

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                    |   |                 |
|------------------------------------|---|-----------------|
| REQUEST FOR CONFIDENTIAL TREATMENT | ) | CASE NOS.       |
| FOR INFORMATION FILED WITH WESTERN | ) | 96-096, 96-113, |
| KENTUCKY GAS COMPANY'S PROPOSED    | ) | 96-185, 96-278  |
| SPECIAL CONTRACTS                  | ) | 96-295 & 96-424 |

O R D E R

This matter came before the Commission upon separate petitions of Western Kentucky Gas Company ("WKG"), filed March 15, 1996, March 21, 1996, May 1, 1996, June 14, 1996, June 25, 1996 and August 27, 1996 respectively, pursuant to 807 KAR 5:001, Section 7, for confidential protection of portions of special contracts with selected customers, including attachments thereto, on the grounds that disclosure is likely to cause WKG competitive injury.

On July 17, 1997, the Commission issued its Order which held and retained as confidential the identity of each customer with whom WKG has entered into a special contract, the description and location of each customer's facilities to be served, the receipt and delivery points for the service, and the identity of the stock exchange on which the customers' securities are listed or traded.

On August 5, 1997, in each of the above cases, WKG filed its motion for reconsideration. The hearing was held on such motion on November 21, 1997.

The Commission has considered the entire record in this matter and, based upon such consideration, must, under the law, deny the motion for reconsideration. The law of Kentucky relating to confidential matters and open records is contained in KRS 61.878(1).

The Order issued by the Commission on July 17, 1997 recognizes that the request of WKG falls within the provisions of KRS 61.878(1)(c)1. However, KRS 61.878(1)(c)3 provides that the exemptions do not apply where public disclosure is directed by another statute. Public disclosure of the information, as to rates and conditions of service, is mandated by KRS 278.160.

The Commission being otherwise sufficiently advised,


IT IS ORDERED that the Order previously issued in the above-styled cases on July 17, 1997 is affirmed with those matters directed to be held confidential remaining confidential and the other items which were denied protection are again denied protection, and the motion for reconsideration be and is hereby overruled and denied.

Done at Frankfort, Kentucky, this 12th day of March, 1998.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director