

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SENTRA)	CASE NO.
CORPORATION FOR APPROVAL OF A SPECIAL)	2022-00359
CONTRACT)	

ORDER

On October 25, 2022, Sentra Corporation c/o Sentra Resources, LLC (Sentra) filed a petition, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for information contained in Sentra's application for approval of a special contract.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."¹ In support of its petition, Sentra argued for the application of KRS 61.878(1)(c)(1), which exempts from disclosure "[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." Exceptions to the free and open examination of public records contained in KRS 61.878

¹ KRS 61.872(1).

should be strictly construed.² The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³

Sentra requested confidential treatment for portions of the application and for portions of testimony filed by Wesley Cleary in support of the application and for portions of Exhibit A to Mr. Cleary's testimony. The designated material contains terms of a special contract between Sentra and a customer regarding prices and quantities for natural gas that were negotiated by the parties to a special contract.

As a basis for its request, Sentra argued that the natural gas industry is very competitive, and disclosure of the designated material would provide competitors with information regarding pricing that competitors could use to gain a commercial advantage when competing against Sentra in the natural gas market. Sentra further argued that public disclosure of the designated material could result in a loss of business to competitors, and thus would result in commercial harm to Sentra.

Having considered the petition and the material at issue, the Commission finds that Sentra's petition should be granted but will modify the time period for which the designated material will receive confidential treatment. The purpose of the special contract, as stated in the application, was to prevent Indian Creek Farm from switching to one of Sentra's competitors. Allowing these competitors access to Sentra's natural gas cost and projected demand figures would allow competitors to undercut Sentra's business with Indian Creek Farm. However, since natural gas prices vary greatly over time, this pricing information will eventually be rendered obsolete. In keeping with Commission

² See KRS 61.871.

³ 807 KAR 5:001E, Section 13(2)(c).

precedent, this information should be granted confidential treatment for ten years.⁴ The designated material for which confidential treatment is meets the statutory requirement and therefore should be exempted from public disclosure for ten years pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878(1)(c)(1).

The Commission notes that Sentra properly filed a redacted version of the documents for which confidential treatment was granted, but failed to file an unredacted version with the designated material for which confidential treatment was requested marked so that it could be distinguished from the material that was not subject to the request for confidential treatment. The Commission directs Sentra to 807 KAR 5:001E, Section 13(2)(a)(3) regarding highlighting redacted material in the confidentially filed, unredacted version of documents for which confidential treatment is sought. The Commission finds that Sentra should refile the confidential version of the designated material for which confidential treatment was granted consistent with 807 KAR 5:001E, Section 13(2)(a)(3).

IT IS THEREFORE ORDERED that:

1. Sentra's petition for confidential treatment is granted.
2. Sentra should refile the confidential version of the designated material for which confidential treatment was granted consistent with 807 KAR 5:001E, Section 13(2)(a)(3).

⁴ See Case No. 2020-00289, *Electronic Request of Atmos Energy Corporation for Modification and Extension of Its Gas Cost Adjustment Performance Based Ratemaking Mechanism* (Ky. PSC Feb. 7, 2022), Order at 3-4.

3. 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.

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

5. Sentra 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, Sentra 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 Sentra 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 Sentra to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
APR 17 2023 rca
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Sentra Corporation c/o Sentra Resources LLC
112 Orchard Lane
Tompkinsville, KY 42167

*Honorable Robert C Moore
Attorney At Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Wesley Cleary
President
Sentra Corporation c/o Sentra Resources LLC
112 Orchard Lane
Tompkinsville, KY 42167