

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING OF)	CASE NO.
ATMOS ENERGY CORPORATION)	2018-00337

ORDER

On October 3, 2018, Atmos Energy Corporation (Atmos) filed a petition, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to Atmos's responses to the requests for information set forth by this Commission in Appendix B to its July 24, 2018 Order in Case No. 2018-00233.¹ Additionally, Atmos is requesting that confidential protection be provided to the information contained in various attachments to its responses to the following requests for information from Commission Staff: Staff-DR-01-002, Response and Attachments 2a, 2b, 2c, and 2d; Staff-DR-01-003, Attachments 3a and 3b; Staff-DR-01-007, Response; and Staff-DR-01-008, Attachments 8-1C, 8-2C, 8-3C, 8-4C, 8-5C, and 8-6C.

As the basis for its request, Atmos states that public disclosure of this information would have serious adverse consequences to Atmos and its customers. Atmos contends that if detailed information concerning its gas supply contract, including commodity costs, demand and transportation charges, reservation fees, etc., on specifically identified pipelines were made available to Atmos's competitors, that Atmos would be placed in an

¹ Case No. 2018-00233, *Electronic Purchased Gas Adjustment Filing of Atmos Energy Corporation*, Order (Ky. PSC July 24, 2018). The Commission ordered Atmos to provide it with updated information concerning its gas procurement activities and its efforts to ensure that Atmos is maximizing the opportunity to pass along gas costs savings to its customers when it filed its next Gas Cost Adjustment (GCA) Application on or about October 1, 2018, for rates effective for the November 2018 billing cycle.

unfair commercial disadvantage.² Atmos further states that its competitors for gas supply would be able to gain information that is otherwise confidential about Atmos's gas purchases and transportation costs and strategies.³ Finally, Atmos contends that if the above-noted confidential materials were publicly disclosed, that this could put Atmos at an unfair commercial disadvantage in future negotiations due to its sensitive and proprietary nature.⁴ Atmos requests that the above-listed information remain confidential indefinitely.

Having considered the petition and the material at issue, the Commission finds that the designated materials contained in Atmos's responses to the requests for information set forth by this Commission in Appendix B to its July 24, 2018 Order in Case No. 2018-00233, and the information contained in attachments to its responses to the following requests for information from Commission Staff: Staff-DR-01-002, Response and Attachments 2a, 2b, 2c, and 2d; Staff-DR-01-003, Attachments 3a and 3b; Staff-DR-01-007, Response; and Staff-DR-01-008, Attachments 8-1C, 8-2C, 8-3C, 8-4C, 8-5C, and 8-6C, are generally recognized as confidential or proprietary, and, therefore, meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection for its responses to the requests for information set forth by this Commission in Appendix B to its July 24, 2018 Order in

² Petition of Atmos Energy Corporation for Confidential Protection, at 2 (filed October 3, 2018).

³ *Id.*

⁴ *Id.* at 2–3.

Case No. 2018-00233 is granted, and the information shall not be placed in the public record or made available for public inspection until further Orders of this Commission.

2. Atmos's petition for confidential protection for the information contained in attachments to its responses to the following requests for information from Commission Staff: Staff-DR-01-002, Response and Attachments 2a, 2b, 2c, and 2d; Staff-DR-01-003, Attachments 3a and 3b; Staff-DR-01-007, Response; and Staff-DR-01-008, Attachments 8-1C, 8-2C, 8-3C, 8-4C, 8-5C, and 8-6C is granted, and the information shall not be placed in the public record or made available until further Orders of this Commission.

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

4. Atmos shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, Atmos shall have 30 days from receipt of written notice of the request to demonstrate 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.

6. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential protection in order to allow Atmos to seek a remedy afforded by law.

By the Commission

ENTERED
JAN 25 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00337

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