

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING OF)	CASE NO.
ATMOS ENERGY CORPORATION)	2019-00225

ORDER

On June 28, 2019, Atmos Energy Corporation (Atmos) filed a petition, pursuant to KRS 61.878(1)(c)(1) and KAR 807 5:001, Section 13, requesting that the Commission grant confidential protection to attachments to its quarterly Gas Cost Adjustment (GCA) filing for an indefinite period. The designated materials are GCA Exhibit D, page 5, and the Weighted Average Cost of Gas (WACOG) schedule in support of GCA Exhibit C, page 2.

As the basis for its request, Atmos asserts that the natural gas industry is a very competitive industry, and public disclosure of the designated materials will result in an unfair commercial advantage to Atmos's competitors. Atmos states that it has negotiated an advantageous gas supply contract and that public disclosure of details concerning that contract would be to the competitors' advantage. Atmos further states that the designated materials are the same type of information contained in prior GCA filings and that the Commission has consistently granted confidential protection to the designated materials in the past. Finally, Atmos states 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 designated materials, the Commission finds that the designated materials in GCA Exhibit D, page 5, and the WACOG schedule in support of GCA Exhibit C, page 2, are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and KAR 807 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection for GCA Exhibit D, page 5, and the WACOG schedule in support of GCA Exhibit C, page 2 of 2, is granted.

2. The designated materials 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 the Commission.

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

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

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, then Atmos shall have 30 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 61.878. If Atmos is unable to make such demonstration, the designated materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential protection in order to allow Atmos to seek a remedy afforded by law.

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By the Commission

ENTERED
OCT 14 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00225

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