

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF)	
JURISDICTIONAL STATUS OF EAST)	
KENTUCKY MIDSTREAM, LLC, AND OF ITS)	CASE NO.
COMPLIANCE WITH KRS CHAPTER 278, 807)	2022-00238
KAR CHAPTER 005, AND 49 CFR PARTS 191)	
AND 192)	

ORDER

On September 26, 2022, East Kentucky Midstream, LLC (East Kentucky Midstream) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for its response to the Attorney General's First Request for Information, Item 5, attachments 01-0030 through 01-0056. The information consists of the asset purchase amount and the valuation of certain assets contained in the asset purchase agreement between East Kentucky Midstream and Jefferson Gas.

In support of its motion, East Kentucky Midstream argued that public disclosure of the designated material would result in competitive harm to East Kentucky Midstream because the amounts at issue were negotiated between the parties and, in future negotiations for similar asset purchases, counterparties would have information regarding East Kentucky Midstream's acquisition strategies and business decisions regarding negotiated prices, which would result in an unfair commercial advantage for the counterparties.

Having considered the motion and the material at issue, the Commission finds that East Kentucky Midstream's motion should be granted. This is because the designated material is generally recognized as confidential or proprietary, and public disclosure could result in competitive harm to East Kentucky Midstream in future asset purchase negotiations. Thus, the designated material 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. East Kentucky Midstream's motion for confidential treatment is 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 five 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. East Kentucky Midstream shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
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, East Kentucky Midstream 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 East Kentucky Midstream 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 East Kentucky Midstream to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:



Executive Director

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