

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA	)	CASE NO.
NATURAL GAS COMPANY, INC. FOR AN	)	2024-00346
ADJUSTMENT OF GAS RATES	)	

ORDER

On April 11, 2025, 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 protection for updates to the base period in this application, specifically Tab 55, 60 and 66.

In support of its petition, Delta argued that Tabs 55 and 66 contain customer identifying information and should be held confidential pursuant to KRS 61.878(1)(a).¹ Delta cited to other prior Orders in which the Commission granted similar information confidential treatment.² In addition, Delta argued that executive compensation located in Tab 60 for an unregulated affiliate be given confidential treatment pursuant to KRS 61.878(1)(a).³ In support of the argument, Delta differentiated the information as

¹ Delta's Petition for Confidential Treatment (Petition) (filed Apr. 11, 2025) at 1-2.

² Petition at 2; *citing* Case No. 2021-00185 *Electronic Application of Delta Natural Gas Company, Inc. for an Adjustment of its Rates and a Certificate of Public Convenience and Necessity*, (Ky. PSC Mar. 16, 2022) Order at 8 (granting indefinite confidential protection to customer-identifying information contained in Tabs 55 and 66 of Delta's application); Case No. 2012-00221 *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, (Ky. PSC July 25, 2013) Order at 1-2 (granting indefinite confidential protection to materials containing customer names, account numbers, and usage information for customers served under All Electric School rate schedule).

³ Petition at 2.

confidential due to the fact that the executive received the compensation and it was not included in rates.⁴

Having considered the petition and the material at issue, the Commission finds that Delta's petition should be granted, in part, and denied, in part. The Commission finds that the designated material contained in Delta's Tabs 55 and 66 are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(a), KRS 61.878(1)(c)(1), and 807 KAR 5:001, Section 13 for an indefinite period. Tab 55 contains customer names and Tab 66 customer names as well as information that would have resulted in a commercial disadvantage to Delta should the information have been released.

The Commission further finds that the request for confidential treatment should be denied for the information highlighted in Tab 60. The Commission has previously held that information related to executive compensation is not entitled to confidential protection.⁵ Delta argued that this compensation was a result of work outside of Delta;

⁴ Petition at 2-3.

⁵ The Commission has a long precedent of not granting confidential treatment for executive compensation. See Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Sept. 11, 2013); Case No. 2014-00371, *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky PSC Jan 20, 2016); Case No. 2015-00418, *Application of Kentucky-American Water Company for an Adjustment of Rates* (Ky PSC Aug. 31, 2016); Case No. 2017-00321, *Electronic Application of Duke Energy Kentucky, Inc. For: 1) An Adjustment of the Electric Rates; 2) Approval of an Environment Compliance Plan and Surcharge Mechanism; 3) Approval of New Tariffs; 4) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 5) All other Required Approvals and Relief* (Ky. PSC June 12, 2018); Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Oct. 8, 2019); Case No. 201800295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Oct. 8, 2019); Case No. 2019-00268, *Application of Knott County Water and Sewer District for an Alternative Rate Adjustment* (Ky. PSC Dec. 3, 2019); Case No. 2019-00271, *Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 4) All other Required Approvals and Relief* (Ky. PSC May 4, 2020); Case No. 2020-00290, *Electronic Application of Bluegrass Water Utility Operating Company, LLC for an Adjustment of Rates and Approval of Construction* (Ky. PSC Dec. 27, 2021); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced*

however, executive compensation includes items beyond a base salary. Although this is compensation from an unregulated entity, the entity is an affiliate of Delta. As an affiliate, the company's business is interconnected with Delta. Therefore, highlighted information in Tab 60 does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13 because it is part of the total compensation package received by an executive.

IT IS THEREFORE ORDERED that:

1. Delta's April 11, 2025 petition for confidential treatment is granted, in part, and denied, in part.
2. Delta's April 11, 2025 for confidential treatment for Tab 55 and Tab 66 are granted.
3. Delta's April 11, 2025 for confidential treatment for Tab 60 is denied.
4. 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.
5. 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).

Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit (Ky. PSC Dec. 7, 2021); Case No. 2020-00350, Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of One-Year Surcredit (Ky. PSC Dec. 7, 2021); Case No. 2021-00183, Electric Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revision; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief (Ky. PSC Oct. 5, 2021); Case No. 2021-00185, Electric Application of Delta Natural Gas Company, Inc. for an Adjustment of its Rates and a Certificate of Public Convenience and Necessity (Ky. PSC Dec. 8, 2021).

6. 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.

7. 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 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.

8. 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 Delta to seek a remedy afforded by law.

9. 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.

10. If Delta 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.

11. Within 30 days of the date of service of this Order, Delta 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.

12. The designated material for which Delta'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 Delta to seek a remedy afforded by law.

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Entered on this 9th day of October, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



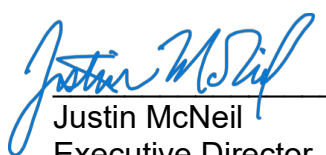
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Commissioner



Barry L. Mayfield
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by AH
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