

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

APPLICATION OF ATMOS ENERGY)
CORPORATION FOR APPROVAL OF THIRD)
PARTY NATURAL GAS SUPPLY AND ASSET)
MANAGEMENT AGREEMENT AND FOR A DEVIATION)
FROM THE PRICING REQUIREMENTS OF KRS 278.2207)

Case No.

**PETITION FOR CONFIDENTIALITY OF INFORMATION BEING FILED
WITH KENTUCKY PUBLIC SERVICE COMMISSION**

Atmos Energy Corporation ("Atmos" or "Company"), respectfully petitions the Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001, Section 13, and all other applicable law, for confidential treatment of certain information being submitted to the Commission in conjunction with the Company's Application for Approval in this proceeding. The information being submitted consists primarily of information that Commission Staff has requested through Data Requests to the Company in prior proceedings involving third party natural gas supply agreements. See e.g. KPSC 2013-00434. The information for which confidential treatment is sought is as follows:

1. A copy of the Addendum to Base Contract for Sale and Purchase of

Natural Gas (“Addendum”) will be filed into the record of this proceeding upon execution by the parties. A place holder for the Addendum is attached hereto under Tab 1. This document contains sensitive and confidential information and is entitled to be filed confidentially. The Commission has historically provided confidential treatment to gas supply agreements. See e.g., KPSC cases 97-513, 2002-00245, 2006-00194, 2011-00201 and 2013-00434.

2. The proposals received by Atmos, the comparative cost analysis of the proposals by Atmos, and the confidential recommendation summary are all attached under Tabs 2, 3 and 4. In accordance with the RFP, the Company assured bidders that reasonable care would be exercised so the proposal data would not be disclosed or used without the respondent’s permission, except to meet regulatory filing requirements. Further, Atmos stated that “such data filed for regulatory requests shall be filed as confidential information”.

3. As to the analysis Atmos performed to determine the best bid, the Commission has consistently provided it confidential protection. See, e.g. KPSC cases 2002-00245, 2006-00194, 2011-00201 and 2013-00434. Confidentiality was granted for all information relating to pricing of bids and calculations of dollar savings. The Company is requesting confidentiality of those elements of the analysis dealing with the pricing provisions of each bid.

4. The Company is providing a computation estimating gas cost savings under the New Supply Agreement and compares the savings to those that might be achieved under the competing proposals submitted in the RFP process. Details of

pricing provisions for the new and previous contracts are entitled to confidential treatment.

5. KRS Chapter 61 requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). KRS 61.878(1)(c)(1) exempts commercial information, confidentially disclosed to the Commission which is made public would permit an unfair commercial advantage to competitors of the parties from whom the information was obtained. To qualify for the exemption, actual competition must be demonstrated, as well as a likelihood of substantial competitive injury if the information is publicly disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

6. As the Commission is well aware, Atmos must compete for both gas supply and gas transportation services in the deregulated world of natural gas procurement and transportation. Disclosure of the information sought to be protected in this Petition would allow Atmos' competitors to gain confidential information about Atmos' gas purchasing and transportation costs and strategies. This information would enable competitors to identify Atmos' low cost supplier and if the attached information contains terms more favorable than theirs, they could, and would, attempt to outbid or otherwise interfere with Atmos and its gas supplier. It would also enable those competitors to negotiate similar terms with other gas suppliers, thereby depriving Atmos of the commercial benefits it enjoys by negotiating the attached gas supply agreement.

7. Additionally, to the extent that Atmos chooses or is compelled, in the

future, to purchase gas supply or transportation services from other suppliers or potential suppliers, disclosure of the information contained in the attached documents would reveal the prices and terms Atmos has agreed to pay for gas supply and transportation services. Suppliers with that information, who might otherwise offer a lower price, would have no incentive to offer any price lower than that currently being paid by Atmos.

8. Except for the parties to the RFP process and the New Supply Agreement, the information sought to be protected is not known outside Atmos and is not disseminated within Atmos except to those employees with a legitimate business need to know and act upon the information.

9. The Company's RFP represented that parties would keep the bid information confidential. This provision recognizes that the parties could be competitively damaged if the terms of their proposals were made publicly available to their competitors including specifically those unregulated competitors who would have no corresponding requirement to make a public disclosure of the terms of their gas supply agreements.

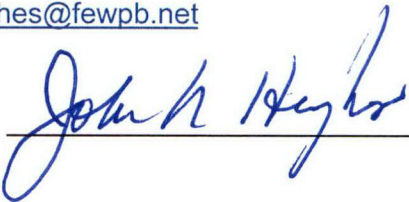
10. The Company requests that the information referenced herein be kept confidential for an indefinite period.

WHEREFORE, Atmos petitions the Commission to treat as confidential, indefinitely, the information referenced herein and attached hereto in its entirety, which is included in the attached as "CONFIDENTIAL".

Respectfully submitted this ___ day of May, 2015.

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By:  _____


VERIFICATION

I, Mark A. Martin, being duly sworn under oath state that I am Vice President of Rates and Regulatory Affairs Kentucky Midstates Division for Atmos Energy Corporation, and that the statements contained in the foregoing Petition are true as I verily believe.

 _____
Mark A. Martin

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2015 the original of this Petition, with the Confidential information for which confidential treatment is sought, together with ten (10) copies of the Petition without the confidential information, were filed with the Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40602, by hand delivery.

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TAB 1

AGREEMENT TO BE SUPPLIED WHEN EXECUTED

TAB 2
CONFIDENTIAL

TAB 3

CONFIDENTIAL

TAB 4

CONFIDENTIAL