests that this same confidential treatment be granted in this proceeding.

5. Columbia requests that the information contained in Data Request No. 8 be held confidentially in perpetuity. Columbia cannot envision a period of time in which it would be appropriate for an employee's private compensation information to be disclosed in the public realm.
6. In accordance with 807 KAR 5:001 § 13, Columbia filed, and provided to parties, redacted versions of the two responses and is willing to enter into protective agreements with parties to this case under which agreement Columbia will provide the parties with the confidential information. Attached to the original copy of this Petition, as Attachment A in a sealed envelope marked "confidential" is a copy of the response with the confidential information identified by yellow highlighting. All other copies of this Petition include as Attachment A, the response with the confidential information obscured.

7. By granting this Petition and providing for confidential treatment of Columbia's response to the data request, the Commission and the parties can fully evaluate Columbia's proposed application for an adjustment in rates, while maintaining the general confidentiality of such data, thereby balancing the public interest with the personal privacy concerns identified in KRS 61.878(1)(a).

**WHEREFORE**, Columbia respectfully requests that the Commission issue an order authorizing the confidential treatment of Columbia's responses to the data request in Attachment A hereto, pursuant to 807 KAR 5:001, Section 13, for the reasons stated herein.

Dated at Columbus, Ohio, this 28<sup>th</sup> day of August 2013.

Respectfully submitted,

**COLUMBIA GAS OF KENTUCKY, INC**

By:



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Attorneys for  
**COLUMBIA GAS OF KENTUCKY, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing *Columbia Gas of Kentucky, Inc.'s Motion for Confidential Treatment* by ordinary U.S. mail, postage prepaid, to the parties on this 28<sup>th</sup> day of August, 2013.

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