

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA GAS	)	
OF KENTUCKY, INC. FOR AN ADJUSTMENT OF	)	CASE NO.
RATES; APPROVAL OF DEPRECIATION STUDY;	)	2024-00092
APPROVAL OF TARIFF REVISIONS; AND OTHER	)	
RELIEF	)	

ORDER

On May 16, 2024,¹ May 30, 2024,² July 10, 2024,³ August 7, 2024,⁴ September 11, 2024,⁵ October 17, 2024,⁶ and November 15, 2024,⁷ Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed motions, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for filings within the application; certain responses to Commission Staff and the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's (Attorney General) requests for information; and for a supplemental filing

¹ Columbia Kentucky's Motion for Confidential Treatment (May 16, 2024 Motion) (filed May 16, 2024).

² Columbia Kentucky's Motion for Confidential Treatment (May 30, 2024 Motion) (filed May 30, 2024).

³ Columbia Kentucky's Motion for Confidential Treatment (July 10, 2024 Motion) (filed July 10, 2024).

⁴ Columbia Kentucky's Motion for Confidential Treatment (Aug. 7, 2024 Motion) (filed Aug. 7, 2024).

⁵ Columbia Kentucky's Motion for Confidential Treatment (Sept. 11, 2024 Motion) (filed Sept. 11, 2024).

⁶ Columbia Kentucky's Motion for Confidential Treatment (Oct. 17, 2024 Motion) (filed Oct. 15, 2024).

⁷ Columbia Kentucky's Motion for Confidential Treatment (Nov. 15, 2024 Motion) (filed Nov. 15, 2024).

updating its application. For Columbia Kentucky's May 16, May 30, and October 17, 2024 motions, Columbia Kentucky requested confidential treatment for a period of five years. For the other motions, Columbia Kentucky requested confidential treatment indefinitely.

May 16, 2024 Motion

In support of its motion, Columbia Kentucky argued that certain information provided in its application at Tab 85 should be confidential pursuant to KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).⁸ Columbia Kentucky explained that the information must be reported in annual filings with the Securities and Exchange Commission (SEC), but it had not been reported at the time of filing because the application is based upon a forecasted test year.⁹ Columbia Kentucky argued that compensation is personal in nature and, if disclosed, could violate Columbia Kentucky's employees' reasonable expectations of personal privacy with regard to compensation and making this information public may provide other entities with information that could be used to Columbia Kentucky's disadvantage when recruiting and retaining executive management.¹⁰

Having considered the motion and the material at issue, the Commission finds that that request should be denied as moot, and therefore the material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(a) and (1)(c)(1), as this information has been reported in the annual SEC filing as of the date of the issuance of this Order.

⁸ May 16, 2024 Motion at 2.

⁹ May 16, 2024 Motion at 2.

¹⁰ May 16, 2024 Motion at 2.

May 30, 2024 Motion

In support of its motion, Columbia Kentucky argued that its response to Commission Staff's First Request for Information (Staff's First Request), Item 41, Attachment C should be confidential because it is based upon assumptions regarding forward-looking earnings-related information that may be considered material, non-public information.¹¹

Columbia Kentucky argued that its response to Staff's First Request, Item 48, Attachment A should be confidential because, if disclosed, would violate Columbia Kentucky's employees' reasonable expectations of personal privacy with regard to compensation.¹²

Columbia Kentucky argued that its response to Staff's First Request, Item 54, Attachment A represents the culmination of hundreds of hours of labor to develop an analytical model that is unique to Columbia Kentucky and based upon information that is confidential and proprietary.¹³

Having considered the May 30, 2024 motion and the material at issue, the Commission finds that Columbia Kentucky's motion should be granted, in part, and denied, in part. The Commission finds that the designated material in Columbia Kentucky's response to Staff's First Request, Item 48, Attachment A, are records that

¹¹ May 30, 2024 Motion at 2-3.

¹² May 30, 2024 Motion at 2.

¹³ May 30, 2024 Motion at 3.

meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13.

The Commission further finds that the request for confidential treatment should be denied for Columbia Kentucky's response to Staff's First Request, Item 41, Attachment C and Item 54, Attachment A. For Columbia Kentucky's response to Staff's First Request, Item 41, Attachment C, the Commission has consistently held that executive compensation information is not subject to confidential treatment because the salaries are included in rate base calculations.¹⁴ Columbia Kentucky did not provide any adequate reasoning for why this information should be treated differently. Therefore, the designated material does not meet the criteria for confidential treatment and should not

¹⁴ The Commission has a long precedent of not granting confidential treatment for executive compensation. See Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Sept. 11, 2013); Case No. 2014-00371, *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky PSC Jan 20, 2016); Case No. 2015-00418, *Application of Kentucky-American Water Company for an Adjustment of Rates* (Ky PSC Aug. 31, 2016); Case No. 2017-00321, *Electronic Application of Duke Energy Kentucky, Inc. For: 1) An Adjustment of the Electric Rates; 2) Approval of an Environment Compliance Plan and Surcharge Mechanism; 3) Approval of New Tariffs; 4) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 5) All other Required Approvals and Relief* (Ky. PSC June 12, 2018); Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Oct. 8, 2019); Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Oct. 8, 2019); Case No. 2019-00268, *Application of Knott County Water and Sewer District for an Alternative Rate Adjustment* (Ky. PSC Dec. 3, 2019); Case No. 2019-00271, *Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 4) All other Required Approvals and Relief* (Ky. PSC May 4, 2020); Case No. 2020-00290, *Electronic Application of Bluegrass Water Utility Operating Company, LLC for an Adjustment of Rates and Approval of Construction* (Ky. PSC Dec. 27, 2021); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC Dec. 7, 2021); Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of One-Year Surcredit* (Ky. PSC Dec. 7, 2021); Case No. 2021-00183, *Electronic Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revision; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief* (Ky. PSC Oct. 5, 2021); Case No. 2021-00185, *Electric Application of Delta Natural Gas Company, Inc. for an Adjustment of its Rates and a Certificate of Public Convenience and Necessity* (Ky. PSC Dec. 8, 2021).

be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

For Columbia Kentucky's response to Staff's First Request, Item 54, Attachment A, Columbia Kentucky did not provide sufficient evidence that this information, which was largely, generally included in the application, should be subject to confidential treatment. Furthermore, the information provided supports Columbia Kentucky's final revenue requirement number and adjustments made, which is information that should be available for purposes of transparency. For this specific request, the Commission finds that this portion of Columbia Kentucky's May 30, 2024 motion is denied without prejudice and Columbia Kentucky may refile a motion requesting specific information within the cost-of-service study to be confidential. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

July 10, 2024 Motion

In support of its motion, Columbia Kentucky argued that its response to Commission Staff's Second Request for Information (Staff's Second Request), Item 3, Attachment B should be confidential pursuant to KRS 61.878(1)(m) because the information contains the locations of key utility infrastructure.¹⁵

Columbia Kentucky argued that the information from Value Line contained in response to Staff's Second Request, Item 11, Attachment A; Item 15, Attachment A; Item 21, Attachment A; and its response to the Attorney General's First Request for Information (Attorney General's First Request), Item 184, Attachment A should be confidential

¹⁵ July 10, 2024 Motion at 2.

pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(k) because the reports are subject to copyrights held by third parties, were obtained through paid subscriptions, and disclosure of this information would violate copyright protections.¹⁶ Columbia Kentucky also provided a similar argument for the Blue Chip Financial Forecasts and S&P Major Energy Decisions provided in response to Staff's Second Request Item 20, Attachment A and its response to the Attorney General's First Request, Item 185, Attachments H and N.¹⁷

Columbia Kentucky argued that its response to Staff's Second Request, Item 12, Attachment A should be confidential pursuant to KRS 61.878(1)(c)(1) because disclosure of the information would place Columbia Kentucky at a commercial disadvantage and violate contractual obligations.¹⁸

Columbia Kentucky argued that its response to Staff's Second Request, Item 14, Attachment C should be confidential pursuant to KRS 61.878(1)(c)(1) because this information is also reports from S&P and contains commercially sensitive information and is subject to contractual agreements.¹⁹

Columbia Kentucky argued that its response to the Attorney General's First Request Item 4, Attachments A, B-2021, B-2022, B-2022, B-2023, and B-2024 should be confidential pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) because, if disclosed, the compensation information would be an unwarranted invasion of personal privacy and

¹⁶ July 10, 2024 Motion at 2-6 and 10.

¹⁷ July 10, 2024 Motion at 5 and 10.

¹⁸ July 10, 2024 Motion at 4.

¹⁹ July 10, 2024 Motion at 4.

would reveal information that Columbia Kentucky does not publicly share because it could provide a commercial advantage to competitors.²⁰

Columbia Kentucky argued that its responses the Attorney General's First Request, Item 10, Attachment A should be confidential pursuant to KRS 61.878(1)(c)(1) because if disclosed the compensation information would reveal information that Columbia Kentucky does not publicly share because it could provide a commercial advantage to competitors.²¹

Columbia Kentucky requested confidential treatment for its response to the Attorney General's First Request, Item 34, Attachments A and B, which contained Columbia Kentucky's Distribution Integrity Management Program (DIMP) and addendum pursuant to KRS 61.871(1)(c)(1) because Columbia Kentucky's competitors could have an unfair commercial advantage if the DIMP and Addendum were disclosed.²²

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 48b, Attachment A should be confidential pursuant to KRS 61.878(1)(c)(1) because the information is confidential and propriety and is subject to contractual agreements not to disclose the information.²³

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 64, Attachment B should be confidential pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(m)(1) and KRS 61.878(1)(a).²⁴ Columbia Kentucky argued that if

²⁰ July 10, 2024 Motion at 6-7.

²¹ July 10, 2024 Motion at 7.

²² July 10, 2024 Motion at 7.

²³ July 10, 2024 Motion at 7.

²⁴ July 10, 2024 Motion at 8.

disclosed, information contained therein would be an unwarranted invasion of personal privacy of travelers and would reveal information that Columbia Kentucky does not publicly share.²⁵ Columbia Kentucky also argued that the sharing of these records could compromise the safety of company personnel.²⁶

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 90, Attachment A should be confidential pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(k) because the information contains information that must be filed with SEC.²⁷ Columbia Kentucky only requested confidential information until the information is publicly available from the SEC.²⁸

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 111, Attachment A should be confidential KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) because, if disclosed, the compensation information would be an unwarranted invasion of personal privacy and would reveal information that Columbia Kentucky does not publicly share because it could provide a commercial advantage to competitors.²⁹

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 119, Attachment A and B should be confidential pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) because the information relates to Columbia Kentucky's affiliates and, if disclosed, it would provide an unfair commercial advantage to

²⁵ July 10, 2024 Motion at 8.

²⁶ July 10, 2024 Motion at 8.

²⁷ July 10, 2024 Motion at 8.

²⁸ July 10, 2024 Motion at 8.

²⁹ July 10, 2024 Motion at 9.

competitors and would be an unwarranted invasion of personal privacy for individuals that are not in this proceeding and whose compensation is not relevant to this case.³⁰

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 125, Attachment A should be confidential pursuant to KRS 61.878(1)(c)(1) because if disclosed the compensation information would reveal information that Columbia Kentucky does not publicly share because it could provide a commercial advantage to competitors.³¹

Columbia Kentucky argued that its response to the Attorney General's First Request, Item 195, Attachment A should be confidential pursuant to KRS 61.878(1)(c)(1) because the RAA Regulatory Focus is part of the S&P subscription.³²

Having considered the motion and the material at issue, the Commission finds that Columbia Kentucky's motion should be granted, in part, and denied, in part. Columbia Kentucky supported its argument, in part, citing to KRS 61.878(1)(c)(1); however, the Commission finds that the designated material contained in Columbia Kentucky's response to Staff's Second Request, Item 3, Attachment B; and its response to the Attorney General's First Request, Item 34, Attachments A and B are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(m) and 807 KAR 5:001, Section 13.

The Commission further finds that the designated material contained in Columbia Kentucky's response to Staff's Second Request, Item 11, Attachment A; Item 15,

³⁰ July 10, 2024 Motion at 9.

³¹ July 10, 2024 Motion at 9.

³² July 10, 2024 Motion at 10.

Attachment A; Item 21, Attachment A; and its response to the Attorney General's First Request, Item 184, Attachment A; are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(k) and 807 KAR 5:001, Section 13.

The Commission further finds that the designated material contained in Columbia Kentucky's response to Staff's Second Request, Item 12, Attachment A; Item 14, Attachment C; Item 20, Attachment A; the non-executive compensation information in Columbia Kentucky's response to Attorney General's First Request, Item 4, Attachments A, B-2021, B-2022, B-2022, B-2023, and B-2024; Columbia Kentucky's response to Attorney General's First Request, Item 185, Attachments H and N; Item 195, Attachment A; Item 48b, Attachment A; and the information contained in Item 119, Attachment A and B unless otherwise specified below, are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and KRS 61.678(1)(a) and 807 KAR 5:001, Section 13.

The Commission also finds that the designated material contained in Columbia Kentucky's response to the Attorney General's First Request Item 111, Attachment A; and Item 10, Attachment A; Item 125, Attachment A; and the employee names and pfrms contained in Columbia Kentucky's response to the Attorney General's First Request, Item 64, Attachment B are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(a) and 807 KAR 5:001, Section 13.

The Commission further finds that the request for confidential treatment should be denied for the executive compensation information provided in Columbia Kentucky's

response to Response to the Attorney Generals's First Request Item 4, Attachments A, B-2021, B-2022, B-2022, B-2023, and B-2024. The Commission has consistently held that executive compensation information is not subject to confidential treatment because the salaries are included in rate base calculations.³³ Columbia Kentucky did not provide any adequate reasoning for why this information should be treated differently. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

The Commission finds that the request for confidential treatment should be denied for the aircraft, date, leg, original, destinate, business purpose, flight time, and statute

³³ The Commission has a long precedent of not granting confidential treatment for executive compensation. See Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Sept. 11, 2013); Case No. 2014-00371, *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky PSC Jan 20, 2016); Case No. 2015-00418, *Application of Kentucky-American Water Company for an Adjustment of Rates* (Ky PSC Aug. 31, 2016); Case No. 2017-00321, *Electronic Application of Duke Energy Kentucky, Inc. For: 1) An Adjustment of the Electric Rates; 2) Approval of an Environment Compliance Plan and Surcharge Mechanism; 3) Approval of New Tariffs; 4) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 5) All other Required Approvals and Relief* (Ky. PSC June 12, 2018); Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Oct. 8, 2019); Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Oct. 8, 2019); Case No. 2019-00268, *Application of Knott County Water and Sewer District for an Alternative Rate Adjustment* (Ky. PSC Dec. 3, 2019); Case No. 2019-00271, *Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 4) All other Required Approvals and Relief* (Ky. PSC May 4, 2020); Case No. 2020-00290, *Electronic Application of Bluegrass Water Utility Operating Company, LLC for an Adjustment of Rates and Approval of Construction* (Ky. PSC Dec. 27, 2021); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC Dec. 7, 2021); Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of One-Year Surcredit* (Ky. PSC Dec. 7, 2021); Case No. 2021-00183, *Electronic Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revision; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief* (Ky. PSC Oct. 5, 2021); Case No. 2021-00185, *Electric Application of Delta Natural Gas Company, Inc. for an Adjustment of its Rates and a Certificate of Public Convenience and Necessity* (Ky. PSC Dec. 8, 2021).

miles contained in Columbia Kentucky's response to the Attorney General's First Request, Item 64, Attachment B because these items are past information general enough to not warrant a safety concern. Furthermore, as the Commission granted other information contained in these documents, there are no additional concerns regarding competition or employee privacy. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(a), and KRS 61.878(1)(m) and 807 KAR 5:001, Section 13.

The Commission finds that the request for confidential treatment should be denied for Columbia Kentucky's response to the Attorney General's First Request, Item 90, Attachment A as moot because this information is now publicly available. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(k) and 807 KAR 5:001, Section 13.

The Commission finds that the request for confidential treatment should be denied for the names of NiSource affiliates as well as the total aggregate amounts listed on pages 1 and 2 contained in Columbia Kentucky's response to the Attorney General's First Request, Item 119, Attachment A. The names of NiSource affiliates is publicly available information. The total amounts listed on pages 1 and 2 do not pertain to a specific individual, and therefore, would not implicate privacy concerns and the totals are unlikely to cause a competitive disadvantage. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) and 807 KAR 5:001, Section 13.

August 7, 2024 Motion

In support of its motion, Columbia Kentucky argued that its response to Commission Staff's Third Request for Information (Staff's Third Request), Item 1, Attachments A, B, and C, should be confidential pursuant to KRS 61.878(1)(c)(1) because disclosure of the information would place Columbia Kentucky at a commercial disadvantage if competitors had access to the distribution integrity management program (DIMP) because it identifies gas distribution pipeline integrity risks.³⁴

For Columbia Kentucky's responses to Staff's Third Request, Item 26(a), Columbia Kentucky argued that it should be held confidential pursuant to KRS 61.878(1)(m) because the information contains the locations of key utility infrastructure.³⁵ For Columbia Kentucky's responses to Staff's Third Request, Item 26(b) and (c), Attachment A Columbia Kentucky requested confidential treatment pursuant to KRS 61.878(1)(c)(1) because the attachments provide information about a client's actual and forecasted usage, and if disclosed could provide a commercial advantage to competitors.³⁶

For Columbia Kentucky's response to the Attorney General's Second Request for Information (the Attorney General's Second Request), Item 27, Attachments A, B, C, D, E, and F, Columbia Kentucky argued that these attachments should be confidential pursuant to KRS 61.878(1)(c)(1) because if these initial stage quotes and bids are

³⁴ Aug. 7, 2024 Motion at 2-3.

³⁵ Aug. 7, 2024 Motion at 3.

³⁶ Aug. 7, 2024 Motion at 3-4.

disclosed competitors could have an unfair advantage negotiating contracts for the WAM program.³⁷

For Columbia Kentucky's response to the Attorney General's Second Request, Item 39, Attachments A, B, and C, Columbia Kentucky requested confidential treatment pursuant to KRS 61.878(1)(c)(1), because if disclosed Columbia Kentucky's internal business strategy would be disclosed and its competitors could receive an unfair commercial advantage.³⁸ For Columbia Kentucky's response to the Attorney General's Second Request, Item 42, Columbia Kentucky requested confidential treatment pursuant to KRS 61.878(1)(k), because the information is pertaining to a settlement agreement that the court has deemed it confidential.³⁹ For Columbia Kentucky's response to the Attorney General's Second Request, Item 43, Attachment A Columbia Kentucky requested confidential treatment pursuant to KRS 61.878(1)(c)(1), because Columbia Kentucky's competitors could have an unfair commercial advantage if the DIMP, its Addendum, and the Appendices were disclosed.⁴⁰ For Columbia Kentucky's response to the Attorney General's Second Request, Item 60, Attachment A; and Item 61, Attachment A, B, and C Columbia Kentucky requested confidential treatment pursuant to KRS 61.878(1)(m), because these budget approval documents contain maps and detailed designs for the projects that constitute critical infrastructure information and should not be shared publicly.⁴¹

³⁷ Aug. 7, 2024 Motion at 4.

³⁸ Aug. 7, 2024 Motion at 4.

³⁹ Aug. 7, 2024 Motion at 4-5.

⁴⁰ Aug. 7, 2024 Motion at 5.

⁴¹ Aug. 7, 2024 Motion at 5.

Having considered the motion and the material at issue, the Commission finds that Columbia Kentucky's motion should be granted, in part, and denied, in part. Columbia Kentucky based its arguments, in part, on KRS 61.878(1)(c)(1); however, the Commission finds that the designated material contained in Columbia Kentucky's response to Staff's Third Request, Item 1, Attachments A,B, and C; Item 26(a) and Attachment A; Columbia Kentucky's response to the Attorney General's Second Request, Item 43, Attachment A; and Columbia Kentucky's response to the Attorney General's Second Request, Item 60, Attachment A; and Item 61, Attachments A, B, and C are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(m) and 807 KAR 5:001, Section 13.

The Commission finds that the designated material contained in Columbia Kentucky's response to Staff's Third Request, Item 26 (b) and (c), Attachment A; the non-winning bids contained in Columbia Kentucky's response to the Attorney General's Second Request, Item 27, Attachments A-F; Columbia Kentucky's response to the Attorney General's Second Request, Item 39, Attachments A and B are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13.

The Commission finds that the designated material contained Columbia Kentucky's response to the Attorney General's Second Request, Item 42 are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(k) and 807 KAR 5:001, Section 13.

The Commission further finds that the request for confidential treatment should be denied for the winning bid information and aggregate bid total contained in Columbia

Kentucky's response to the Attorney General's Second Request, Item 27, Attachments A-F; and Item 39, Attachment C. The request should be denied for winning bids, as the Commission has previously held that winning bids are not granted confidential treatment because this amount is included in base rate calculations and shall be subject to public disclosure.⁴² For Item 39, Attachment C, the information contained is general in nature and would not put Columbia Kentucky at a competitive disadvantage. Therefore, these requests do not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13.

September 11, 2024 Motion

In support of its motion, Columbia Kentucky argued that its response to Commission Staff's Fourth Request for Information (Staff's Fourth Request), Item 12, Attachment A should be held confidential pursuant to KRS 61.878(1)(c)(1), because release of this material, non-public information related to short term incentive compensation would permit an unfair commercial advantage to competitors.⁴³

Having considered the motion and the material at issue, the Commission finds that Columbia Kentucky's motion should be granted. The Commission finds that the designated materials are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13.

⁴² See i.e. Case No. 2021-00358, *Electronic Application of Jackson Purchase Energy Corporation for a General Adjustment of Rates and Other General Relief* (Ky. PSC Feb. 28, 2022), Order at 2–3.

⁴³ Sept. 11, 2024 Motion at 2.

October 17, 2024 Motion

In support of its motion, Columbia Kentucky argued that the updated Schedule G from Tab 85 of its application should be confidential according to KRS 61.878(1)(a) and KRS 61.878(1)(c).⁴⁴ Columbia Kentucky made the same arguments as it did in its May 16, 2024 motion.⁴⁵

Having considered the motion and the material at issue, the Commission finds that material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(a) and (1)(c)(1), as this information has been reported in the annual SEC filing as of the issuance of this Order.

November 15, 2024 Motion

In support of its motion, Columbia Kentucky asked that sensitive real estate agreements provided in response to Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Item 5, Attachment A be confidential pursuant to KRS 61.878(1)(c)(1).⁴⁶ Columbia Kentucky argued that, if publicly shared, it could provide a commercial advantage to competitors of the leased facilities and could be detrimental to Columbia Kentucky and its affiliates when participating in future negotiations.⁴⁷

⁴⁴ Oct. 17, 2024 Motion at 2-3.

⁴⁵ Oct. 17, 2024 Motion at 2.

⁴⁶ Nov. 15, 2024 Motion at 2.

⁴⁷ Nov. 15, 2024 Motion at 2.

Columbia Kentucky requested confidential treatment of employee compensation provided in its response to Staff's Post-Hearing Request, Item 8, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a). Columbia Kentucky argued that, if disclosed, the compensation information would be an unwarranted invasion of personal privacy and would reveal information that Columbia Kentucky does not publicly share because it could provide a commercial advantage to competitors in the competition to hire and retain a competent workforce.⁴⁸

Columbia Kentucky requested confidential treatment of information about a specific customer provided in its response to Staff's Post-Hearing Request, Item 9, pursuant to KRS 61.878(1)(c)(1).⁴⁹ Columbia Kentucky argued that, in the hands of a competitor, this information could be detrimental to the customer's business and would permit an unfair commercial advantage to the customer's competitors.⁵⁰

Having considered the motion and the material at issue, the Commission finds that Columbia Kentucky's motion should be granted, in part, and denied, in part. The Commission finds that material terms⁵¹ contained in Columbia Kentucky's response to Staff's Post-Hearing Request, Item 5, Attachment A are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13. The Commission finds that the

⁴⁸ Nov. 15, 2024 Motion at 2-3.

⁴⁹ Nov. 15, 2024 Motion at 3.

⁵⁰ Nov. 15, 2024 Motion at 3.

⁵¹ Material terms include: the lease amounts; escalation of lease payments; remedies available to the parties of the lease for nonperformance of the terms; any other economic terms; the structure of the lease term including the outside date for the rent commencement date; and any other specifically negotiated terms.

employee names, codes, and job titles contained in Columbia Kentucky's response to Staff's Post-Hearing Request, Item 8; and Item 9 are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878 (1)(a) and 807 KAR 5:001, Section 13.

The Commission further finds that the request for confidential treatment should be denied for non-material terms contained in Columbia Kentucky's response to Staff's Post-Hearing Request, Item 5 and the salaries contained in Item 8. For Item 5, general contract language would not give a competitor an unfair commercial advantage. For Item 8, without the code and job title, it would be difficult to ascertain specific employee salaries and without job titles Columbia Kentucky would likely be at any unfair commercial disadvantage. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(a) and KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's May 30, 2024; July 10, 2024; August 7, 2024; and November 15, 2024 motions for confidential treatment for are granted in part and denied in part.
2. Columbia Kentucky's May 16, 2024 and October 17, 2024 motions for confidential treatment for are denied.
3. Columbia Kentucky's September 11, 2024 motion is granted.
4. Columbia Kentucky's May 30, 2024 motion for confidential treatment for Columbia Kentucky's response to Staff's First Request, Item 48 is granted.

5. Columbia Kentucky's May 30, 2024 motion for confidential treatment for Staff's First Request, Item 41, Attachment C and Item 54, Attachment A is denied.

6. Columbia Kentucky's July 10, 2024 motion for confidential treatment for Columbia Kentucky's response to Staff's Second Request, Item 3, Attachment B; Item 11, Attachment A; Item 12, Attachment A; Item 14, Attachment C; Item 15, Attachment A; Item 20, Attachment A; Item 21, Attachment A; non-executive compensation information contained in Columbia Kentucky's response to Attorney Generals's First Request, Item 4, Attachments A, B-2021, B-2022, B-2022, B-2023, and B-2024; Item 10, Attachment A; Item 34, Attachments A and B; Item 48b, Attachment A; employee names and pfms contained in Item 64, Attachment B; Item 111, Attachment A; the designated material in Item 119, Attachments A and B; Item 125, Attachment A; Item 184, Attachment A; Item 185, Attachments H and N; and Item 195, Attachment A are granted.

7. Columbia Kentucky's July 10, 2024 motion for confidential treatment for executive compensation information contained in Columbia Kentucky's response to Attorney Generals's First Request Item 4, Attachments A, B-2021, B-2022, B-2022, B-2023, and B-2024; Item 34, Attachments A and B; aircraft, date, leg, original, destinate, business purpose, flight time, and statute miles contained in Item 64, Attachment B; Item 90, Attachment A; and the designated material in Item 119, Attachment A and B are denied.

8. Columbia Kentucky's August 7, 2024 motion for confidential treatment for Staff's Third Request, Item 1, Attachments A, B, C; Item 26(a); Item 26 (b) and (c) Attachment A; the non-winning bids in Columbia Kentucky's response to the Attorney General's Second Request, Item 27, Attachments A-F; Item 39, Attachment A and B; Item

42; Item 43, Attachment A; Item 60, Attachment A; and Item 61, Attachments A-C are granted.

9. Columbia Kentucky's August 7, 2024 motion for confidential treatment for the winning bids in Columbia Kentucky's response to the Attorney General's Second Request, Item 27, Attachments A-F; and its response to the Attorney General's Second Request, Item 39, Attachment C are denied.

10. Columbia Kentucky's November 15, 2024 motion for confidential treatment for the material terms contained in Staff's Post-Hearing Request, Item 5, Attachment A; and the designated material in Item 8; and Item 9 and its Attachment A are granted.

11. Columbia Kentucky's November 15, 2024 motion for confidential treatment for the non-material terms contained in Staff's Post-Hearing Request, Item 5, Attachment A; and the designated material in Item 8 are denied.

12. The designated material granted confidential treatment pursuant to KRS 61.878(1)(c)(1) by this Order shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission. All other information shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Commission.

13. 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).

14. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Columbia Kentucky shall inform the Commission and file with the Commission an unredacted copy of the designated material.

15. 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, Columbia Kentucky 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 Columbia Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

16. The Commission shall not make the requested material for which confidential treatment was granted 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 Columbia Kentucky to seek a remedy afforded by law.

17. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

18. If Columbia Kentucky objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

19. Within 30 days of the date of service of this Order, Columbia Kentucky shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

20. The designated material for which Columbia Kentucky's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Columbia Kentucky to seek a remedy afforded by law.

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Entered on this 11th day of August, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

Case No. 2024-00092

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