

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS	)	CASE NO.
ENERGY CORPORATION FOR PRP RIDER	)	2023-00231
RATES BEGINNING OCTOBER 1, 2023	)	

ORDER

On July 31, 2023, Atmos Energy Corporation (Atmos) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for maps provided in Exhibits TRA-1 through TRA-4 as part of the Direct Testimony of T. Ryan Austin and portions of an Internal Revenue Service (IRS) Private Letter Ruling (PLR) that identify the taxpayer and contact information for the employee that requested the PLR.

In support of its petition, Atmos argued, pursuant to KRS 61.878(1)(m), that the Commission is entitled to withhold from public disclosure information that would “have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.”<sup>1</sup> Atmos argued that the maps provided in Exhibits TRA-1 through TRA-4 disclose the location, configuration, and security of public utility infrastructure. Thus, Atmos argued that the maps provided in Exhibits TRA-1 through TRA-4 should be exempt from public disclosure pursuant to KRS 61.878(1)(m).<sup>2</sup> With respect to the portions of the PLR for which it seeks

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<sup>1</sup> Atmos’s Petition for Confidentiality (filed July 31, 2023) (Petition) at 1-2 *quoting* KRS 61.878(1)(c)(1).

<sup>2</sup> Atmos’s Petition at 2-3.

confidential treatment, Atmos argued that the information is exempt from disclosure pursuant to KRS 61.878(1)(a).<sup>3</sup>

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."<sup>4</sup> As Atmos indicated, KRS 61.878(1)(m) exempts from public disclosure information "which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability." KRS 61.878(1)(a) exempts from public disclosure "[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." Finally, while not explicitly referenced by Atmos, the Commission has previously determined that certain unredacted PLRs are not subject to public disclosure pursuant to KRS 61.878(1)(k) and 26 U.S.C. 6103(a), which, respectively, exempt information required to remain confidential pursuant to federal law from public disclosure and requires that protected federal tax return information remain confidential.<sup>5</sup>

Having considered Atmos's petition and the materials at issue, the Commission finds that the maps provided in Exhibits TRA-1 through TRA-4 for which confidential treatment is sought to disclose the location and configuration of vulnerable public utility infrastructure, and that they should be exempt from public disclosure pursuant to

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<sup>3</sup> Atmos's Petition at 3.

<sup>4</sup> KRS 61.872(1).

<sup>5</sup> See Case No. 2023-00159, *Electronic Application of Kentucky Power Company for (1) A General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) A Securitization Financing Order; and (5) All Other Required Approvals and Relief* (Ky. PSC Nov. 9, 2023) (granting confidential treatment to PLRs received from an affiliate of the utility pursuant to KRS 61.878(1)(k)).

KRS 61.878(1)(m). The Commission further finds that the information redacted from the PLR is exempt from public disclosure pursuant to KRS 61.878(1)(k). Thus, the Commission finds that Atmos's July 31, 2023 petition for confidentiality should be granted.

IT IS THEREFORE ORDERED that:

1. Atmos's July 31, 2023 petition 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 an indefinite period 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.


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Entered on this 8th day of July, 2026.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Angie Halton  
Chair

  
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Mary Pat Regan  
Vice Chair

  
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Andrew W. Wood  
Commissioner

  
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Barry L. Mayfield  
Commissioner

ATTEST:



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Linda C. Bridwell, PE  
Executive Director