

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FILING OF SPECIAL INDUSTRIAL CONTRACTS BY) CASE NO.
ATMOS ENERGY CORPORATION) 2017-00035

ORDER

On November 9, 2016, and on December 29, 2016, Atmos Energy Corporation (“Atmos”) filed petitions, pursuant to KRS 278.160, Section 3, and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of two renegotiated special contracts with industrial customers (“Service Agreements”) and other information filed in support of the Service Agreements. The designated materials for which confidential protection is requested are more specifically described as the terms and conditions of the Service Agreements and the cost analyses of the terms and conditions showing that the anticipated revenue from the customers will cover all variable costs incurred in serving these customers and contribute toward Atmos’s fixed cost. In addition, the designated materials contain information relating to the customers’ competitive circumstances.

In support of its petitions requesting confidential treatment, Atmos asserts that the designated materials contain commercial information that, if publicly disclosed, could cause substantial competitive harm to Atmos. In addition, Atmos states that 1) this information is not publicly available, 2) the Service Agreements contain specific covenants that the customers will keep the provisions of the contract confidential, and 3)

it would be difficult or impossible for someone to discover this information from other sources. Atmos also states that, if publicly disclosed to competitors, the information could be used to the competitive detriment of Atmos. Atmos further asserts that the designated information is not generally disclosed to non-management employees of Atmos and is protected internally by Atmos as proprietary information. Finally, Atmos asserts that the disclosure of this proprietary information would result in significant or irreparable competitive harm to Atmos by providing its competitors with non-reciprocal competitive advantage, and that no public purpose is served by the disclosure of such information.

Having carefully considered the petitions and the materials at issue, the Commission finds that the designated materials contained in Atmos's Service Agreements filed on November 9, 2016, and December 29, 2016, and the cost analyses included with these agreements, are generally recognized as confidential in that they contain proprietary information. These designated materials, if openly disclosed, would permit an unfair commercial advantage to competitors of Atmos and are exempted from public disclosure pursuant to KRS 278.160, Section 3, KRS 278.878(1)(c)(1), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection for portions of a Service Agreement, and the associated cost analyses, filed on November 9, 2016, is granted.
2. Atmos's petition for confidential protection for portions of a Service Agreement, and the associated cost analyses, filed on December 29, 2016, is granted.
3. The materials set forth in Atmos's Service Agreements, and the cost analyses associated with the agreements, filed on November 9, 2016, and December

29, 2016, shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

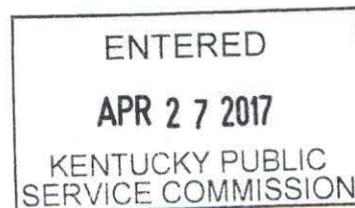
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

6. 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, then Atmos 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 278.160(3) and 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.

7. The Commission shall not make the requested material 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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