

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA	)	CASE NO.
NATURAL GAS COMPANY, INC. FOR ANNUAL	)	2023-00343
PIPE REPLACEMENT PROGRAM	)	

ORDER

On December 4, 2023, Delta Natural Gas Company, Inc. (Delta) 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 its distribution integrity management plan (DIMP). In support of its Petition, Delta argued that the DIMP contains information pertaining to its critical pipeline infrastructure system, the disclosure of which could pose a threat to public safety.

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 KRS 61.878(1)(m) exempts records from public disclosure if disclosure has "a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to . . . [i]nfrastructure records that expose a vulnerability." 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 the material be treated confidentially has the burden of establishing that one of the exceptions is applicable.³

Having considered the Petition and the material at issue, the Commission finds that the DIMP is generally recognized as confidential or proprietary and meets the criteria for confidential treatment pursuant to KRS 61.878(1)(m). The Commission, therefore, finds that Delta's DIMP should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m) for an indefinite period.

IT IS THEREFORE ORDERED that:

1. Delta's December 4, 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, Delta 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, Delta shall have 20 days from receipt of

² KRS 61.878.

³ 807 KAR 5:001, Section 12(2)(c).

written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Delta 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 Delta to seek a remedy afforded by law.

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Entered on this 11th day of September, 2026.

PUBLIC SERVICE COMMISSION

Signed
w/ permission

Angie Hatton

Angie Hatton
Chair

Mary Pat Regan

Mary Pat Regan
Vice Chair

Andrew W. Wood

Andrew W. Wood
Commissioner

Barry L. Mayfield

Barry L. Mayfield
Commissioner

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ATTEST:

Justin McNeil

Justin McNeil
Executive Director

Service List for Case 2023-00343

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