

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF AQUA	)	
AMERICA, INC., STEELRIVER INFRASTRUCTURE	)	
FUND NORTH AMERICA LP, STEELRIVER LDC	)	
INVESTMENTS LP, LDC PARENT LLC, LDC	)	CASE NO.
FUNDING LLC, LDC HOLDINGS LLC, PNG	)	2018-00369
COMPANIES LLC, PEOPLES GAS KY LLC, AND	)	
DELTA NATURAL GAS COMPANY, INC. FOR	)	
APPROVAL OF AN ACQUISITION OF OWNERSHIP	)	
AND CONTROL OF PNG COMPANIES LLC AND	)	
DELTA NATURAL GAS COMPANY, INC.	)	

ORDER

On November 28, 2018, Aqua America, Inc. (Aqua America), and LDC Parent LLC (LDC Parent) (jointly, Joint Applicants), filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for five years for the application, Exhibit C-CONF.

As a basis for its request, Joint Applicants state that Exhibit C-CONF, which contains LDC Parent's seller disclosure schedule, contains detailed business information about LDC Parent and its subsidiaries that, if publicly disclosed, could result in commercial harm to LDC Parent if the proposed transaction is not approved by the Commission or in the event that the proposed transaction does not close. Joint Applicants contend that public disclosure of the confidential and proprietary information could lessen competition in a subsequent bidding process and allow other purchasers to bid down the price of Parent. Therefore, according to Joint Applicants, the designated materials satisfies KRS 61.878(1)(c)(1), which recognizes as confidential information that would

cause competitive injury and permit competitors an unfair commercial advantage if publicly disclosed.

Having considered the petition and the material at issue, the Commission finds that Exhibit C-CONF to the Application is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

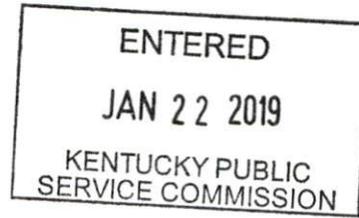
IT IS THEREFORE ORDERED that:

1. Joint Applicant's petition for confidential protection for the application, Exhibit C-CONF is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for five years, or until further Order 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. Joint Applicants 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 the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Joint Applicants shall have 30 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 Joint Applicants are unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request 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 treatment in order to allow Joint Applicants to seek a remedy afforded by law.

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By the Commission



ATTEST:

  
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