

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF ATMOS ENERGY CORPORATION)	2024-00185

ORDER

On June 28, 2024, 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 redactions to the following information contained in Atmos's Gas Cost Adjustment filing: Exhibits C and D as well as invoices and monthly usage reports for each month of the reporting period.

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 Exceptions to the free and open examination of public records contained in KRS 61.878 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

In support of its petition, Atmos argued for the application of KRS 61.878(1)(c)(1), which provides an exception to the requirement for public disclosure for records that are "generally recognized as confidential or proprietary, which if openly disclosed would

¹ KRS 61.872(1).

² See KRS 61.871.

³ 807 KAR 5:001, Section 13(2)(c).

permit an unfair commercial advantage to competitors of the entity that disclosed the records.”

Atmos asserted that public disclosure of this information would adversely impact Atmos’s ability to negotiate future gas supply contracts at favorable prices. Exhibits C and D as well as the invoices and usage reports contain estimated and actual gas costs and usage. Atmos argued that disclosure of this information would impair Atmos’s ability to minimize the price of natural gas paid by Atmos’s customers.

Having considered the petition and the material at issue, the Commission finds that Atmos’s petition should be granted. Atmos’s competitors could use the designated material to compete with Atmos for these suppliers’ business or suppliers could use the data to unfairly negotiate with Atmos. The material at issue is generally recognized as confidential or proprietary and that, if publicly disclosed, would result in unfair commercial advantage; it therefore 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. Atmos’s June 28, 2024 petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed on 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.

Entered on this 2nd day of July, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2024-00185

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