

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT)
FILING OF ATMOS ENERGY) CASE NO. 2014-00114
CORPORATION)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On March 31, 2014, Atmos Energy Corporation (“Movant”) moved, pursuant to 807 KAR 5:001, Section 13,¹ that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. The information Movant seeks to have treated as confidential was included in Movant’s application for its Gas Cost Adjustment (“GCA”) for the quarterly period commencing on May 1, 2014, through July 31, 2014. This GCA filing contains a change in Movant’s Correction Factor, as well as information pertaining to Movant’s projected gas prices. The information for which Movant seeks confidential protection is contained in Exhibit D, Page 5 of 6, and is information from which the actual price being paid by Movant for natural gas to its supplier can be determined. In addition, the attached Weighted Average Cost of Gas (“WACOG”) schedule in support of Exhibit C, Page 2 of 2, contains confidential information pertaining to prices projected to be paid by Movant for purchase contracts.

¹ Atmos Energy Corporation filed its petition pursuant to 807 KAR 5:001, Section 7; however, 807 KAR 5:001 was amended effective January 4, 2013, with Section 13 replacing Section 7 regarding confidential materials.

Movant states that the type of information for which it seeks confidential protection has previously been granted confidential protection and if disclosed would have serious adverse consequences. Specifically, Movant states that it has successfully negotiated an extremely advantageous gas supply contract and that detailed information concerning that contract, including commodity costs, demand and transportation charges, reservation fees, etc., on specifically identified pipelines, if made available to Movant's competitors would provide an unfair commercial advantage to Movant's business competitors. In addition, Movant states that information in the WACOG schedule in support of Exhibit C, Page 2 of 2, also constitutes sensitive, proprietary information which if publicly disclosed would put Movant to an unfair commercial disadvantage in future negotiations.

Movant states that it would not, as a matter of company policy, disclose to any person or entity, including any personnel of Movant, except those who need to know in order to discharge their responsibility. Movant further states that the information is entitled to confidential treatment, as this information constitutes a trade secret pursuant to the two-prong test in KRS 365.880:² (a) the economic value of the information as derived by not being readily ascertainable by other persons who might obtain economic value by its disclosure; and (b) the information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The economic value of the information is derived by Movant's maintaining of the confidentiality of the information, since competitors and entities with whom Movant transacts business could obtain economic value by its disclosure.

² Atmos's application for confidential protection cites to the two-prong definition of trade secret under KRS 265.880. The correct citation is KRS 365.880(4).

Movant states that the information for which confidential protection is sought would not, as a matter of company policy, be disclosed to any person or entity, except as required by law or pursuant to a court order or subpoena, and would not be disclosed to any personnel of Movant except those who need to know in order to discharge their responsibility.

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, and KRS 365.880, the Commission finds that disclosure of the information requested to be held confidential would permit unfair commercial advantage to Movant's competitors and is protected as a trade secret under KRS 365.880(4). Therefore, this information meets the criteria for confidential protection and should be maintained as a non-public part of the Commission's Post Case Referenced Correspondence file for an indefinite period.

The procedure for use of confidential materials during formal proceedings may be found at 807 KAR 5:001, Section 13(9). If the information becomes publicly available or no longer warrants confidential treatment, Movant is required by 807 KAR 5:001, Section 13(10), to inform the Commission so that the information may be placed in the public record.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.
2. The materials for which Movant seeks confidential treatment shall neither be placed in the public record nor made available for public inspection for an indefinite period.

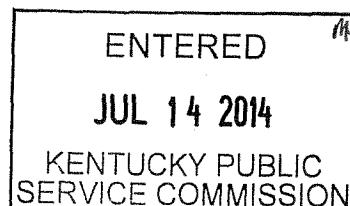
3. Use of the materials in question in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

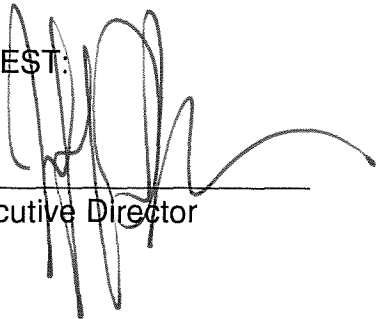
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant 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 Movant to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

Stellie Jackson
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