

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA GAS	)	
OF KENTUCKY, INC. TO CONTINUE ITS GAS	)	CASE NO.
COST INCENTIVE ADJUSTMENT	)	2024-00012
PERFORMANCE BASED RATE MAKING	)	
MECHANISM	)	

ORDER

This matter comes before the Commission on two motions filed by Columbia Gas of Kentucky, Inc. (Columbia Kentucky). On May 8, 2024, Columbia Kentucky filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for an indefinite period for Columbia Kentucky’s response to Commission Staff’s First Request for Information (Staff’s First Request), Item 12.

On June 5, 2024, Columbia Kentucky filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for ten months for Columbia Kentucky’s response to Commission Staff’s Second Request for Information (Staff’s Second Request), Item 1.

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>1</sup> Exceptions to the free and open

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

examination of public records contained in KRS 61.878 should be strictly construed.<sup>2</sup> The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.<sup>3</sup>

In support of its motion, Columbia Kentucky 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 permit an unfair commercial advantage to competitors of the entity that disclosed the records.”

#### MAY 8, 2024 MOTION

Columbia Kentucky’s response to Staff’s First Request, Item 12, included redacted portions of Attachment 1, consisting of a transportation contract with redacted meter numbers and an identified location. Columbia Kentucky argued that the unredacted pricing information in conjunction with the meter location could be used by competitors to Columbia Kentucky’s disadvantage in future negotiations for transportation of natural gas.<sup>4</sup>

Having considered the motion and the material at issue, the Commission finds that Columbia Kentucky’s May 8, 2024 motion for confidential treatment should be granted. Gas transportation pricing information should remain confidential because competitors could undercut Columbia’s contracts if they knew pricing terms to destination points.<sup>5</sup> The

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<sup>2</sup> See KRS 61.871.

<sup>3</sup> 807 KAR 5:001, Section 13(2)(c).

<sup>4</sup> May 8, 2024 Motion at 2.

<sup>5</sup> See Case No. 2021-00278, *Electronic Purchased Gas Adjustment Filing of Navitas KY NG, LLC* (Ky. PSC Aug. 16, 2022), Order at 2.

Commission finds that the designated material contained in Columbia Kentucky's May 8, 2024 motion are records that meet the criteria for confidential treatment and should be exempted from public disclosure for an indefinite period pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

#### JUNE 5, 2024 MOTION

Columbia Kentucky's response to Staff's Second Request, Item 1, included a description of Columbia's current status of negotiations with two interstate pipeline companies. Columbia Kentucky argued that this information could be used by competitors to Columbia Kentucky's disadvantage.<sup>6</sup>

Having considered the motion and the material at issue, the Commission finds that Columbia Kentucky's June 6, 2024 motion for confidential treatment should be denied because the ten-month confidentiality period sought by Columbia Kentucky has elapsed and the motion is therefore moot.

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's May 8, 2024 motion for confidential treatment is granted.
2. Columbia Kentucky's June 6, 2024 motion for confidential treatment is denied as moot.
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 an indefinite period or until further order of this Commission.

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<sup>6</sup> June 5, 2024 Motion at 2.

4. 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).

5. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Columbia Kentucky shall inform the Commission and file with the Commission an unredacted copy of the designated material.

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, 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 Columbia Kentucky 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 for which confidential treatment was granted 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 Columbia Kentucky to seek a remedy afforded by law.

8. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

9. If Columbia Kentucky objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410.

Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

10. Within 20 days of the date of service of this Order, Columbia Kentucky shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

11. The designated material for which Columbia Kentucky's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Columbia Kentucky to seek a remedy afforded by law.

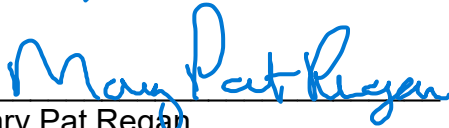
Entered on this 18th day of May, 2026.

PUBLIC SERVICE COMMISSION




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Angie Hatton  
Chair



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Mary Pat Regan  
Commissioner



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Andrew W. Wood  
Commissioner

ATTEST:



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Linda C. Bridwell, PE  
Executive Director

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