COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NAVITAS KY NG, LLC FOR AN ALTERNATIVE RATE FILING PURSUANT TO 807 KAR 5:076	)))	CASE NO. 2025-00332

O R D E R

On October 14, 2025, Navitas KY NG, LLC (Navitas KY) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for certain information provided in its application for five years, unless requested under KRS 61.878(1)(m), in which case Navitas KY requested the information remain confidential indefinitely.

In support of its motion, Navitas KY argued that the highlighted information provided in Attachments 8(a)-8(e) to the application, Loan and Security Agreement, and promissory notes, should be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1), 61.878(1)(a), and 61.878(1)(m).[1] Navitas KY stated that the confidential information Navitas KY seeks to protect does not include general terms or general, non-confidential language.[2] Navitas KY argued that the private nature of the information, which includes detailed information respecting the company's credit and finances, must be maintained to ensure Navitas KY and its related entities do not

[1] Motion for Confidential Treatment (Motion) (filed Oct. 14, 2025).

[2] Motion at unnumbered PDF pages 1-10.

experience an imbalance of information with competitors and potential counterparties.[3] Navitas KY further argued that this confidential information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas KY.[4] Navitas KY argued that the private financial information and certain real property information included within the confidential information contains "information of a personal nature".[5] Navitas KY also stated that the Loan Agreement contains information specifically identifying the location of its gas transmission system and that disclosure of this information would provide the public with a tool to analyze, discover, or create vulnerabilities in Navitas's transmission system, thereby threatening public safety, this information should be granted confidential treatment.[6]

Navitas KY stated that confidential information in Attachment 9 is comprised of Navitas KY's federal and state income tax returns and that the Commission considers tax returns confidential and exempt from public disclosure for an indefinite period of time.[7]

Having considered the motion and the material at issue, the Commission finds that the highlighted information provided Attachments 8(a)-8(e) to the application is generally recognized as confidential or proprietary, the release of which would place Navitas KY at an unfair commercial advantage, result in an unwarranted invasion of privacy or have a reasonable likelihood to threaten public safety; therefore it meets the criteria for

[3] Motion at unnumbered PDF page 11.

[4] Motion at unnumbered PDF page 11.

[5] Motion at unnumbered PDF page 12.

[6] Motion at unnumbered PDF page 13.

[7] Motion at unnumbered PDF page 13 *citing* Case No. 2018-00041, *Electronic Investigation of the Impact of the Tax Cuts and Job Act on the Rates of Columbia Gas of Kentucky, Inc.* (Ky. PSC June 6, 2018), Order at 2.

confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), 61.878(1)(a), and 61.878(1)(m). The Commission also finds that Attachment 9 of the application, comprised of tax return information, is generally recognized as confidential or proprietary that is prohibited from release by both state[8] and federal law;[9] it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 61.878(1)(k).

IT IS THEREFORE ORDERED that:

1. Navitas KY's October 14, 2025 motion 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 five years for all information found confidential pursuant to KRS 61.878(1)(c)(1) and indefinite treatment for all other information 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, Navitas KY 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, Navitas KY shall have 20 days from

[8] *Exempli gratia* KRS 61.931–KRS 61.975.

[9] E*xempli gratia* 26 USC § 6103.

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 Navitas KY 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 Navitas KY to seek a remedy afforded by law.

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Entered on this 6th day of November, 2026.

PUBLIC SERVICE COMMISSION

Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

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