

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HEATHER RAE MCATEE)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2009-00173
)	
COLUMBIA GAS OF KENTUCKY, INC.)	
)	
DEFENDANT)	

O R D E R

On April 24, 2009, Heather Rae McAtee (“Complainant”) filed a complaint against Columbia Gas of Kentucky, Inc. (“Columbia”). On May 15, 2009, Columbia filed its Answer to the complaint. On July 20, 2009, Complainant and Columbia filed a joint motion to dismiss the complaint. The motion stated that the parties have resolved all of the issues and have settled the matter. The Commission requested that Columbia provide information regarding the terms of the settlement and an explanation of the steps Columbia has taken to ensure that customers’ meters are not unread for an extended period of time. Columbia provided a memorandum containing this information. On October 16, 2009, Columbia filed a petition for confidential treatment of the memorandum provided as well as the settlement agreement between the parties.

Columbia’s petition states that confidential treatment should be granted to the Memorandum and the Settlement Agreement pursuant to KRS 61.870. The basis for the argument regarding the Settlement Agreement is that it contains “information of a

personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”¹ The basis for the argument relating to the Memorandum is that it contains contractual terms between Columbia and its meter-reading contractors and that this constitutes a trade secret as defined in KRS 365.880 and protected by KRS 365.888 and is shielded from disclosure in Commission proceedings under KRS 61.878(1)(j).² Columbia also argues that the Memorandum contains information that would permit an unfair commercial advantage to competitors pursuant to KRS 61.878(1)(c)(1) with regard to the new procedures Columbia is implementing.³ Lastly, Columbia argues that confidential treatment is necessary based on KRS 61.878(1)(j) because the Memorandum includes details of the background and policy behind the Settlement Agreement.⁴

The Commission, having reviewed the record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. The petition for confidential treatment of the Settlement Agreement and the Memorandum is granted in its entirety.
2. The Settlement Agreement and the Memorandum are to be treated as confidential.
3. The joint motion to dismiss is GRANTED.

¹ KRS 61.878(1)(a).

² See Petition of Columbia Gas of Kentucky, Inc. for Confidential Treatment of Data at 2.

³ *Id.*

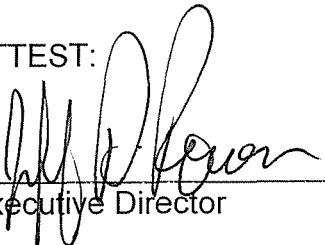
⁴ *Id.*

4. This case is dismissed with prejudice and removed from the Commission's docket.

By the Commission

ENTERED
NOV - 4 2009
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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