

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COLUMBIA GAS OF)	CASE NO.
KENTUCKY, INC. FOR AN ADJUSTMENT)	2013-00167
OF RATES FOR GAS SERVICE)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 19, 2013, Columbia Gas of Kentucky, Inc. ("Columbia") filed a petition pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(a) requesting that the Commission grant confidential protection indefinitely of certain information that would readily identify individual Columbia employees and make known each individual's compensation, which Columbia is providing in response to Data Request No. 36 of the Commission Staff's First Request for Information dated May 2013. In support of its petition, Columbia states that KRS 61.878(1)(a) exempts from disclosure certain private and personal information. In addition, Columbia's petition requests confidential protection indefinitely of the information provided by Columbia in response to Data Request No. 34 of the Commission Staff's First Request for Information, which asks for "all wage, compensation, and employee benefits studies, analyses, and surveys that Columbia has conducted, commissioned, or used." Columbia states that the salary survey information is the product of extensive time and money invested by NiSource, the parent company of Columbia, in order to develop compensation, benefit, and salary increases for its employees and that it is confidential and proprietary, the disclosure of which would unfairly advantage NiSource's and/or Columbia's competitors.

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials in response to Commission Staff's First Request for Information No. 34, which asks for "all wage, compensation, and employee benefits studies, analyses, and surveys that Columbia has conducted, commissioned, or used," meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c), and 807 KAR 5:001, Section 13, and should not be placed in the public record or made available for public inspection for an indefinite period of time due to the proprietary nature of the information requested to be held confidential, the disclosure of which could result in competitive injury.

2. Columbia has failed to demonstrate that the materials contained in Response to Commission Staff's First Request for Information No. 36 regarding executive officer salary and compensation meet the criteria for protection pursuant to KRS 61.878 and 807 KAR 5:001, Section 13.

The Commission's decision to deny confidential protection to executive officer salary information is based upon the fact that salaries are included as an expense in base rate calculations. As a result, the ratepayers are required to pay the employees' salaries. In addition, salaries of certain officers are subject to public dissemination in regulatory filings. The Commission notes that this denial is consistent with its decision in Columbia's last rate case denying confidential protection to executive officers' salary information.

IT IS THEREFORE ORDERED that:

1. Columbia's petition for confidential protection is granted in part and denied in part.

2. The materials regarding Columbia's Response to Commission Staff's First Request for Information No. 34 is hereby granted confidential protection and shall not be placed in the public record for an indefinite period of time, or until further Order of the Commission. Use of these materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

3. The materials regarding Columbia's Response to Commission Staff's First Request for Information No. 36 containing executive officer salary and compensation information do not fall within the scope of KRS 61.878 and, therefore, are denied confidential protection. Pursuant to 807 KAR 5:001, Section 13(5), these materials shall not be placed in the public record for the period permitted to request rehearing or bring an action for review.

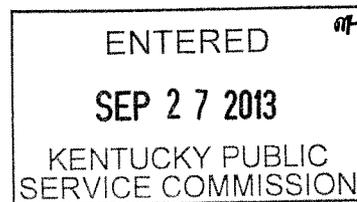
4. Columbia shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

5. If a request to inspect materials granted confidential treatment by this Order is made and the period during which the materials have been granted confidential treatment has not run, the Commission, pursuant to 807 KAR 5:001, Section 13(10)(d), shall notify Columbia in writing and direct Columbia to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Columbia is unable to make such

demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Columbia to seek a remedy afforded by law.

By the Commission



ATTEST:

Stephanie Bell for J.P.
Executive Director

Honorable David J. Barberie
Managing Attorney
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KENTUCKY 40507

Honorable Iris G Skidmore
415 W. Main Street
Suite 2
Frankfort, KENTUCKY 40601

Honorable David F Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

Richard S Taylor
225 Capital Avenue
Frankfort, KENTUCKY 40601

Honorable John M Dosker
General Counsel
Stand Energy Corporation
1077 Celestial Street
Building 3, Suite 110
Cincinnati, OHIO 45202-1629

Honorable Dennis G Howard II
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

Brooke E Leslie
Columbia Gas of Kentucky, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, OHIO 43216-0117

Honorable Matthew R Malone
Attorney at Law
Hurt, Crosbie & May PLLC
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

Honorable Stephen B Seiple
Attorney at Law
Columbia Gas of Kentucky, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, OHIO 43216-0117