

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

APPLICATION OF ATMOS ENERGY CORPORATION
FOR AN ADJUSTMENT OF RATES AND
TARIFF MODIFICATIONS

Case No. 2015-00343

**PETITION FOR CONFIDENTIALITY
FOR RESPONSE TO STAFF'S FOURTH
SET OF INFORMATION REQUESTS**

Atmos Energy Corporation ("Atmos Energy") petitions the Commission for an Order granting confidential protection of one document being provided in response to the Staff's Fourth Data Requests dated June 6, 2016, pursuant to 807 KAR 5:001, Section 13 and KRS 61.878. The document sought in the data request is commercial information that if disclosed could cause substantial competitive harm to Atmos Energy. This information is not publicly available. It would be difficult or impossible for someone to discover this information from other sources. If this information were available to competitors in this form, they could use it to the competitive detriment of Atmos Energy. This information is not generally disclosed to non-management employees of Atmos Energy and is protected internally by the Company as proprietary information. The disclosure of this proprietary information would result in significant or irreparable competitive harm to Atmos Energy by providing its competitors with non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information.

The Kentucky Open Records Act exempts from public disclosure, certain confidential or proprietary information. KRS 61.878(1)(c). To qualify for this exemption, and, therefore maintain the confidentiality of the information, a party must establish that disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality. Any public interest in favor of disclosure of the information is outweighed by the competitive interest in keeping the information confidential.

Item 4-3(c) of the Staff's Fourth Data Requests requests a copy of an engagement letter between the Company and a vendor. A copy of the engagement letter is provided as Attachment 2 to the Company's response. The engagement letter shows the cost of the service to be provided, the rates charged by the vendor, the terms on which Atmos Energy engaged the vendor and the vendor is to perform, and the terms and conditions of the contracted services. Disclosing these details will allow Atmos Energy's competitors and other potential vendors to see the details of this engagement giving these competitors and vendors an unfair commercial advantage. Moreover, Atmos Energy and the vendor consider the information confidential and proprietary. As the engagement letter contains competitive data of the Vendor, the Vendor likewise requires that the information be kept confidential. If competitors or other vendors learned of the specific terms of this engagement, they could use that information to inflate the costs of services, thus harming the financial position of the Company and increasing the cost of services to the customers. The information for which Atmos Energy is seeking confidential treatment is not known outside of the company, and is not disseminated within the company except to those employees with a legitimate business need to know and act upon the information.

Such information is generally recognized as confidential and proprietary information in the energy industry.

Vendor contracts like the one that is the subject of this Petition have previously been granted confidential protection by the Commission. See, In the Matter of: Application of Atmos Energy Corporation for an Adjustment of Rates, KPSC 2013-00148, Order dated November 26, 2013.

Atmos Energy requests that the information be held confidentially indefinitely.

For these reasons, Atmos Energy requests that the document identified in this petition be treated as confidential. Should the Commission determine that the document is not to be given confidential protection, Atmos Energy requests a hearing prior to any public release of the information to preserve its rights to notice of the grounds for the denial and to preserve its right of appeal of the decision.



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