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Columbus, Ohio 43215
Direct: 614.460.5558
bwancheck@nisource.com



January 31, 2020

HAND DELIVERED

Gwen R. Pinson
Executive Director
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

RECEIVED

JAN 31 2020

PUBLIC SERVICE
COMMISSION

RE: KY PSC Case No. 2017-00453

Dear Ms. Pinson,

Please find enclosed the original and ten copies of Columbia Gas of Kentucky, Inc.'s Motion for Confidential Treatment in the above referenced matter. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Brooke E. Wancheck".

Brooke E. Wancheck
Assistant General Counsel

Enclosure(s)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 31 2020

PUBLIC SERVICE
COMMISSION

In the matter of:)
APPLICATION OF COLUMBIA GAS)
OF KENTUCKY, INC TO EXTEND ITS) Case No. 2017-00453
GAS COST ADJUSTMENT)
PERFORMANCE BASED RATE)
MECHANISM)

MOTION OF COLUMBIA GAS OF KENTUCKY, INC.
FOR CONFIDENTIAL TREATMENT OF RESPONSE TO
STAFF DATA REQUEST DATED JANUARY 16, 2020

Pursuant to KRS § 61.878(1)(c), KRS § 61.878 (1)(k) and 807 KAR 5:001 § 13, Columbia Gas of Kentucky, Inc., ("Columbia") moves the Kentucky Public Service Commission ("Commission") to grant confidential protection indefinitely to its response and attachment to one of the Commission's data requests issued on January 16, 2020 in the above-captioned matter. Specifically, Columbia requests confidential treatment of Data Request 9(b), Attachment D.

In support of this motion, Columbia states as follows:

1. Columbia is a wholly-owned subsidiary of NiSource Gas Distribution Group, Inc. which is a wholly-owned subsidiary of NiSource Inc. ("NiSource"). NiSource is a registered holding company under the Public Utility Holding Company Act of 2005, whose principal office is located at 801 East 86th Avenue, Merrillville, IN 46410.

2. The Kentucky Open Records Act exempts from disclosure certain confidential or proprietary information.¹ To qualify for this exemption, and, therefore, maintain the confidentiality of the information, a party must establish that the item requested is “generally recognized as confidential or proprietary” and that “disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality.”

3. The information for which Columbia seeks confidentiality reveals fruits of negotiations, competitive terms, rates, and bids with suppliers. Specifically, Data Request 9(b), Attachment D contains the actual winning bids (premiums) with supplier names included. The attachment contains commercial information that is confidential and proprietary. Disclosure could cause substantial competitive harm to Columbia and NiSource, as well as to their suppliers.

4. The information contained in the response to the aforementioned data request is not publicly available and it would be difficult or impossible for someone to discover from other sources. Additionally, the documents have not been generally disclosed to its non-management employees and they are protected internally by the Company as confidential information.

5. Columbia requests that the responses and attachments described herein be held confidentially in perpetuity. Columbia cannot envision a period of time in which it

¹ KRS § 61.878(1)(c).

would be appropriate for Columbia's proprietary and confidential commercial information to be disclosed in the public realm.

6. The description of the responsive document above demonstrates that it merits confidential treatment. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of Columbia and so that the Commission will have a complete record to enable it to reach a decision with regard to this matter.²

7. Columbia does not object to the disclosure of the information at issue to the parties to this proceeding upon the execution of a confidentiality agreement. In compliance with 807 KAR 5:001 section 13(2)(e), Columbia is filing one paper copy under seal that identifies the information for which confidential protection is sought and one copy with the same information obscured.

8. By granting this motion and providing for confidential treatment of Columbia's response to this data request, the Commission and the parties can fully evaluate Columbia's proposed application for an adjustment in rates, while maintaining the general confidentiality of such data, thereby balancing the public interest with the confidentiality and proprietary interests identified in KRS § 61.878(1)(c) and § KRS 61.878(1)(k).


² *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App. 642 S.W.2d 591, 592-594 (1982).

9. **WHEREFORE**, Columbia respectfully requests that the Commission issue an order granting the confidential treatment of Columbia's response to Data Request 9(b), Attachment D in perpetuity, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated at Columbus, Ohio, this 31st day of January 2020.

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC

By: 
Brooke E. Wancheck, Attorney of Record

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