

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING) CASE NO.
OF ATMOS ENERGY CORPORATION) 2014-00349

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 30, 2014, Atmos Energy Corporation (“Atmos”) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section [13],¹ for confidential treatment of certain information filed in its Gas Cost Adjustment (“GCA”) filing for the quarterly period commencing on November 1, 2014, through January 31, 2015. This GCA filing contains a change to Atmos’s Correction Factor as well as information pertaining to Atmos’s projected gas prices. Specifically, Atmos requests confidential treatment of Exhibit C, page 2 of 2, which contains the prices projected to be paid by Atmos for purchase contracts, and Exhibit D, page 5 of 6, which contains the actual prices being paid by Atmos to its suppliers for natural gas.

Atmos states that information of the type described in Exhibit C, page 2 of 2, has been granted confidential treatment in each of its prior GCA filings in Case No. 97-513.²

¹ Atmos’s petition for confidential treatment was brought pursuant to 807 KAR 5:001, Section 7. 807 KAR 5:001 was revised in 2013, and the correct citation is now 807 KAR 5:001, Section 13.

² Case No. 97-513, *In the Matter of the Modification to Western Kentucky Gas Company, a Division of Atmos Energy Corporation (WKG), Gas Cost Adjustment to Incorporate an Experimental Performance-Based Ratemaking Mechanism (PBR)* (Ky. PSC June 1, 1998).

Atmos also states that the information of the type described in Exhibit D, page 5 of 6, has been granted confidential treatment in Case No. 99-070.³

Atmos states that if certain information contained in its gas supply contract, such as commodity costs, demand and transportation charges, reservation fees, etc. on specifically identified pipelines is made available to Atmos's competitors, Atmos and its ratepayers would be put at a commercial disadvantage and it could cause substantial competitive harm to Atmos. Atmos states that this information is not generally disclosed to its non-management employees, and that it is protected internally by the Company as proprietary information. Finally, Atmos states that the information for which it seeks confidential treatment should also be granted confidential protection as it constitutes a trade secret under the two prong test of KRS [3]65.880.⁴

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials for which Atmos seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. The materials for which Atmos seeks confidential treatment should not be placed in the public record nor made available for public inspection for an indefinite period of time due to the highly confidential and proprietary nature of the information

³ Case No. 99-070, *Application of Western Kentucky Gas Company for an Adjustment of Rates* (Ky. PSC Dec. 21, 1999).

⁴ Atmos incorrectly cited KRS 265.880 as defining the two prong test of what constitutes a trade secret. The correct citation is KRS 365.880(4)(a) and (b).

requested to be held confidential, the disclosure of which could result in competitive harm.

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection is hereby granted.
2. The materials for which Atmos seeks confidential treatment shall not be placed in the public record nor made available for public inspection for an indefinite period of time.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Atmos shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Atmos in writing and direct Atmos to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Atmos is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the requested materials available for inspection for 20 days following 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

ENTERED
JAN 20 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Stellie Jackson
Atmos Energy Corporation
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Owensboro, KY 42303