

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING ) CASE NO. 2013-00123  
OF ATMOS ENERGY CORPORATION )

ORDER

On March 28, 2013, Atmos Energy Corporation ("Atmos") filed its Gas Cost Adjustment for the quarterly period commencing on May 1, 2013 through July 31, 2013. At the same time, Atmos filed a petition, pursuant to 807 KAR 5:001, Section 13,<sup>1</sup> that certain materials filed with the Commission be afforded confidential treatment and that the information not be placed in the public record subject to public inspection.

In support of its petition, Atmos states that the information it is requesting to be held confidential is more particularly described as Exhibit D, page 5 of 6, containing information from which the actual price being paid by Atmos for natural gas to its supplier can be determined; and, Exhibit C, page 2 of 2, containing information pertaining to prices projected to be paid by Atmos for purchase contracts.

Atmos states that the information listed above, if publicly disclosed, would have serious adverse consequences to Atmos and its customers and would impose an unfair commercial disadvantage on Atmos and constitutes a trade secret. Atmos further states that as a matter of company policy, it would not disclose any of the information for which confidential protection is sought to any person or entity, except as required by law or pursuant to a court order or subpoena.

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<sup>1</sup> Atmos filed its petition pursuant to 807 KAR 5:001, Section 7; however, 807 KAR 5:001 was amended effective Jan. 4, 2013, with Section 13 replacing Chapter 7 regarding confidential material.

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials for which Atmos seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. The materials for which Atmos seeks confidential treatment should not be placed in the public record or made available for public inspection.

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection is hereby granted and the materials for which Atmos seeks confidential treatment shall not be placed in the public record nor made available for public inspection.

2. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

4. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Atmos in writing and direct Atmos to demonstrate within 20 days of its receipt of the notice 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 requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

5. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Atmos to seek a remedy afforded by law.

By the Commission

ENTERED *2*  
MAY 09 2013  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST.

  
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Executive Director

Case No. 2013-00123

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