

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC REQUEST OF ATMOS ENERGY CORPORATION FOR MODIFICATION AND EXTENSION OF ITS GAS COST ADJUSTMENT PERFORMANCE BASED RATEMAKING MECHANISM)))))	CASE NO. 2020-00289
---	-----------------------	------------------------

ORDER

On August 8, 2023, Atmos Energy Corporation (Atmos) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential treatment for an indefinite period for its 2023 Annual Performance Based Rate (PBR) Report (August 8, 2023 Petition). On July 23, 2024, Atmos filed another petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential treatment for an indefinite period for its 2024 Annual PBR Report (July 23, 2024 Petition). No responses to either petition were filed in this matter.

In support of its petitions, Atmos noted that it was filing the annual PBR reports in the post-case filings of Case No. 2020-00289 pursuant to the final Order in that case in which the Commission required the filings to track the performance of Atmos’s PBR mechanism.¹ Atmos argued that in order to fully report the results of the PBR mechanism each year that it must disclose pricing information and discounts it receives in gas supply contracts. Atmos argued that the disclosure of the pricing information and discounts

¹ Order (Ky. PSC June 20, 2022).

included in the report will place it at competitive disadvantage when negotiating gas supply contracts as compared to its competitors, which would be detrimental to customers, and therefore, Atmos argued that the pricing information should be exempt from public disclosure pursuant to KRS 61.878(1)(c)(1). Further, Atmos asserted that the pricing and discount information is both disclosed in the annual PBR reports and can be easily ascertain from the reports such that it requests confidential treatment for the full reports, which consist of a single table. Finally, Atmos noted that the Commission granted confidential treatment pursuant to a previous petition in this case to the same or similar information.

Having considered the petitions and the materials at issue, the Commission finds that the reports should be exempt from public disclosure, because competitors or suppliers could use the information in the reports unfairly to their benefit and Atmos's and customers' detriment. However, the information will not be useful indefinitely. In fact, in an earlier Order in this case, the Commission granted confidential treatment to Atmos's 2022 Annual PBR Report but limited that grant of confidential treatment to a period of ten years for that reason. Atmos did not present arguments supporting treating these reports different than the 2022 report. Thus, the Commission finds that the 2023 and 2024 annual reports meet the criteria for confidential treatment and are exempted from public disclosure for ten years, as opposed to the indefinite period requested, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's August 8, 2023 and July 23, 2024 petitions for confidential treatment are granted.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further order of this Commission.

3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Atmos shall inform the Commission and file with the Commission an unredacted copy of the designated material.

5. If a nonparty 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, Atmos shall have 20 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 Atmos is 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 from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Atmos to seek a remedy afforded by law.

Entered on this 8th day of July, 2026.

PUBLIC SERVICE COMMISSION



Angie Halton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2020-00289

* Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* John N. Hughes
Attorney at Law
7106 Frankfort Road
Versailles, KY 40383

* John G Horne, II
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303

* Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Randy Hutchinson
Wilson, Hutchinson & Littlepage
611 Frederica Street
Owensboro, KY 42301

* Eric Wilen
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303

* Denotes served by Email