

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NAVITAS KY)	
NG, LLC FOR APPROVAL OF LONG-TERM)	CASE NO.
FINANCING PLAN FOR THE ACQUISITION OF)	2021-00153
JOHNSON COUNTY GAS COMPANY AND)	
B & H GAS COMPANY)	

ORDER

On April 5, 2021, Navitas KY NG, LLC (Navitas KY) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment indefinitely for Exhibits K(A) and K(B) of its application for approval of its long-term financing plan for the acquisition of Johnson County Gas Company and B & H Gas Company.

In support of its petition, Navitas KY argues that the material at issue contains sensitive financial information, which, if disclosed, would present an unfair commercial advantage to its competitors under KRS 61.878(1)(c)(1), which states: "Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." Exhibits K(A) and K(B) consist of debt figures and information.

Having considered the petition and the material at issue, the Commission finds that debt figures and information contained in Exhibits K(A) and K(B) to the application is generally recognized as confidential or proprietary. The Commission has previously

found that debt information is exempt from disclosure for an indefinite period of time.¹ The information contained in Exhibits K(A) and K(B) to the application 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. Navitas KY's petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of the Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Navitas KY shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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, Navitas KY shall have 30 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 Navitas KY is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

¹ Case No. 2014-00257, *Application of Natural Gas of Kentucky For Approval of Construction of an Intrastate Natural Gas Pipeline, Issuance of a Certificate of Convenience and Necessity, and Approval of Financing* (Ky. PSC Jan. 20, 2015), Order at 2.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Navitas KY to seek a remedy afforded by law.

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By the Commission



ATTEST:



Executive Director

Case No. 2021-00153

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