

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NATURAL GAS OF KENTUCKY)	
FOR APPROVAL OF CONSTRUCTION OF AN)	CASE NO.
INTRASTATE NATURAL GAS PIPELINE, ISSUANCE)	2014-00257
OF A CERTIFICATE OF CONVENIENCE AND)	
NECESSITY, AND APPROVAL OF FINANCING)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On July 18, 2014, Natural Gas of Kentucky (“NGK”) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, for confidential treatment of certain information filed in its application and exhibits in the above matter, regarding certain terms and financial arrangements made between NGK and Scotty’s Contracting and Stone Company (“Scotty’s”) pertaining to a special contract for NGK to construct a pipeline interconnect to Scotty’s Plant at Upton, Kentucky. NGK states that highway construction bids are extremely competitive and if certain information is disclosed, this could cause substantial competitive harm to NGK and to Scotty’s. NGK further states that certain commercial information contained in the application and exhibits is not generally disclosed to non-management employees of NGK and is protected internally by NGK as proprietary. NGK states that it derives independent economic value from the issuance of contracts and other financing methods with advantageous terms and rates and that disclosure of this information would provide an unfair competitive advantage to its competitors.

Specifically, NGK states that the project costs contained in Exhibit 4 and the pro forma financial statement, balance sheet, and income statement, and the current debt contained in Exhibits 5 and 7, contain highly sensitive information about NGK's financial condition, its expectations, business operations, and other closely held information. NGK states that the Gas Transportation Agreement between NGK and Scotty's in Exhibit 6 includes financial terms that are proprietary information about both NGK and Scotty's and the economics of the project. NGK states that disclosure of these provisions would put both NGK and Scotty's at a competitive disadvantage and would allow competitors to leverage that information to their advantage.

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

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

2. The materials for which NGK seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time due to the highly confidential and proprietary nature of the information requested to be held confidential, the disclosure of which could result in competitive injury.

IT IS THEREFORE ORDERED that:

1. NGK's petition for confidential protection is hereby granted.

2. The materials for which NGK seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time.

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

4. NGK shall inform the Commission if the materials in question become publically 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, the Commission shall notify NGK in writing and direct NGK 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 NGK is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. 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 NGK to seek a remedy afforded by law.

By the Commission

ENTERED
JAN 20 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST



Executive Director

Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

Mark H O'Brien
President
Natural Gas of Kentucky, Inc.
P. O. Box 23539
Anchorage, KY 40223