

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING ) CASE NO.  
OF ATMOS ENERGY CORPORATION ) 2014-00478

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On December 31, 2014, Atmos Energy Corporation ("Atmos") filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, for confidential treatment of certain information filed in its Gas Cost Adjustment ("GCA") filing for the period February 1, 2015, through April 30, 2015. This GCA filing contains information pertaining 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 confidential information pertaining to the prices projected to be paid by Atmos for purchase contracts. Atmos also requests confidential treatment of Exhibit D, page 5 of 6, which contains confidential information from which the actual price being paid by Atmos for natural gas to its supplier can be determined.

Atmos states that the Commission has consistently granted confidential protection to the type of information described in Exhibit C, page 2 of 2, and in Exhibit D, page 5 of 6. 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 such

disclosure 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 constitutes a trade secret under the two-prong test of KRS [3]65.880, and this should be granted confidential protection.<sup>1</sup>

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 or made available for public inspection for an indefinite period of time, due to the highly confidential and proprietary nature of the information 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 or made available for public inspection for an indefinite period of time.

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<sup>1</sup> 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).

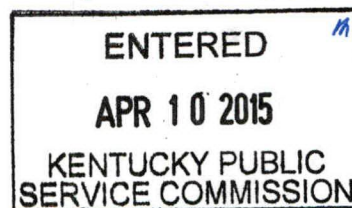
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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 materials no longer qualify for confidential treatment in order to allow Atmos to seek a remedy afforded by law.

By the Commission



ATTEST:

  
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Executive Director

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

\*Honorable Mark R Hutchinson  
Attorney at Law  
611 Frederica Street  
Owensboro, KENTUCKY 42301

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

\*Mark A Martin  
Atmos Energy Corporation  
3275 Highland Pointe Drive  
Owensboro, KY 42303