

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF ATMOS ENERGY CORPORATION)	
FOR MODIFICATION AND EXTENSION OF ITS)	CASE NO.
GAS COST ADJUSTMENT PERFORMANCE)	2015-00298
BASED RATEMAKING MECHANISM)	

ORDER

On November 16, 2017, Atmos Energy Corporation (“Atmos”) filed an amended petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for an indefinite period to the Performance Based Ratemaking Mechanism (“PBR”) 2017 Annual Report.

As a basis for its request, Atmos states that the current gas supply contracts contain significant pricing discounts, and in order to fully report to the Commission the results of the company’s current PBR program, disclosure of the discounts on gas purchases provided in the current supply contracts are required. Atmos further argues that in order to protect the confidentiality of the information, not only must the discounts themselves be redacted, but also all information from which the discount could be calculated, must likewise be redacted. Atmos asserts that because the natural gas industry is very competitive, and Atmos has active competitors that could use the confidential information to their advantage and to the direct disadvantage of both Atmos and its customers, the information should be deemed confidential. Finally, Atmos

argues that the information sought to be protected constitutes a trade secret under the two-pronged test of KRS 365.880.

Having considered the petition and the material at issue, the Commission finds that the information located in the PBR 2017 Annual Report is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection for the PBR 2017 Annual Report is granted.

2. The designated information contained in the PBR 2017 Annual Report shall not be placed in the public record or made available for public inspection until further Order of this Commission.

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

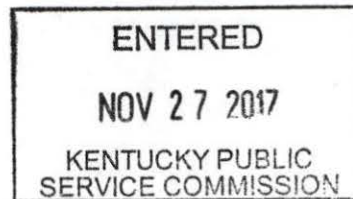
4. Atmos shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Atmos shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Atmos is unable

to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material 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



ATTEST:


Executive Director

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