

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA)	CASE NO.
GAS OF KENTUCKY, INC. FOR APPROVAL OF)	2022-00049
THE GREEN PATH RIDER PILOT PROGRAM)	

ORDER

On June 23, 2023, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for portions of an agreement submitted in response to Commission Staff's First Request (Staff's First Request), Item 10 pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a).

In support of its motion, Columbia Kentucky argued that the personal information of non-parties and signatories should be kept confidential pursuant to KRS 61.878(1)(a). Columbia Kentucky argued, pursuant to KRS 61.878(1)(c)(1), the remaining redacted terms, including information related to product design and specifications, pricing, termination provisions, marketing arrangements, contract quantities, and ramifications for failure to perform under the agreement, should be granted confidential treatment. According to Columbia Kentucky's motion, this information is subject to a confidentiality agreement between Columbia Kentucky and another party. Columbia Kentucky argued that the terms represent a negotiation between parties that could disadvantage both Columbia Kentucky and the other party, if disclosed, in other vendor negotiations. Columbia Kentucky noted that the price per Dekatherm has been publicly disclosed.

Having considered the motion and the material at issue, the Commission finds that the requested redactions are generally recognized as confidential or proprietary; they therefore meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1) and 807 KAR 5:001 Section 4(10)(a). The Commission finds that, pursuant to 807 KAR 5:001 Section 4(10)(a), personally identifying information should be granted confidential treatment for an indefinite period. Although not binding on the Commission, the Commission notes that the information is subject to a confidentiality agreement between the parties. In addition, Columbia Kentucky minimized its request by redacting specific, negotiated terms and disclosure of those terms could disadvantage Columbia Kentucky in future contract negotiations. The contract term is a renewable five-year term. The Commission finds that, based on the contract term, confidential treatment for the redacted material for a period of 20 years is more appropriate than the requested indefinite period.

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's motion for confidential treatment is granted.
2. The designated material granted confidential treatment pursuant to 807 KAR 5:001 Section 4(10)(a) by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. The designated material granted confidential treatment pursuant to KRS 61.878(1)(c)(1) by this Order shall not be placed in the public record or made available for public inspection for 20 years or until further Order of this Commission.

4. 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).

5. Columbia Kentucky shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

6. 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, Columbia Kentucky 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 Columbia Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. 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 Columbia Kentucky to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner

ENTERED
DEC 05 2023
KENTUCKY PUBLIC SERVICE COMMISSION ^{rCS}

ATTEST:



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