

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING) CASE NO.
OF ATMOS ENERGY CORPORATION) 2016-00129

ORDER

On March 25, 2016, Atmos Energy Corporation ("Atmos") filed a petition ("Petition") pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential protection for an indefinite period and not be placed in the public record subject to public inspection.

In support of its Petition, Atmos states that the material it is requesting to be held confidential in its application includes information pertaining to 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 D, page 5 of 6, which contains information from which the actual price being paid by Atmos for natural gas to its suppliers, can be determined. In addition, Atmos requests confidential treatment of the Weighted Average Cost of Gas schedule in support of Exhibit C, page 2 of 2, which contains information pertaining to prices projected to be paid by Atmos for purchase contracts. Atmos states that the Commission has granted confidential protection to this type of information in its prior Gas Cost Adjustment filings and that this information would not normally be disclosed.

Atmos states that public disclosure of the information sought to be protected as confidential would have serious adverse consequences to Atmos and its

customers and would impose an unfair commercial disadvantage. Atmos states that it has successfully negotiated an advantageous gas supply contract that is beneficial to Atmos and its ratepayers and that the detailed information concerning that contract, including commodity costs, demand and transportation charges, reservation fees, etc., on specifically identified pipelines, if made available to Atmos's competitors (including specifically non-regulated gas marketers), would also disclose Atmos's purchasing strategies and put Atmos at a commercial disadvantage in future negotiations. Finally, Atmos states that the information sought to be protected constitutes a trade secret under the two-prong test of KRS 265.880.¹

Having carefully considered the Petition and the materials at issue, the Commission finds that the designated material contained in Atmos's application, Exhibit D, page 5 of 6, and Exhibit C, page 2 of 2, is generally recognized as confidential or proprietary which, if openly disclosed, could result in commercial harm to Atmos. The material therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's Petition for confidential protection for designated material contained in its application, Exhibit D, page 5 of 6, and Exhibit C, page 2 of 2, is granted.
2. The designated material set forth in Atmos's application, Exhibit D, page 5 of 6, and Exhibit C, page 2 of 2, shall not be placed in the public record or made

¹ Atmos incorrectly cited KRS 265.880 as defining the two-prong test of what constitutes a trade secret. The correct cite is KRS 365.880(4)(a) and (b).

available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall comply 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.

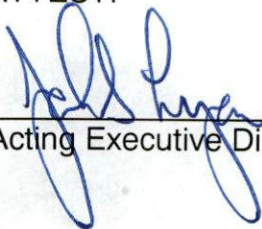
5. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order, and the period during which the material has been granted confidential treatment has not expired, then Atmos shall have 20 days from receipt of written notice of the request to demonstrate 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

ENTERED
AUG 18 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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